SENATE—*Wednesday, September 18, 1985*

(Legislative day of Monday, September 16, 1985)

The Senate met at 10 a.m., on the expiration of the recess, 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.

God of truth and justice, in grace and mercy infuse the heart of each Senator, cleansing every motive which contradicts public trust and implanting the desire and the will to selfless leadership. Save them from political rationalization which justifies anything less than the finest statesmanship. Move them to attitudes and actions which will prove cynical critics false and nurture confidence in government. Sovereign Lord, imbue the Senate with pervasive dedication and determination to honor and fulfill public stewardship. Remind them that faithfulness is far more virtuous than success. In His name whose selfless love includes all. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each. I ask that the minority leader's time be reserved as well as any time I do not use.

That will be followed by special orders in favor of the distinguished Senator from Pennsylvania [Mr. SPECTER] and the distinguished Senator from Wisconsin [Mr. PROXMIRE].

There will then be a period for the transaction of routine morning business, not to extend beyond the hour of 11 a.m. with statements limited therein to 5 minutes each.

Following morning business, the Senate will resume consideration of S. 1200, the immigration bill.

I understand that we have finished all the immigration amendments. We can go to final passage, except there is sort of a contest about who can offer a Social Security amendment to the immigration bill. It is not germane at all. It has no place on this bill. I would hope that all Members who want to demonstrate they are the strongest on Social Security can save that amendment until the debt ceiling bill. If that can be accomplished, we can have final passage of the immigration bill any time today. We will try to set a time for the vote on final passage when all Members who can be present are present. I know at least two Members are attending a funeral this morning. We will try to accommodate those two Members and other Members as well.

If we are unable to finish the immigration bill immediately, we could set it aside temporarily and do some work on the Superfund. There are still 25 or 30 amendments pending on Superfund, some being highly controversial. I would like to finish Superfund today. However, I doubt that that will happen, because we will not be in session much beyond 6 o'clock because each side of the aisle has important functions tonight. So it will be an early evening.

We also hope to take up the D.C. appropriations bill sometime today. As I understand, that is going to take about 45 minutes. There will be a rollcall vote.

Mr. President, there may be other little things which we can fill in the schedule with.

Mr. President, later today I will be meeting Senator BYRD and with the House leadership; the Speaker, and the Republican leader of the House, Congressman MICHEL, to discuss the agenda for the remainder of the year. In other words, when do we adjourn?

Hopefully, we can give some information to our colleagues in the next few days on what we were able to accomplish.

Frankly, Mr. President, there are not too many bills that must be passed before adjournment can take place. Obviously, there are some that Members would like to have passed, and maybe they can be passed, but maybe they would not get action on the House side this year.

The tax reform bill, of course, is the one big question. The President would still very much like us to complete our work on that measure this year. I do not quarrel with that. In fact, I would like to accommodate the President.

But if, in fact, we can conclude action on nearly everything else, the question then becomes whether we should wait 30 days for the House to take action on the House bill or whether we should adjourn and take the tax bill up early next year.

No judgment has been reached. The President would still like us to act. If the House would act and get it to us earlier than November—in fact, I am advised by the chairman of the Finance Committee if it can reach us by October 15—Senator PACKWOOD then indicates we could possibly complete action before Thanksgiving.

In any event, Mr. President, as everyone knows, adjournment dates are always later than expected. We will have a meeting, as I said earlier, on that subject this afternoon.

Again, I see no way to avoid a session on Friday at this point.

Mr. President, I reserve the remainder of my time.

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

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

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination on the Executive Calendar of Adm. Ronald J. Hays.

Let me indicate, before anything transpires, that I have cleared this with the distinguished minority leader and he has no objection to proceeding on this nomination.

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

The clerk will report the nomination.

NAVY

The assistant legislative clerk read the nomination of Adm. Ronald J. Hays, to be admiral.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. SPECTER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

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

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

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LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

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

The PRESIDING OFFICER (Mr. SPECTER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania is recognized for not to exceed 15 minutes.

S. 1655—UNFAIR FOREIGN COMPETITION ACT OF 1985

Mr. SPECTER. Mr. President, I am today introducing legislation to expand even further the ambit of S. 236, the Unfair Foreign Competition Act of 1985. When Senators HEINZ, BYRD, KENNEDY, and others joined me in introducing S. 236 earlier this session, we sought to give American industries direct access to Federal courts to promptly halt the injurious import of dumped and subsidized products, and to deter future dumping and subsidy.

The present bill makes several improvements upon S. 236 to accommodate concerns which have been voiced about venue, standing, and preferred remedies. More significantly, the bill would now extend the central component of S. 236's approach—a private right of action and the availability of swift injunctive relief—to include not only dumping and subsidy but to Customs fraud as well.

Mr. President, this is that rarity among trade bills: A bill which is cosponsored by both Majority Leader DOLE and Minority Leader BYRD, and toward which the President is favorably disposed. Although no final commitment was given to me, I had an opportunity to discuss this bill with the President on July 31, 1985.

When I discussed this bill with President Reagan, he was very interested in it as a nonprotectionist means of responding to our trade crisis.

When advised that this bill did not enact any new limitations on imports but sought only to give an effective means of enforcing existing remedies, the President expressed the tentative opinion that it sounded like an appropriate measure.

Given the President's favorable attitude toward vigorous enforcement of existing trade laws—which is the very heart of my bill—I think it is safe to say that this bill—if, as, and when enacted—would not face the Presidential veto that the President has virtually promised to exercise in the event Congress passes a protectionist bill. That is the beauty and the practicality of this bill: tangible, significant, and effective relief for the hardest hit American industries, by virtue of vigorous private enforcement in Federal court, not resort to protectionism.

The evidence is plain that enormous quantities of dumped and subsidized products, and goods which violate the Customs laws, are entering this country every year. Equally clear is that the current laws prohibiting such imports are—for various reasons—not being effectively enforced.

Illegal dumping, subsidy, and Customs fraud have cost hundreds of thousands of Americans their jobs in recent years. Yet present laws prohibiting dumping, subsidy, and Customs fraud have been little if any help to the critically injured American industries. Proceedings brought before the International Trade Commission typically consume months or even years, by which time dumpers have captured new markets and gathered huge ill-gotten profits. Indeed, even when the ITC last year recommended that new tariffs and quotas be imposed on foreign steel because of clear evidence of widespread dumping, the President rejected the recommendation in favor of voluntary restraints.

By the Government's own admission, Customs fraud is rampant with regard to textiles, apparel, computer software, hand tools, sugar, electronics, automotive products, chemicals, petrochemicals, agricultural products, pharmaceutical products, and other industries. Illegal dumping is severely injuring American steel, chemical, glass, textile, electronics, agriculture, rubber and cement industries, among others. Foreign subsidies injure American manufacturers of footwear, steel, textiles, apparel, glass, wool, leather, tires, cement, sugar, iron, railway cars, and other products.

When interested Members of the U.S. Senate and the House of Representatives take a look at this list of egregious violations of law currently unremedied, it is my thought that there will be an overwhelming majority in both Houses that will come forth and support this kind of reasonable targeted, and directed remedy.

The bill I introduce today would in no way interfere with the administration's pursuit of voluntary import restraints. It would offer no new tariffs or quotas or protectionist barriers. It would not displace any existing remedies through the ITC or otherwise. Rather, it would reduce the pressures for resort to such disfavored measures, by allowing vigorous enforcement of laws already on the books.

Mr. President, there is nothing like the vigor of private plaintiffs when it comes to enforcement of trade laws or other means of self-help which have long been demonstrated to be the most effective way to get enforcement and action by those who are most directly affected and injured. We have many decades of evidence of this with regard to private enforcement of our antitrust laws. The theory that private plaintiffs would find strong incentive to bring such antitrust suits—and in so doing would both recoup deserved compensation for their injuries and advance strong national public policy interests—certainly has proved correct. There is no reason that the same would not be true of private suits to enforce our international trade laws.

The reality is that many interest groups have received appropriate enforcement and justice when resort could be made to the courts. It is vital to take the enforcement of such trade laws out of the realm of politics, be it the political considerations which engulf the executive or legislative branches—as, for example, the President's overruling of the findings of the ITC. Blacks and women have received justice when they could take their cases to the courts. So, too, will American industry receive justice when laws can be enforced through the judicial process and there is not a situation where American industry is sacrificed on the altar of foreign policy.

As noted, the bill broadens the approach of S. 236 in an extremely important way, by providing for private suits to enforce not only the existing dumping and subsidy laws but the Customs laws as well. Violations of the Customs law are flagrant, widespread, and extremely debilitating to some of our most basic domestic industries: textiles, apparel, footwear, and many others.

Customs violations are rampant in several pernicious forms. Massive country of origin fraud occurs, whereby a country which has reached its permissible quota for a given item or product circumvents the quota by transshipping the continued imports through another country which has not yet reached its quota. Most commonly—indeed, in hundreds of thousands of cases—imports are fraudulently mislabelled. Given the sheer volume of imports and the limited resources of the Customs Service, many imported textiles, apparel and footwear simply are declared to be something which they are not, or are immensely underdisclosed in number—again, in order to evade quotas fixed by the administration.

Domestic textile, apparel and footwear manufacturers and their employ-

ees pay a very heavy toll for these illegal imports. Beyond the individual injury, our national goals and policies are thwarted. In my State alone, more than 15,000 textile jobs were lost in the last year.

Mr. President, we should not be surprised by recent protectionist calls for new tariffs against goods from countries with large trade surpluses with the United States. I sympathize with the frustrations which lead to such efforts, even as I question their appropriateness. The way to avert such counterproductive measures is to enforce the trade laws which already are in place. This bill will greatly increase the enforcement of those laws, by letting injured American businesses go directly to Federal court—just as they can for violations of the antitrust laws—and seek quick injunctions against continued illegal importation.

The legal process is well attuned to this kind of an effective remedy. The case of Marathon versus Mobil Oil is an illustration of a case which involved a complex, factual legal situation which was decided by the U.S. district court in Cleveland in the course of some 6 weeks. It is important to emphasize that once such injunctions are issued they stay in effect and no goods can be shipped in violation of those prohibitions while any appeal is pending. That is so because the order of the district court remains in effect unless and until a supersedeas is ordered, which is not a practical reality given the requirement of posting a bond and the substantial sums of money involved in these matters. Similarly, the Federal discovery procedures lend an excellent avenue for injured U.S. interests to seek discovery from any importer who wants to utilize our markets. If importers wish to do business in the United States, they ought to be subject to the jurisdiction of our courts for equitable relief. They ought to be subject to telling specifically what has happened in terms of subsidies or dumping or in terms of the circuity and violations of the Customs laws which are applicable in so many situations.

This is an effective remedy because it does not address the problem after the fact. It stops goods from coming into this country before they can displace American products and American jobs.

We desperately need the vigorous private enforcement this bill would spur if we are to successfully chart a course between the grave dangers of increased protectionism and the certain peril which would result from unabated illegal foreign imports. Accordingly, I urge my colleagues to join Senator DOLE, Senator BYRD, and others in supporting this bill.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1655

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 "Unfair Foreign Competition Act of 1985".

SEC. 2. Section 1 of the Clayton Act (15 U.S.C. 12) is amended by inserting after the words "nineteen hundred and thirteen;" the words "section 801 of the Act of September 8, 1916, entitled 'An Act to raise revenue, and for other purposes' (39 Stat. 798; 15 U.S.C. 72);".

SEC. 3. (a) Section 801 of the Act of September 8, 1916 (39 Stat. 798; 15 U.S.C. 72) is amended to read as follows:

"SEC. 801.

"(A) No person shall import or sell within the United States any article manufactured or produced in a foreign country if:

(1) such article is imported or sold within the United States at a United States price which is less than the foreign market value or constructed value of such article; and

(2) such importation or sale—

"(i) causes or threatens material injury to industry or labor in the United States, or

"(ii) prevents, in whole or in part, the establishment or modernization of any industry in the United States.

"(B) any interested party who shall be injured in his business or property by reason of an importation or sale in violation of this section, may bring a civil action in the district court of the District of Columbia or in the Court of International Trade against any manufacturer or exporter of such article or any importer of such article into the United States who is related to such manufacturer or exporter.

"(C) In any action brought under subsection (B), upon a finding of liability on the part of the defendant, the plaintiff shall—

"(1) be granted such equitable relief as may be appropriate, which may include an injunction against further importation into, or sale or distribution within, the United States by such defendant of the articles in question; or

"(2) if such injunctive relief cannot be timely provided or is otherwise inadequate, recover damages for the injuries sustained; and

"(3) recover the costs of the action, including reasonable attorney's fees.

"(D) The standard of proof in any action filed under this section is a preponderance of the evidence. Upon a prima facie showing of the elements set forth in subsection (A), or upon a final determination adverse to the defendant by the Department of Commerce or the International Trade Commission under section 735 of the Tariff Act of 1930 (19 U.S.C. 1673d) relating to imports of the article in question for the country in which the manufacturer of the article is located, which final determination shall be considered a prima facie case for purposes of this Act, the burden of rebutting such prima facie case thus made shall be upon the defendant.

"(E) Whenever it shall appear to the court that justice requires that other parties be brought before the court, the court may cause them to be summoned, without regard to where they reside, and the subpoenas to that end may be served and enforced in any district of the United States.

"(F) The acceptance by any foreign manufacturer, producer or exporter of any right or privilege conferred upon him to sell his products or have his products sold by another party in the United States shall be deemed equivalent to an appointment by the foreign manufacturer, producer, or exporter of the District Director of the United States Customs Service of the Department of the Treasury for the port through which the article is commonly imported to be the true and lawful agent upon whom may be served all lawful process in any action brought under this section.

"(G)(1) An action may be brought under this section only if such action is commenced within four years after the date on which the cause of action accrued.

"(2) The running of the statute of limitations provided in paragraph (1) shall be suspended while any administrative proceedings under section 731, 732, 733, 734, or 735 of the Tariff Act of 1930 (19 U.S.C. 1673–1673d) relating to the importation in question, or any appeal of a final determination in such proceeding, is pending and for one year thereafter.

"(H) If a defendant in any action brought under subsection (B) fails to comply with any discovery order or other order or decree of the court, the court may—

"(1) enjoin the further importation into, or the sale or distribution within, the United States by such defendant of articles which are the same as, or similar to, those articles which are alleged in such action to have been sold or imported under the conditions described in subsection (B) until such time as the defendant complies with such order or decree, or

"(2) take any other action authorized by law or by the Federal Rules of Civil Procedure, including entering judgment for the plaintiff.

"(I)(1) Except as provided in paragraph (2), the confidential or privileged status accorded by law to any documents, evidence, comments, or information shall be preserved in any action under this section.

"(2) The court in any action brought under this section may—

"(A) examine, in camera, any confidential or privileged material,

"(B) accept depositions, documents, affidavits, or other evidence under seal, and

"(C) disclose such material under such terms and conditions as the court may order.

"(J) Any action brought under this section shall be advanced on the docket and expedited in every way possible.

"(K) For purposes of this section—

"(1) The terms 'United States price', 'foreign market value', 'constructed value', 'subsidy', and 'material injury', shall have the respective meaning given such terms by title VII of the Tariff Act of 1930.

"(2) If—

"(A) a subsidy is provided to the manufacturer, producer, or exporter of any article, and

"(B) such subsidy is not included in the foreign market value or constructed value of such article (but for this paragraph), the foreign market value of such article or the constructed value of such article shall be increased by the amount of such subsidy."

"(L) The court shall permit the United States to intervene in any action, suit or proceeding under this section, as a matter of right. The United States shall have all the rights of a party.

"(M) Any order by a court under this section is subject to nullification by the President pursuant to the President's authority under section 203 of the International

Emergency Economic Powers Act (50 U.S.C. 1702).".

SEC. 4. It is the sense of the Congress that the provisions of this section are consistent with, and in accord with, the General Agreement on Tariffs and Trade (GATT).

SEC. 5. Chapter 95 of Title 28 of the United States Code is amended by adding at the end thereof the following new section:

"§ 1586. Private Enforcement Action

"(a) Any interested party who shall be injured in his business or property by a fraudulent, grossly negligent, or negligent violation of section 592(a) of the Tariff Act of 1930 (19 U.S.C. 1592) may bring a civil action in the district court of the District of Columbia or in the Court of International Trade, without respect to the amount in controversy.

"(b) Upon proof by an interested party that he has been damaged by a fraudulent, grossly negligent, or negligent violation of section 592(a) of the Tariff Act of 1930, such interested party shall—

"(1) be granted such equitable relief as may be appropriate, which may include an injunction against further importation into the United States of the articles or products in question; or

"(2) if such injunctive relief cannot be timely provided or is otherwise inadequate, recover damages for the injuries sustained; and

"(3) recover the costs of suit, including reasonable attorney's fees.

"(c) For purposes of this section—

"(1) The term 'interested party' means—

"(A) a manufacturer, producer, or wholesaler in the United States of a like or competing product, or

"(B) a trade or business association a majority of whose members manufacture, produce, or wholesale a like product or a competing product in the United States;

"(2) The term 'like product' means a product which is like, or in the absence of like, most similar in characteristics and uses with products being imported into the United States in violation of section 592(a) of the Tariff Act of 1930; and

"(3) The term 'competing product' means a product which competes with or is a substitute for products being imported into the United States in violation of section 592(a) of the Tariff Act of 1930.

"(d) The court shall permit the United States to intervene in any action, suit or proceeding under this section, as a matter of right. The United States shall have all the rights of a party.

"(e) Any order by a court under this section is subject to nullification by the President pursuant to the President's authority under section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702).

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for not to exceed 15 minutes.

FEEBLE ADMINISTRATION POLICIES IN PREVENTING NUCLEAR PROLIFERATION

Mr. PROXMIRE. Mr. President, what constitutes the least likely threat of nuclear war? An attack by the Soviet Union on the United States. Such an attack is very unlikely. It would be a sure act of suicide. The Soviets know that. How much of our multibillion dollars of annual nuclear weapons spending do we pour into preventing such an attack? Very nearly 100 percent. Almost all of it. Then, what constitutes the most likely threat of nuclear war? The spread of nuclear weapons over the next 20 or 30 years to more and more countries. Some of the newly nuclear armed countries are the fiefdoms of aggressive, irresponsible dictators who have frequently used terrorists as instruments of military policy. How much of our resources have we devoted to preventing this most likely threat of nuclear war? Practically none.

It is a shocking but irrefutable fact that two recent actions by this country have been especially dangerous in making nuclear proliferation more likely. The first action is the abysmal lack of antiproliferation safeguards in the agreement President Reagan has signed with the biggest Communist country in the world, the Peoples Republic of China. When we transfer our dangerous nuclear technology know-how to another nation, we should insist on the strongest possible assurance that the nation which receives this nuclear technology will not make it available to other countries. But is that always the case? Is it true in this instance? After all, are we not selling this nuclear technology for peaceful purposes? Are we not transferring it to a nuclear weapons state? The Chinese already have a nuclear arsenal. So where is the danger? Well, there is a danger and a big one. The danger is because China is, indeed, a nuclear weapons state. It has already proliferated nuclear technology. It has assisted Pakistan, South Africa, and Brazil in developing nuclear weapons in the past, the technology we provide to China is technology she does not have. Sure, it is intended for the peaceful purpose of producing electricity. But what is the byproduct of that peaceful production? Weapons grade plutonium. Why is that significant? It is significant because the one ingredient most Third World countries need to produce nuclear weapons is weapons grade plutonium. So China can sell this peaceful U.S. technology with the weapons grade plutonium byproduct to Libya, to Iran, to Syria, to North Korea, or elsewhere. Would we sell weapons grade plutonium to this murderer's row? Not in a million years.

Well, how do we prevent that? The best way is not to sell the technology. But, if we are to sell it to China, we should insist that we have a firm promise by the Chinese not to pass the technology on to other nations—not to proliferate. Do we have such a promise? The administration's Ambassador is reported to have said he does have this promise from the Chinese, orally. That, I submit, is worth absolutely nothing. Do we have a public promise by a Chinese leader? No, we do not. Do we have a written affirmation by a Chinese leader? No. All we have is the privately conveyed word of an American Ambassador. With all due respect to the Ambassador and with complete belief in his sincerity, his word is not enough. Why not? It is not enough for one simple reason. He cannot deliver on it. Only the Chinese, not an American Ambassador, can make a firm promise for China. But if that promise is not made publicly and in writing, it is worth absolutely nothing.

Is there a court of law in America that would hold any buyer responsible for safeguarding a product in accordance with a seller's desires when the only pledge from the buyer to safeguard the product is conveyed by an agent of the seller? Of course not. If there is no public commitment from the buyer, no signed statement by the buyer, the seller has no recourse at all—none.

The second action by the administration that makes nuclear proliferation more likely is its refusal to negotiate a comprehensive test ban treaty. Former Secretary of Defense and Attorney General Elliot Richardson has written recently that most nonweapon states see negotiation as the key to the good faith arms control negotiations which represent the super powers' part of the world's efforts to restrain the spread of nuclear weapons. We have made the promise in two treaties the United States has signed. By refusing to keep the promise, we torpedo the U.S. side of the nonproliferation program.

Mr. President, I ask unanimous consent that the article to which I have referred by Elliot Richardson in the Los Angeles Times be printed in the RECORD.

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

TIME TO STRENGTHEN EFFORTS TO HINDER NUCLEAR PROLIFERATION

(By Elliot L. Richardson)

On August 27, the 126 nations that are party to the Treaty on the Non-Proliferation of Nuclear Weapons will gather in Geneva to review what arms control has, or more pointedly has not, acheived to date.

At stake will be the future of multilateral efforts to constrain nuclear weapons and to keep local wars from becoming global confrontations.

The review conference is likely to be a contentious affair. The 1970 treaty is an inherently lopsided document, under which only the United States, the Soviet Union, Great Britain, France and China are permitted to possess nuclear weapons.

In return for this restraint by the non-nuclear parties, the nuclear weapons states have pledged under Article VI to pursue good-faith negotiations leading to disarmament. Nothing could be more damaging to the non-proliferation regime than for the

nuclear weapons states to assume an air of complacency, as if their pale efforts to reduce nuclear arms should satisfy the rest of the world that they had lived up to their end of the bargain.

At the second of the five-year treaty review conferences, in 1980, the failure of the weapons states to live up to their disarmament pledge made agreement on a final document impossible. Since then the United States has broken off negotiations with the Soviet Union and Britain on a comprehensive test-ban treaty, which most non-weapons state see as the key step to fulfilling Article VI obligations.

The Soviets walked away from both strategic and theater nuclear arms negotiations, then returned with a prickly attitude and no new proposals. And the Reagan administation's emphasis on the Strategic Defense Initiative has added fuel to an already intense Soviet-American arms competition in outer space.

If these trends are not reversed soon, the non-proliferation treaty may well not survive beyond 1995, when its signatories must decide whether to renew it.

The alternatives are downright frightening. Experts estimate that by the year 2000 more than 30 countries will have the capability to build nuclear weapons if they so choose. The detonation of a single nuclear weapon in a volatile region, such as the Middle East or South Asia, could spark a global nuclear holocaust.

Even short of this, the development of nuclear capabilities by more and more countries clouds the international climate, raises the stakes in regional disputes and further unravels the postwar system of norms and institutions that has prevented small conflicts from escalating into World War III.

A report that was issued last June by the United Nations Association of the USA provides a series of specific recommendations for US policy that would help reassure the world that we are serious about arms control.

The report, "Nuclear Proliferation: Toward Global Restraint," was the end product of a nationwide study that for the first time involved a broad cross-section of American society in a detailed examination of the policy questions that are involved in trying to control the spread of nuclear weapons.

The study urges the United States to resume and seriously pursue test-ban treaty negotiations with the Soviet Union and Britain, drawing in the other nuclear weapons states if possible. After quiet consultation with the Soviet Union, Japan and other European allies, the United States should propose a moratorium on nuclear-weapons testing while test-ban treaty negotiations are in progress.

Finally, if it proves impossible to reach agreement on a moratorium on testing, the United States should discuss with the Soviet Union the possibility of parallel unilateral moratoriums and should be prepared to stop testing first. Once achieved, a test ban treaty should be opened for signature by all countries.

At the same time, major new efforts should be made to reach an agreement to halt the production of fissionable material for weapon purposes. This would comply with the arms control requirements of the treaty and directly affect the availability of nuclear weapons material for other nations. If production is stopped, the United States and the Soviet Union should try to induce the other nuclear weapons states to do likewise.

Cooperative international efforts have been remarkably successful in slowing the growth in the number of countries that choose to build nuclear weapons. An edifice of international institutions, treaties and export agreements has been constructed, and has helped make the acquisition of nuclear weapons technically more difficult and politically more risky. But we must avoid complacency or a false sense of security.

It is time to redouble multilateral efforts to inhibit further proliferation before it is too late, and the first step is to rekindle public concern here in the United States.

RAUL HILBERG'S "THE DESTRUCTION OF THE EUROPEAN JEWS"

Mr. PROXMIRE. Mr. President, the New York Times Book Review on August 11 reported the extraordinary achievement of Raul Hilberg, a historian who has devoted his life to studying the Holocaust.

Mr. Hilberg has revised his classic work, "The Destruction of the European Jews," which first appeared in 1961. The book now stands at three volumes and over 1,200 pages.

"The Destruction of the European Jews" is described by its publisher as the definitive work on the Holocaust. The Times reviewed the book as "thorough and careful" scholarship and calls the writing "clear, readable, and often graceful."

Hilberg systematically analyzes the Holocaust, beginning with a history of Western anti-Semitism. He charts the formation of a bureaucracy and a mechanism for killing the Jews. He explains how that mechanism worked. Hilberg is especially interested in the psychology of the perpetrator. He examines the savagery and moral corruption of the Nazis. He analyzes the irrational hatred behind the "Final Solution," the violent scheme to annihilate the entire Jewish race.

The sheer number of archival facts and eyewitness accounts Hilberg marshalls makes this book one of the great works in the field.

Today there is strong interest in the Holocaust. When Hilberg's first edition appeared in 1961 it went virtually unnoticed.

I applaud the accomplishment of Mr. Hilberg. The history of the Holocaust has been his career and his consuming passion. "A lifetime is not sufficient to do it justice," he once said.

Raul Hilberg's interest in the Holocaust stems from his fortunate escape from Vienna with his parents in 1939. He is determined that the Holocaust not be forgotten. As early as the late 1940's when he was in college, Hilberg has been driven to refute those who would downplay or deny the significance of Hilter's genocide against the Jews.

Mr. President, the memory of the Holocaust has not died and interest in the subject is stronger than ever.

For this reason it is inexplicable that the Genocide Treaty has not yet been ratified.

Other nations wonder why the United States, with it long tradition of protecting human rights, will not sign this basic human rights treaty.

The time has come to remedy this error. The Genocide Treaty will be taken up soon by the Senate. I urge my colleagues to consider that 96 nations have already signed this treaty.

If the United States has truly learned the lessons of the Holocaust we will ratify the Genocide Treaty this year. Millions have died in this country at the hands of bigoted fanatics. We who love justice have no right or reason not to ratify this treaty.

MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, one of the myths which seems to be clinging for dear life around here is that President Reagan is committed to arm control.

Well, let's take a look at the facts behind this myth.

I defy any Member to show me a single arms control treaty Ronald Reagan has publicly supported. There may be one, but I have not found it.

Did he support the 1963 Limited Test Ban Treaty President Kennedy signed, which banned above-ground nuclear testing? No. He opposed that.

Did he support the 1968 Nonproliferation Treaty President Johnson signed, which has tried to halt the spread of nuclear weapons? No. He opposed that. During the 1980 campaign, he said that nuclear proliferation isn't "any of our business."

Did he support the 1972 SALT I Agreement and the ABM Treaty President Nixon signed? No.

Did he support the 1974 SALT understanding President Ford reached with the Soviets at Vladivostok? No; not that one.

What about the Peaceful Nuclear Explosions Treaty President Ford also signed in 1976? No. He opposed that one also.

Did he support the SALT II Treaty President Carter signed. No. He promised to "ship that thing back to the Soviets in Moscow." Actually, that boat never left the harbor. Once in office, Mr. Reagan realized the value of SALT II and decided to abide by it even though he continued to oppose it publicly.

So what has happened since Mr. Reagan took office? Well, during his first term we had practically a total collapse in arms control negotiations with the Soviets. We have not seen anything that bad since the cold war days.

By the time the 1984 campaign rolled around, Mr. Reagan decided to try to patch things up and at least get

the arms control talks back on track. But in the meantime he has proposed a program that will surely sound the death knell for arms control. It is called star wars.

Star wars and arms control do not mix. Plain and simple. The star wars missiles defense scheme President Reagan wants this country to plunge into will kill arms control.

And we are beginning to discover that fact in Geneva, where the arms control talks are going nowhere fast.

Is President Reagan committed to arms control? The record shows that is a myth.

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 11 a.m., with statements therein limited to 5 minutes each.

THE PRESIDENT'S TRADE MISUNDERSTANDING

Mr. BAUCUS. Mr. President, last night the President of the United States demonstrated a disturbing lack of knowledge and concern about our international trade situation. His apparent failure to understand the basic facts and his unwillingness to recognize their implications should make all of us very concerned.

DEBTOR NATION

When he was asked last night for his opinion on the status of the United States as a net debtor nation, he seemed not to even understand the question, understand the concept of a net debtor nation. Consequently, he certainly missed the significance of the question.

A nation is a net international debtor if it owes more to foreign countries than they owe to it. This is not the same as having a trade deficit. In previous years, we filled the gap between exports and imports with interest and dividends earned on investment abroad. We had a trade deficit, but we still owed less to others than they owed to us. The President missed this distinction.

Throughout the 19th century, the United States was a debtor nation. We drew heavily on foreign capital to finance our industrial development. Factories and railroads were all built with capital from abroad.

But by the end of World War I, the United States had become a net creditor, and with very few exceptions, our creditor position grew larger every year—until 1983.

It has taken less than 4 years for the Reagan administration to squander the credit built up over more than 60 years.

In 1983, the United States was still a net creditor of some $106 billion. In 1985, we will owe the rest of the world nearly $100 billion!

I repeat, Mr. President: Up to 1983, over a period of 60 years, the United States had been a net creditor nation, and at that time we still were a net creditor nation of some $106 billion. But this year, 1985, we will owe the rest of the world nearly $100 billion. We will be the world's largest debtor nation. I repeat: The United States will be the world's largest debtor nation.

That, Mr. President, is not supposition. Those are real numbers.

Does it matter? Not if you believe that foreign investors will be willing to pour ever-larger amounts of money into the United States; not if you believe that foreign investors will lend us the money to pay them the interest on our debt to them. I do not believe that. I do not believe we can forever borrow to pay interest on our debt.

TRADE DEFICIT

The President not only thought the phrase "debtor nation" referred to the trade deficit; he did not think the trade deficit was much of a problem.

He said we should not worry about losing jobs in manufacturing or mining because we were gaining jobs in the travel industry! I am happy to have us gain jobs in the travel industry—but why must they make up for jobs in American basic industries? The President did not mention that we are losing jobs in high-tech. He did not mention that farmers are losing export markets.

The President also tried to change the subject to the budget deficit. But he did not mention that his budget policies have made us the all-time champion international borrower. He did not mention that our need to suck in capital from abroad has driven the dollar to an artifically high level.

To President Reagan, there seems to be no such thing as an "overvalued dollar." There is only a "strong" dollar—a dollar that is a source of pride. I have said before and I will say again, the high dollar may be a source of pride to the President, but it is a source of pain to America's farmers and to her working men and women.

In summary, I believe that international trade is a means to expanding the wealth of all nations—the United States and our trading partners. I represent an agricultural State. The wheat farmers of Montana recognize their dependence on the health of the international trading system.

But they also recognize that all of us are dependent on a healthy domestic economy. The farmer will not survive if we lose our industries. The farmer cannot survive if he is forever shut out of foreign markets.

Free trade cannot be a one-way street. If our wheat, logs, tobacco, computers, aircraft cannot get into other markets, then our Government must fight. We need an administration that will fight for fair treatment of U.S. products.

Mr. President, the Constitution gives the power to regulate commerce to Congress. We, in turn, have delegated great power to the President. We do so because we believe a single leader can take faster and better targeted action than can a body of 535 people. But, Mr. President, we do not abdicate. If the President of the United States sees no problems, Congress will act to remedy those Congress sees.

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

The PRESIDING OFFICER (Mr. McCONNELL). The clerk will call the roll.

The assistant 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 (Mr. HATFIELD). Without objection, it is so ordered.

DEFENSE AND THE NATIONAL WELFARE

Mr. DENTON. Mr. President, I rise to address an article that appeared on the front page of the Washington Post dated September 17, 1985, and the implications of that article. It was headlined "5-Year Pentagon Budget Plan Facing $300 Billion in Trims."

The subheadline is, "Sea Change in Rearmament Underway."

The article goes from page 1 to page 8, and indicates we are going to have a sea change in defense policy.

It contains the statement that an unidentified Department of Defense aide said, "Cap has seen the writing on the wall," and that there would be no Weinberger versus OMB rematch fight.

Secretary Weinberger assured me personally late yesterday that that statement misrepresents his position, and that as Secretary of Defense he does not, as is charged, "appear to be resigned to seeing his budget slashed."

The article, however, does mark a phase in the U.S. state of affairs on which I want to remark. If there is a sea change affecting the security of the United States, such as an interruption in the buildup required by the United States to provide for the common defense to protect its interests in the security sense, I believe that we should not let the moment pass without remarking upon it. Indeed, Mr. President, in my opinion such a moment is at hand.

For the past 6 or 7 years, we have seen a defense budget with real growth of over 5 percent from year to year. It is the first time in many years we have seen such a growth. I believe that objective opinion would indicate

that that growth has not offset the buildup of the Soviet Union, nor has it eliminated the dangerous disparity that had developed. That growth did, however, hold out the promise of real progress, not only progress in our own rebuilding of our security, but progress in the estimates of other governments as to the sincerity of the United States as a leader for the protection of freedom around the world.

There is some truth in the article's implication that much reluctance is encountered on the part of the Congress in continuing to build up our defense spending. Many Members of the House are now unwilling to abide by the DOD authorization bill conference report, and they have threatened to pass a requirement that appropriations be reduced by $10 billion to $292 billion, rather than the $302 billion agreed to by the conference. That threat and that effort may well be successfully quashed. I hope so.

The press is reporting that in general DOD and OMB are giving in to political reality and media pressure, and not fighting to continue the essential program of strengthening America's defense. The article I quoted is one case in point.

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

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

5-YEAR PENTAGON BUDGET PLAN FACING $300 BILLION IN TRIMS

SEA CHANGE IN REARMAMENT UNDER WAY

(By George C. Wilson)

President Reagan's rearmament program is undergoing a fundamental restructuring as White House and Defense Department leaders scramble to adjust to what they estimate will be a slash of at least $300 billion in the next five-year defense plan, administration officials said yesterday.

"We're in a sea change," said one veteran of the Pentagon budget battles.

Despite the new austerity, Pentagon officials said, the military services are trying to cut their budgets for fiscal 1986 through 1990 without canceling prized hardware programs. The result, critics in the Pentagon predicted, will be less money devoted to preparing the armed services to fight, particularly a long war.

To cope with the new budget reality, the Army will buy less ammunition, the Navy will buy fewer ships, the Air Force will cancel marginal programs and the Marine Corps will reassess its modernization program.

The White House's Office of Management and Budget, in its recently published "Mid-Session Review of the 1986 Budget," projected $291 billion less for defense in fiscal 1986 through 1990 than Reagan had earmarked for his rearmament effort as recently as April.

White House officials said that Defense Secretary Caspar W. Weinberger this year, in contrast to the past when he appealed to Reagan for more money, appears to be resigned to seeing his budget slashed. "Cap has seen the writing on the wall," said an aide in agreeing there would be no Weinberger versus OMB rematch fight.

Pentagon officials who have been involved in the feast-and-famine cycles of defense funding through several administrations predicted that the real cut for that five-year period will be more than $400 billion.

Weinberger and his deputy, William H. Taft IV, rather than dictate cuts, have directed the armed services to slash their budgets for the next five years in proportion to what they have received in the past, Pentagon officials said.

Critics said changes in the rearmament program are so extensive that civilian rather than military leaders should reassess current strategy and make the necessary reductions. Weinberger in his 4½ years of running the Pentagon has concentrated on raising record amounts of money rather than directing how the services spend it.

The White House, in making its projections, assumed the Defense Department would receive annual increases of 3 percent above inflation from Congress, and even that is an overly optimistic assumption in the view of many congressional leaders. Congress' funding cuts have been brought on by the increasing federal deficit and fears that the Pentagon was not spending its money wisely.

Taft, in one directive issued on a recent Thursday, urged the armed services to find savings of $228 billion by the following Monday for the five-year, fiscal 1986-90 period, Pentagon officials said.

The Army, Pentagon sources said, will not say so publicly, but to save billions it has virtually abandoned Reagan's objective to buy and stockpile enough ammunition to fight in Europe for 60 days.

In doing so, officials said, the Army is using an argument Congress made in questioning the stockpiling. U.S. allies have only enough ammunition to fight about 20 days, goes the argument, so why should the Army spend billions to fight alone for 60 days?

As for the Navy, said one Pentagon critic, "it will get its 600 ships by 1990, but they will be carriers and rowboats because of budget constraints." The Congressional Research Service has issued a report by Ronald O'Rourke that said the Navy will not be able to afford the 137 cruisers and destroyers Navy leaders said they needed to protect carriers and other ships.

The publication Defense Week said yesterday that the Navy is proposing to buy three rather than five DDG51 class destroyers a year as part of its response to the budget crunch. Stretchouts in other ship programs are in prospect, Pentagon officials said, including submarines.

The Air Force already has agreed to cancel two aircraft procurement programs, the Fairchild T46 trainer and the Sikorsky HH60, a Blackhawk helicopter modified for special operations, such as landings behind enemy lines.

And, according to Pentagon officials, the Air Force is looking for more cuts. Deploying the small, mobile Midgetman missile would cost more than deploying more giant, silo-busting MX rockets, Air Force officials said, in acknowledging that retrenchment is throwing a different light on strategic choices.

The Marines want to buy a new fleet of assault aircraft, designated the JVX, but the price tag of $40 billion to $50 billion for 550 of the "tilt-rotor" planes is giving Pentagon officials second thoughts as they look ahead at years of relative austerity when they had counted on years of plenty, sources said.

In April, the OMB predicted annual increases in defense money would range from 8.8 percent 13.4 percent from fiscal 1986 through 1990, not allowing for inflation. In its Aug. 30 mid-session review, OMB forecast annual increases between 3.9 percent and 7.2 percent. Under White House inflation assumptions, this would provide for a real growth of about 3 percent for fiscal 1987 through fiscal 1990.

Mr. DENTON. I consider the article an example of misinformation, perhaps disinformation, which tends to influence public perception. Since many in this body and in the House read the Washington Post it does tend, fortunately or unfortunately, to influence the Congress.

I am sorry to report that such efforts by the leading media in the country, including the New York Times, the Washington Post, the LA Times, and the three networks, have been extremely successful in leading the Congress around by the nose with a ring, in identifying what issues are important at any given moment. Indeed, in my view, Mr. President, they make the news and they create the issues of the moment here in the minds of too many of our colleagues.

I am afraid that Mr. Gorbachev gets better press than Mr. Weinberger. The Soviets get much better press than the Government of South Africa.

President Reagan is portrayed as the head of a superpower very much like that of the Soviet Union. Too many cartoons portray two hands pushing missiles in the middle of the table, one differentiated from the other simply by the symbol of the hammer and sickle on the one and the American flag on the other, as if the parties involved are identical in merit.

Such a portrayal is at the base of the fundamental misportrayal.

Regarding the Federal budget and the share being given to defense, I must say that it should be noted by the media that when President Kennedy came to office we were spending roughly twice as much on defense as we were on human resources, on social and welfare programs. Specifically, in 1960 we spent 52.2 percent of the Federal budget on defense and 28.4 percent on social and welfare programs.

Today, under President Reagan, we are spending the reverse, 49.6 percent of the Federal budget on social programs and only 26.5 percent on defense.

I wonder if there is a responsible member of the media who really believes that today there are that many fewer threats to our security or to our economic interests related to our security position around the world than these were 25 years ago.

I find it difficult to believe that I could find such a person.

Nonetheless, the portrayal, or misportrayal, goes on, and with evident success. We have vastly decreased our

emphasis on defense and increased it on social and welfare programs. Many people would have us balance the budget on the back of defense.

Our spending on social and welfare programs has not only been ineffective in eliminating poverty and hardship in our country, but it has bred dependence on the Federal dole. The dole is characterized by waste and inefficiencies as great as, if not greater than, those so highly publicized in defense spending.

A famous economist, Dr. Thomas Sowell, who happens to be a black gentleman, out at the Hoover Institution, has stated repeatedly, regarding the inefficiencies of the welfare program, that if one-third of the money appropriated to help the poor were to reach the poor, we would have no one left in poverty. That is a true statement, I have learned from my experience in this body.

I have also learned, in dealing with our welfare programs, that there is tremendous unaccountability. We do not know who gets what from what source. We have an escalating slope of spending in the social field and nothing like that in the defense field; indeed a slowly decreasing slope in defense spending is projected for the future.

The slope of the increase in social spending has been increasing so that the figure on the charts chronologically is asymptotic. It is a tremendously increasing slope, like going backward up a ski slope.

That increasing social spending is not principally money going to the poor; much of it goes to people who are not poor. For example, 40 percent of Government benefits goes to households with incomes under $10,000. Twenty-eight percent of Government benefits goes to households with incomes $10,000 to $20,000. The remaining 32 percent of Government benefits goes to households with incomes above $20,000, most of it to the $20,000 to $40,000 range. Thus nearly 60 percent of all benefits goes to people who are not poor.

Many of those programs are good, but we cannot do all good things from the Federal pot. We must, however, do one good thing from the Federal pot: that is to permit our people to survive, to permit our freedoms to survive.

If I were to deliver a junior Senator of the State of Alabama state of the Union message, I would have to say that things are chaotic and dangerous, and getting worse. We have gone from a real growth in defense spending, overdue, to a freeze after inflation and the rumored House action would mean an actual reduction after inflation.

That indication for the future comes just before a summit meeting between the President and the Soviet leader, in the midst of arms talks with the Soviets. It reflects a beguilement with Gorbachev's charms that is both erroneous and dangerous, not justified, as the British experience of recent days demonstrates.

I simply want to note, as one Member of this body, that I hope we do not follow the Post, the New York Times, the three networks, as we followed them in some other well-intended but doomed policies with respect to how bad the Government of South Vietnam was, how bad the Government in Iran was, how bad the Governments in Cuba and in China and in Nicaragua in the old days were. In each of those cases, and in many others not accounted for here, with no apologies and with many of the Members of this body and the House having been on board, we went over the cliff on those bad policies.

I hope that we do not do the same in the case of the South African sanctions. I hope that we do not replace an imperfect and flawed regime with an unspeakably bad one.

I hope that we do not follow the trend in defense spending that the press that I mentioned seems so in favor of. I wish my colleages would stop paying so much attention to what those parts of the media are saying. Many of my colleagues do not seem to realize that the people of our country are not listening to those networks and those newspapers. If they were, Mondale would be President rather than Reagan.

I hope that my colleagues will remember that there are people back home who do not agree with balancing the budget on the back of defense, who do believe that the key to balancing the budget is a compassionate and efficient and realistic overhaul of our welfare programs.

Thank you, Mr. President.

DEATH OF CURTIS MARSHALL HUTCHINS

Mr. COHEN. Mr. President, one of Maine's most well-known business and civic leaders died this week, and I want to take a moment to bring his accomplishments to the attention of my colleagues.

Curtis Marshall Hutchins had a unique combination of diverse elements which set him apart from the crowd. He was a man of action and passion, an energetic and innovative business leader who used his energy and talents to improve the Maine pulp and paper industry.

Curtis was also a man of thought and reflection, a committed outdoorsman who never outgrew his love for the beauty and solitude of the Maine woods. His eclectic range of interests included the arts, salmon fishing, community improvement, public service, and many different kinds of philanthropy.

Curtis' gave his guidance and counsel generously to me when I decided to run for Congress in 1972, and he has been a valued friend for the years since. Most recently, I worked closely with Curtis on one his major interests in recent years, the Roosevelt Campobello Island Commission, a group dedicated to preserving the beauty and historical significance of President Franklin D. Roosevelt's former home on Campobello Island, a structure now jointly preserved by the United States and Canada.

The Maine forestry industry, as well as the lives of countless individuals, were greatly enriched by Curtis, and I extend my sympathetic regards to his three children who survive him.

I would ask that an article from the Bangor Daily News be included describing Curtis' career in greater detail.

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

[From the Bangor (ME) Daily News, Sept. 14-15, 1985]

CURTIS M. HUTCHINS, CIVIC LEADER, DIES

Curtis Marshall Hutchins, a dynamic figure in Bangor business and cultural circles for more than a half century, died Sunday at the Eastern Maine Medical Center after a brief illness. He was 78.

At the time of his death, he was chairman of the board of the Dead River Group of Companies, a business concern with which he had been associated during most of his adult life.

He was born in Boston in 1907, the same year in which his father founded the Dead River Co. in Maine. After graduating from Williams College in 1928, he studied forestry at the University of Maine while working in the Maine woods.

He became president of Dead River Co. in 1935 and held that post until 1957.

During that same period, he served as president of the Bangor and Aroostook Railroad Co. from 1943 through 1957 and chairman of the railroad's board of directors from 1952 through 1957.

He was president of the St. Croix Paper Co. at Woodland from 1959 through 1963.

It was typical of Hutchins that he always found time for community service. He was a member of the Bangor City Council in 1941 though 1943 and served as chairman or mayor during his third year on the council. Also in 1943, he served a term in the Maine Legislature.

He served with the U.S. Navy during World War II.

Generous with his his time and talents, he was for years a prominent fixture with countless civic and charitable organizations, contributing not only his prestige but valuable business acumen.

His personal interests were as varied and widespread as his business enterprises. He was supportive of the arts and the owner of an extensive art collection, which he enjoyed sharing with various institutions.

He never outgrew his fascination for the Maine woods and spent time whenever his schedule allowed at this favorite sport of salmon fishing. Only Friday evening he had attended a supper of the Mirimachi Salmon Club at Boestown, New Brunswick, at which

he was publicly recognized for his life-long contributions to the sport.

He spent part of Saturday picnicking with former baseball great Ted Williams, a friend of many years.

His wife of 53 years, Ruth Rich Hutchins, died in December 1984.

Survivors include a son, Christopher Hutchins, Bangor; and two daughters, Hope Hutchins Blackburn, New York, and Hilda Hutchins McCollom, Chevy Chase, Md.

Funeral arrangements will be announced by Brookings-Smith Funeral Home, Bangor.

[From the Bangor (ME) Daily News, Sept. 17, 1985]

FRIENDS, ASSOCIATES REMEMBER DEEDS AND FRIENDSHIP OF CURTIS HUTCHINS

(By Nancy Remsen)

Curtis Hutchins was a man of great stature, measured not in inches but in deeds, leadership and respect.

His death on Sunday left a void in many places in Bangor, in eastern Maine, in the state, in New England and in neighboring Canada, according to his many friends and associates.

At 78, Hutchins was still active in business, in charitable efforts and in sporting activities. He was chairman of the Board of Dead River Group of Companies, commissioner for the Roosevelt Campobello International Park, a trustee of the College of the Atlantic at Bar Harbor, a member of the University of Maine Pulp and Paper Foundation, and a trustee for the Bangor Theological Seminary.

In death, he left people abruptly, one with a letter half written to him, an organization about to bestow an award on him, others with seats on committees they will have to fill.

Most will miss his industrious efforts on their behalf—be it in influencing the direction of Merrill Bank, persuading fellow leaders of paper companies to go along with clean-up regulations or serving as the catalyst for revitalization in downtown Bangor.

But all who spoke of Hutchins Monday also said they will miss a warm and generous friend.

His adult children, Christopher, Hilda and Hope, Monday recalled a Christmas in their childhood when their father read in a newspaper about a woman of little means and many children who had all the presents she had purchased stolen on the eve of the holiday.

"He got all the kids to contribute," recalled Hilda McCollum. "He made sure the lady got all the money," she said.

Generosity came naturally to Hutchins, and he didn't need public thanks. His son of Bangor stressed that "he really did care about Maine and Bangor. He wasn't just doing what he thought was appropriate" for a man of his means and position, his son said.

Benefactor is the word that Arthur Johnson, president of the University of Maine at Orono, used to describe Hutchins. His gifts to that institution were substantial Johnson said, listing professorships that he endowed, scholarship funds he provided, gifts of art and major contributions to support the performing arts center, the College of Forest Resources and the Pulp and Paper Foundation.

It wasn't just money. It was time. Time to have lunch with Greg Brown and other professors at Forest Resources and give advice on programs and research. It was time after to send a thank-you note.

And it was friendship. "I always appreciated Curtis' warmth. He was a great guy. He came to trust me. That moved me personally," said Stanley Marshall of the Pulp and Paper Foundation.

"I'm really going to miss him personally," concluded UMO President Johnson.

"I thought the world of him," said Wayne Glick, head of the Bangor Theological Seminary which also benefited from Hutchins' time and money. He made the "leadership gift" for the new student center under construction at the seminary which will be named for his wife, Ruth.

But that isn't all he gave to the seminary, Glick said. There were other gifts, given when needs arose. He demanded only excellence, not recognition, Glick said.

"He always did what he urged others to do," said Fred Scribner, a Portland attorney who was associated with Hutchins on business, political and charitable matters. "He was never one just looking out for his own interest."

He felt people in business "had an obligation" to serve in government, Scribner said. He took his own advice, serving on the Bangor City Council and in the Maine Legislature. He was urged to accept a position in the Eisenhower administration, Scribner said, but it wasn't the right time for him to leave Maine.

"In all of his endeavors . . . he soon reached a place of leadership," Scribner also said.

He was well respected as president of the New England Council, an organization established to provide the region with a unified voice on economic and business issues, recalled Gardner Caverly, a fellow council member. "He was highly regarded and highly respected."

Donaldson Koons, who served as chairman for the Environmental Improvement Board, the predecessor to the Board of Environmental Protection, recalls Hutchins as "the strongest, most thoughtful, carefully reasoning member of the commission."

And he credits Hutchins, before becoming a board member, with quietly persuading representatives of the paper industry to go along with an accelerated timetable for cleaning up rivers.

"I never asked him about it," Koons said, but the change in the attitude of the major paper companies came shortly after Hutchins, then of Scott Paper Co., visited with Koons.

Hutchins was on the Environmental Improvement Board when the licenses for Maine Yankee were considered. Although he was an industry representative, Hutchins "had the interest of the state uppermost in his mind," Koons said.

Hutchins also was one of the most influential members of the board of directors of Merrill Bank during his 40 years as a board member, according to William Bullock, chairman and president of Merrill Bankshares. He has a key role in shaping the bank into what it is today, Bullock said.

"He was a unique individual" who made contributions to his community while developing a national reputation, Bullock said.

He also was well-known in eastern Canada. Hedard Robichaud of the Roosevelt Campobello International Park Commission said he knew well of Hutchins before he was appointed as a commissioner. "He contributed to the development of the lumber industry in our province," said the New Brunswick resident.

Hutchins brought with him to the commission his "long experience in business," Robichaud said. And, "he was a great friend to all of us."

Over the years, Hutchins has received a number of honors and was scheduled to get another on Oct. 2—the Vernon P. McFadden Award from the Eastern Maine Development Corp. This award recognizes an "outstanding contribution toward improving the quality of life for citizens and communities in eastern Maine."

Michael Obey of EMDC said Monday that "Curtis Hutchins gave more, perhaps than any other single individual, towards improving life in eastern Maine. He was a great business and civic leader. His loss to the region and the state is great."

SENATOR QUAYLE'S FIGHT AGAINST DRUG AND ALCOHOL ABUSE

Mrs. HAWKINS. Mr. President, Senator DAN QUAYLE of Indiana is a valued member of my Subcommittee on Children, Family, Drugs and Alcoholism, and has joined other concerned colleagues in the Senate in efforts to combat alcohol and drug abuse.

Recently, Senator QUAYLE appeared as a guest newspaper columnist, and I would like to request unanimous consent that his comments on substance abuse be inserted in the RECORD.

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

JOIN FIGHT AGAINST DRUG, ALCOHOL ABUSE

(Editor's Note: The youngest U.S. Senator ever elected to represent Indiana, Dan Quayle at midterm already has a major piece of enacted legislation to his credit, and he has been in the forefront of Congressional efforts to reduce the federal deficit, simplify the U.S. tax code and contain spiraling health care costs. He has also worked to win Indiana a fairer portion of the federal dollar. Quayle is the third-ranking Republican on the Labor Committee and chairs its Subcommittee on Employment and Productivity. He also served on the Labor Subcommittee on Alcoholism and Drug Abuse and has sponsored the VOLS program in Indianapolis—for Voluntarism: Opportunities for Leadership and Service. As a member of the Labor Subcommittee on Education, Arts and Humanities, Quayle has sponsored legislation to reauthorize the Adult Education Act, a major weapon in the fight against illiteracy. He serves on the Armed Services Subcommittees on Military Construction, on Sea Power and Force Projection and on Strategic and Theater Nuclear Forces. Quayle and his wife, the former Marilyn Tucker of Indianapolis, have three children.)

Today the number one killer of 16- to 24-year olds is drunk driving. Each year thousands of young lives are lost needlessly to alcohol and drugs, and those numbers are growing. It is a national tragedy that requires immediate action, and here in Indiana, we are confronting the problem head on.

As chairman of the Senate Labor and Human Resources Subcommittee on Employment and Productivity and as a member of the Subcommittee on Family, Children, Drugs and Alcoholism, I am painfully aware of the severity of this growing problem. Alcohol and drug abuse poses serious, often

permanent risk to an individual's mental and physical health. It also alters and impairs one's ability to function in a productive capacity in the workplace. That's not to mention the tragic effect it has on families and friends.

There is a grave need for increased public awareness of the risks and effects of substance abuse and, as importantly, where to get help for alcohol and drug problems.

In response, for the last four school years in a row, I have sponsored the VOLS Conference (for Voluntarism Opportunities for Leadership and Service) for Indiana's high school students. The goal of my VOLS Conference is to show students from all across our State how they too can get involved in efforts to help rid their communities and schools of alcohol and drug abuse.

The only way we can effectively fight against alcohol and drug abuse is if all of us pitch in to do our part. More public awareness and greater involvement is the key to prevention.* * * Many individuals, companies and organizations in Indiana donate their time, expertise, resources and facilities for my VOLS Conferences each year. This spirit of voluntarism on behalf of their fellow citizens in order to make their communities better places in which to live, have made my VOLS Conferences possible and successful.

Since I held my first VOLS Conference in 1981, other worthwhile community organizations and projects have been developed to address these needs. In 1982, students at Center Grove High School in Johnson County launched the first Students Against Drunk Driving (SADD) chapter in Indiana, and since then, they have sponsored substance abuse awareness programs involving other high schools in our State. The Governor's Task Force to Reduce Drunk Driving was also formed in 1982, and last summer I was proud to join with them in sponsoring the first annual Hoosier's Against Drunk Driving (HADD) Conference for Indiana high school students.

Ultimately, the success of these initiatives depends on the diligence of our high school students who must put the knowledge and perspective gained at these Conferences to good use by working with their peers in anti-substance abuse volunteer programs in their local communities.

My VOLS Conference and other related programs are steps in the right direction, but more still needs to be done. I am cosponsor of legislation which would designate the week of December 15 through 21, 1985, as "National Drunk and Drugged Driving Awareness Week." For the past three years during this week, hundreds of individuals throughout this country have participated in programs and activities aimed at increasing public awareness to the dangers of driving while under the influence of alcohol and/or drugs. They have included proclamations by state and local officials, improved drunk driving laws, implementation of dial-a-ride programs, establishment of task forces and anti-substance abuse campaigns and increased enforcement efforts. In addition, we have seen recently more attention being aid to alcohol and drug abuse in television and radio public service announcements and newspaper and magazine advertisements. All of these contributions to greater public awareness will help to make the difference.

The young people today represent the leaders of tomorrow. We cannot risk the future of America by ignoring the alarming and persistent problem of alcoholism and drug abuse. We must all pitch in the fight against substance abuse—for their sakes and ours.

S. 1654—PENALTIES TO BE IMPOSED ON CONVICTED SPIES

Mr. STEVENS. Mr. President, several measures have been introduced in Congress which respond to the serious problem of treasonous espionage. Today I am introducing an additional proposal which is aimed at the prime motivation for the majority of these crimes. It would force the forfeiture of the proceeds from acts of espionage. In addition, it would offer a reward for providing information to stop espionage.

The recent rash of cases in which individuals were apprehended for selling secrets has brought this problem before the public eye. This focus of attention has helped us to address the problem and to look for ways to bring it under control. The systems which provide security for our Nation, however, are very complex. Therefore, plugging the holes which let information slip out requires a response on several levels. What I am proposing today responds to the most basic motivation for this crime. By denying perpetrators the profits of their infamy we can knock the legs out from under espionage.

There are three parts to this legislation. The first requires the forfeiture of all proceeds resulting from commission of any espionage felony. Existing law allows the same treatment for the proceeds resulting from illegal activity by drug dealers and other racketeers. The second extends forfeiture to any proceeds resulting from publication of the stories of convicted spies, or productions based upon their crimes. Existing law provides the same for Federal felonies involving physical harm to victims. The final provision establishes rewards for information leading to the arrest and conviction of spies. The maximum award is $100,000; any amount over $10,000 must be approved at the highest level of the Justice Department.

It is my hope that we may move quickly on this proposal. The language of this legislation has already been reviewed and approved by the Justice Department. It is drafted to conform with similar provisions of existing statutes. I am happy to say that several of my colleagues have joined me in sponsoring this bill. There can be no more appropriate step in our effort to combat espionage. It is the logical response to the sale of our national security. If we can take away the lure of profit, we strike at the heart of the problem.

Mr. President, I ask unanimous consent that the name of Mr. ZORINSKY be added as a cosponsor.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 794 of title 18, United States Code, is amended by inserting at the end thereof the following:

"(d)(1) Any person convicted of a violation of this section or of any other felony in violation of the provisions of this chapter shall forfeit to the United States any money or other property involved in or obtained as a result of such a violation, any money or other property, real or personal, which represents the proceeds of or which is traceable to such money or property, and any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violation.

"(2) In any case in which money or property subject to forfeiture under this subsection, as a result of any act or omission of the defendant—

"(A) cannot be located upon the exercise of due diligence;

"(B) has been transferred or sold to, or deposited with a third party;

"(C) has been placed beyond the jurisdiction of the court;

"(D) has been substantially diminished in value; or

"(E) has been commingled with other property which cannot be divided without difficulty;

the person shall forfeit to the United States any other property up to the value of the property described in this subsection.

"(3) The court, in imposing sentence on a person for a conviction of a violation of this section or of any other felony in violation of this chapter, shall order that the person forfeit to the United States all property described in paragraph (1) or (2) of this subsection.

"(4) The provisions of subsections 413 (c) and (e) through (o) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 [21 U.S.C. 853 (c) and (e)—(o)] shall apply to property subject to forfeiture under this subsection, to any seizure or disposition thereof, and to any administrative or judicial proceeding in relation thereto, if not inconsistent with this subsection.

"(e)(1) Upon motion of the United States Attorney made at any time after conviction of a person for an offense under this section or for any other felony in violation of this chapter, and after notice to any interested party, the court shall, if the court determines that the interest of justice so requires, order such person to forfeit to the United States all or any part of proceeds received or to be received by the person, or by a transferee of that person, from a contract relating to the depiction of such offense in a movie, book, newspaper, magazine, radio or television production, or live entertainment or presentation of any kind, or an expression of the person's thoughts opinions, or emotions regarding such offense.

"(2) An order issued under this subsection shall require that any other person with whom the person convicted of such an offense contracts pay to the Attorney General

any proceeds due under such a contract to the person so convicted.

"(3) Proceeds paid to the Attorney General under this subsection shall be paid into the general fund of the Treasury of the United States.

"(4) As used in this subsection, the term "interested party" includes the defendant, any transferee of proceeds due to the defendant under the contract referred to in paragraph (1), and any person with whom the defendant has so contracted.

"(f)(1) The Attorney General of the United States, at his discretion, is authorized to pay an amount not to exceed $100,000 as a reward for information—

"(A) leading to the arrest or conviction of any person for the commission of a felony in violation of this chapter or for a conspiracy or attempt to commit a felony; or

"(B) leading to the prevention, frustration, or mitigation of the effect of a felony in violation of this chapter.

"(2) The Attorney General or his delegate shall determine whether an individual furnishing information described in paragraph (1) is entitled to a reward under this section and the amount to be paid, except that the authority to pay a reward of $10,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, or the Director of the Federal Bureau of Investigation. A determination made by the Attorney General or his delegate under this subsection shall be final and conclusive, and no court shall have jurisdiction or power to review it.

"(3) No officer or employee of the United States or of any State or local government who, while in the performance of his or her official duties, furnishes the information described in paragraph (1) shall be eligible for a reward under this subsection.

"(4) There are authorized to be appropriated such sums as are necessary for the payment of rewards under this subsection."

COUNTERESPIONAGE LEGISLATION

Mr. MURKOWSKI. Mr. President, the satisfaction I feel today in joining with my colleague from Alaska, Senator TED STEVENS, as a cosponsor of this counterespionage legislation is bittersweet indeed.

It is, of course, a pleasure to work in concert with Senator STEVENS on an issue of critical importance to our national security. As chairman of the Defense Appropriations Subcommittee, Senator STEVENS is well aware of the costly consequences of espionage activities conducted against the United States. For my part, I have viewed the damage resulting from spying from my vantage point as a member of the Select Committee on Intelligence.

The step we are taking today is bitter because it reflects the fact that there continues to exist a small element of American citizens who are willing and prepared to spy for foreign governments and compromise the security of our country. The existence of such individuals is severely compounded by the espionage-related activities of foreign agents—particularly those from the Soviet Union—operating within the United States.

As has been pointed out by Senator STEVENS in his introductory remarks, the legislation we are introducing today is intended to deny to the perpetrators of espionage the financial benefits they might otherwise expect to gain. The legislation includes three specific proposals:

First, it requires that convicted spies forfeit all proceeds from their espionage activities; second, it also requires that any proceeds from publication or television rights to the story or interviews of convicted spies be forfeited; and third, it provides for the establishment of a new fund to reward those whose information leads to the arrest and conviction of spies.

The attention of the American people to the problem of espionage has been heightened greatly in the wake of the Walker case involving charges that several members of this family had spied for the Soviet Union for some 20 years. The recent action of Great Britain in expelling 25 Russian citizens on the charge that they had engaged in espionage activity has served to underscore the real and present threat posed by foreign agents.

The Reagan administration and the Congress have taken this challenge to heart, and have begun to address the problem in the tough, no-nonsense fashion it deserves. The Senate Intelligence Committee, for example, is conducting a comprehensive review of the Soviet intelligence threat and United States counterintelligence and security programs. The committee has been responsible for promoting legislation that calls for numerical equivalence between United States and Soviet Embassy personnel—Cohen-Leahy amendment—and imposes travel restrictions on certain U.N. Secretariat employees—Roth amendment.

In addition, I was cosponsor of a proposal by Senators DURENBERGER and LEAHY to add funds to enhance security countermeasures at U.S. Embassies and other facilities abroad. A number of other initiatives affecting security clearances, and an expanded polygraph program for Defense Department personnel working on highly sensitive programs have been enacted by Congress.

The proposal that is made here today by Senator STEVENS adds a useful and necessary component to this package of counterespionage legislation. I strongly support its adoption, and I am confident that it will receive the bipartisan endorsement of the Senate that it deserves.

Mr. DOMENICI. Mr. President, the recent revelations of major spy rings operating in this country has given pause to everyone who is concerned about the security of the United States. These spies have made this country more vulnerable to the menace of foreign powers who are opposed to our way of life and the principles for which we stand. They have endangered the safety of every person in this country. While not expressing any personal opinion about the merits of any pending criminal cases, I hope that our judicial system deals severely with any individual who is found to have violated the antiespionage laws of this country.

The question that pops up in every one of these cases is "Why did they betray their country?" Many of the individuals involved are people who appeared to have a distinguished record of service to this Nation or who expressed a deep sense of patriotism to the United States. These people are not inspired by ideology to betray their country. Mr. President, I would suggest to my colleagues that greed, pure and simple, is the motive. These people are driven by their desire for money to commit treason against the United States. To counter this desire, we must take the profit out of espionage.

In order to ensure that spies are prevented from enjoying the benefits of their ill-gotten proceeds of espionage activities, I am joining the distinguished Senator from Alaska [Mr. STEVENS] in introducing a bill to force convicted spies to forfeit all proceeds from their espionage activities to the Federal Government. Any of the spy's property that was used to commit espionage also would be forfeited. Similar statutes apply to drug dealers and other racketeers. It seems logical, therefore, that we would subject spies, who represent just as serious a threat to our Nation, to the same penalty.

This bill also would permit a court to order that any money paid to a convicted spy for the rights to his story or speaking engagements be forfeited to the Government. This would prevent a convicted spy from getting rich by selling the book rights or television rights to his story or by charging a fee for interviews. A similar Federal law applies to other Federal felonies involving physical harm to victims. Many States also have laws which prevent persons convicted of violent crimes from profiting from the sale of the rights to their story. Not only will this provision help remove the profit from espionage, it also will take some of the "celebrity" out of spying.

Finally, this bill will assist law enforcement agencies in identifying and locating persons involved in espionage by authorizing the Attorney General of the United States to pay a reward of up to $100,000 to private citizens who provide information which leads to the arrest or conviction of spies or to the thwarting of espionage activities. The Customs Service has a similar provision to combat smugglers, and many States and localities have followed the lead provided by Albuquerque, NM, in establishing crime stoppers programs, which offer rewards

for information leading to the apprehension of a wide variety of criminals. The rewards that this program would offer are certainly far less than the cost of espionage activity to the United States.

We must put a stop to espionage activity in this country. The first step in that effort must be to take away the motive for spying. We must ensure that spying doesn't pay. The Senate now has a bill before it that does exactly that. I hope that we can act on this bill quickly, and I encourage all of my colleagues to support this bill.

DAVE BRODY: MAKING MATCHES MEANS ACCESS

Mr. MATHIAS. Mr. President, over the years many Senators have benefited from the advice and counsel of David Brody, the Washington representative of the Anti-Defamation League of B'nai B'rith. I know that many of my colleagues share the respect and affection I feel for this knowledgeable and experienced advocate, not only for American Jewish concerns, but also for civil rights, civil liberties, and the other qualities that characterize the highest values in American life.

An article in the September 14 edition of the National Journal spotlights one of the reasons why Dave Brody has been such an effective legislative representative for more than three decades. Entitled "Making Matches Means Access," the article by Dick Kirschten discusses Dave's role as a facilitator or catalytic force, bringing together people who ought to know one another. Long before network became a verb, Dave Brody was networking, and he continues to do so even today.

Mr. President, in order to share with my colleagues this short essay on one of Washington's remarkable men, I ask unanimous consent that the article "Making Matches Means Access" be printed in the RECORD at this point.

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

MAKING MATCHES MEANS ACCESS

Most Washington lobbyists boast about having connections. David A. Brody takes pride in making them.

The veteran Washington representative of the B'nai B'rith Anti-Defamation League is an inveterate matchmaker who wends his way through the capital's power circles on the lookout for people who ought to know one another.

No sooner do his antennae pick up a nugget of conversational information about somebody's past or present interests than the next words out of his mouth are invariably, "I'd like to put you together with. . . ."

The very next day, if not later the same day, Brody will be on the telephone proposing a luncheon involving himself and the two people he wants to bring together. Invariably, they are people who would have gotten together on their own at some point but, as Brody said in an interview, he finds that it advances his long-term interests if he can be the "facilitator or catalytic force."

"I do it so that the two people will know each other, so they will not be strangers when they need to deal with one another. Both parties usually welcome it," he explained. Those involved may run the gamut from Members of Congress, White House aides and ambassadors to reporters, fund raisers and constituents.

Twenty years at his job has taught Brody that at some point, his gestures of good will are likely to be returned in some form. "It's not so much that people are beholden to me, as it's a matter of providing greater access for me," he said, stressing the golden word of the lobbyist's trade—access.

The autographed pictures on the wall of Brody's office attest to his success in gaining access at the very highest levels. They also attest to his skill at hearing what people say and sensing what makes them tick and what their current concerns are.

"In this town, so many peole talk rather than listen," explained Brody, giving away a major secret of his success. It also helps to be quick-witted enough to put information to immediate use. "If I happen to be in a Member's office and a name comes up, we'll often set up a lunch right then."

Brody is constantly on the lookout for likely connections, two Members of Congress who haven't met each other yet, a reporter who is starting out on a project involving principals he hasn't met, new arrivals at the Israeli Embassy who need to meet the people they will be dealing with in Washington.

"It's just a matter of having almost an intuitive sense about people's needs," Brody said. "I guess it is just a matter of knowing how to relate to people. I will occasionally bring Members of Congress together whose views may be divergent. In bringing them together, they find that they are able to work together on other issues."

Those other issues, with luck, may turn out at some point to be the very ones upon which Brody is lobbying. And, even if their votes do not always go his way, Brody at least gets a chance to have his say. In 1981, when Congress approved the sale of military aircraft to Saudi Arabia, Brody recalled, "a number of good friends of mine voted for the sale, but I still had the opportunity to sit down and talk to the principal—to the man who cast the vote."

That statement is also revealing. In lobbying, as in matchmaking, the permanence of relationships is important. Accordingly, significance attaches to Brody's reference to "good friends" who voted against his position. They still are his good friends, and maybe next time they will be with him.

Besides putting his lunch hour to regular use, Brody and his wife, Bea, entertain at their home, throwing dinner parties that may bring anywhere from a dozen to three dozen Washington notables together to trade information and get to know one another better.

"From time to time, press people are invited to my parties at home as friends," Brody explained. What goes on is not intended for publication, Body noted, but it is recognized "a reporter may pick something up at a party." But, he added, "the story won't be that I had that group of people to dinner."

Brody added that he has never hesitated to bring politicians and journalists together in a social setting. "I don't draw any lines," he said. "When I find it useful to play that catalytic role, I do it." With reference to the politicians, he observed, "I think they welcome the opportunity too, otherwise they wouldn't agree to it."

To the best of his recollection, Brody over the years has never become a matchmaker in the romantic sense. He says that he knows of no marriages that have resulted between people he has brought together and quickly adds in a businesslike tone that "if it has happened, that would not be the purpose that the meeting started out with."

There is more than a bit of a Horatio Alger aspect to Brody's career. The man who now wines, dines and facilitates friendships among the high and mighty started out in life as the son of an immigrant garment worker who entered this country through Ellis Island. He grew up in Brooklyn, attended public schools and ended up studying law at Columbia University on a scholarship. He came to Washington in 1940 to work as a lawyer for the government and has been with the Anti-Defamation League since 1949.

Brody said he has developed his skills as a lobbyist-social connecter as he has gone along. "I like to say that the things I do, I never learned in law school." Nonetheless, the 69-year-old lobbyist makes it clear that he enjoys what he does. "I have no plans to retire," he said.

The matchmaker is obviously well matched to his calling.—Dick Kirschten

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, it is my hope that we can move ahead with the immigration bill. As I understand, the distinguished Senator from Illinois has an amendment that deals with immigration. He is on his way to the floor. I hope we can dispose of that.

Hopefully, the distinguished Senator from Pennsylvania [Mr. HEINZ], will agree to postpone consideration of his amendment until some future time. It would not in any way jeopardize his right to pursue it on the debt ceiling bill or anywhere else. We could finish action on the immigration bill in the early afternoon and then turn back to the Superfund legislation. Perhaps we can do the D.C. appropriations bill this evening. Keep in mind that we will recess early in the evening, probably around 6 o'clock.

As I understand, that is the only other immigration amendment outstanding. We will be in contact with Senator HEINZ to see if he will postpone consideration of his Social Security amendment, which does not belong on the immigration bill in the first instance. If he will do that, I think those on the other side might be willing to postpone their amendments until some future time.

Mr. SIMPSON. Mr. President, I thank the leader. He has accommodated me in every instance, as well as the Democratic leader, with regard to immigration reform. Anyone who follows the legislative process knows that after a 4½-day debate of a bill, especially with some amendments which have been well fought and well thought and controversial, that if we

leave a bill like that without any time limits or without any further attempts at adept and adroit dabbling, we will pay a dear price for it. It is tenuous enough as it is.

I have suggested to Senator HEINZ that he place his amendment on a separate piece of legislation with a certainty that it will be offered on that piece of legislation and not on the Immigration Reform and Control Act. As a reasonable person, I hope he will consider that.

I see there is one more amendment, as I gather, and then some technical amendments with another colloquy. That would be about the extent of the Immigration Reform and Control Act and, in one way or another, we can get to some type of vote on final passage.

There is no question but what the stumbling block is the Heinz amendment. We ought to put it where it ought to be and not somewhere else.

The PRESIDING OFFICER. Does the Senator wish to have the bill brought before the Senate and have the clerk report at this time?

Mr. SIMPSON. Mr. President, I think for purposes of meeting the order of yesterday, we should put the bill before the body.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

IMMIGRATION REFORM AND CONTROL ACT OF 1985

The PRESIDING OFFICER. The Senate will now resume consideration of the unfinished business, S. 1200, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1200) to amend the Immigration and Nationality Act to effectively control the unauthorized immigration to the United States, and for other purposes.

The Senate resumed consideration of the bill.

Pending: Heinz Amendment No. 623 (to Hawkins Amendment No. 622), of a perfecting nature, to express the sense of the Senate regarding the separation of Social Security Trust Funds from the Unified Federal Budget.

Mr. KENNEDY. Mr. President, I have just listened to the majority leader, who has now left the Chamber, and also my friend, the floor manager of the bill.

I know that the Senator from Illinois [Mr. SIMON], was prepared to offer this amendment earlier in the day. When we came back, we were supposed to address the immigration bill at 11 o'clock. There had to be some understanding to set aside the pending amendment, some understanding with the principle sponsor of that amendment, the Senator from Pennsylvania.

At this point, I want to indicate, however, both to the majority leader and the floor manager, that I would not be prepared to entertain any consent agreement that the amendment of the Senator from Illinois is going to be the final amendment on the immigration bill. We did see a very dramatic alteration and change in this legislation late yesterday afternoon.

I spelled out during the debate on the amendment of the Senator from California my concerns about the amendment and what it would do to the thrust of this legislative proposal.

I want to make the record very clear that this may very well not be the end of the discussion concerning the amendment of the Senator from California. I did not, by my silence, want to indicate my accord with the observation of the majority leader or the floor manager.

I am quite prepared to see the beginning of debate on the Simon amendment. I have been here now for about 1½ hours waiting to go ahead. I just want to have it understood by the Membership that the Senator from Illinois was prepared much earlier to address this issue. It is not delay on his part that we are addressing it well after the hour we were supposed to be debating the immigration bill.

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

The PRESIDING OFFICER (Mr. STAFFORD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I ask unanimous consent that notwithstanding the Pastore rule, I be permitted to speak out of order.

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

U.S. TRADE POLICY

Mr. BYRD. Mr. President, last night, I listened to the President's remarks about the trade crisis. Of course, the President did not describe it as a crisis. It is easy to understand that no President wants to describe the whole of international economic policy under his administration as being in a state of crisis. What did concern me was his description of the current situation. He said that there was "a false impression that a trade imbalance means we are a debtor nation."

He went on to echo comments made in an interview yesterday by Labor Secretary Brock. The Secretary and the President both seemed to praise the fact that for the first time since 1918, we are now a debtor nation. They said this was a healthy sign of foreign confidence in the American economy.

The President began to describe the statistical "errors" that lead some people to fret about the trade deficit, but he quickly concluded that there were "a lot of technical things" that we need not go into that obscured the picture. In fact, he pointed out that the United States had been running a trade deficit from 1790 to 1875 and that positive trade balances and American surpluses were something of a recent fluke.

Well, these are alarming assertions. I have great respect for the President and I believe that he is unquestionably sincere, but I must say that I was shocked at the extent to which his remarks on trade betray a failure to appreciate the fundamental challenge that we face in the international market. I am concerned that the President does not appear to appreciate some of the guiding precepts that determine that market.

The trade deficit and the balance of payments are necessarily related. Why are foreigners investing in the United States at record rates to the extent that they now own more assets in this country than we own abroad? Very simply, they are attracted by high interest rates caused in part by the Federal deficit and they have plenty of dollars to spend in buying American obligations precisely because of that trade deficit.

The President is fond of reminiscing, and I would encourage him to remember back just 10 years ago, when the price of oil was putting billions of American dollars into the hands of foreign oil barons. What did they do with that money? The best place for them to spend dollars was where they got them, so they bought American debt and invested their money here. Now everyone else has benefited from our $123 billion trade deficit and many foreigners hold dollars, so they come back to this country with dollars that they earned by selling us their goods, and they loan us our own dollars to pay the debts we have incurred.

Mr. President, let us see if we can clarify this situation, as to why this is different from the early years of our republic. In the period the President mentioned, before the industrial revolution, we were like any developing nation—we were spending more than we earned to grow. We borrowed and bought foreign goods and services because we were growing—because we were building the great industrial nation we have today. But the trade deficit now is structurally different. Today, we buy foreign goods because American products are made too costly by an overvalued dollar, and we borrow foreign captial—not to build new factories and create new jobs—but to pay off the record deficits that have

accumulated under this administration.

In fact, President Reagan, the trade numbers and the balance of payments do give an accurate picture. For the past 5 years President Reagan has not made a major address on trade policy. Some of us have been concerned that the administration did not have a trade policy. But last night I learned that the truth is even worse—this administration and this President do not even believe there is a problem.

The President used the term "protectionism" any number of times last night. But there was another phrase he totally omitted. That was the phrase, "national security." Despite repeated questions about trade policy, he never once associated international economic security with national security. He said absolutely nothing that would indicate that he sees a necessary connection between our strength in the international market and our strength and security as a nation. He did say that he would avoid a "mindless stampede toward protectionism." And he did say he supported a new round of trade talks.

Is that all there is? Is that all the administration's policy amounts to? What does that mean for America's basic industry? At a time when the trade deficit could exceed $150 billion this year, is this the administration's program for assuring a world-class American economy?

Last year I warned that this administration's policies were doing what two world wars and a depression could not do—they were making America into a debtor nation. Now we have achieved that dubious status—the administration's own economists tell us that we are in hock to the rest of the world. We are exporting jobs at the rate of 25,000 for every $1 billion of the trade deficit. The President feels that these problems are completely unrelated, and he says nothing about how these developments threaten our economic security.

Last week, when rumors flew about the administration's belated efforts to develop a trade policy, I was glad, and I am sure we all were, to welcome the President to this vital issue. He has been absent from the trade policy debate for 5 years, and I was hopeful that we could begin to work together in a bipartisan way—traditional in the formation of trade and international policy in this country—to do what was best.

But last night's statement leave me no doubt that the administration has not yet come to the trade debate. They do not seem even to understand the terms of that debate, and they do not seem to understand that we neither have free trade nor fair trade. We keep hearing all of this business about "protectionist" legislation, and "protectionism." Well, Mr. President, if being protectionist means that we are trying to protect American jobs, American workers, and American industries, to keep those jobs from being exported abroad and also to keep this Nation secure from the standpoint of its military security, then "protectionism" is not too bad a word.

I am concerned about American jobs, I am concerned about the national security of this country, and I am concerned about the economic security. But if fighting to protect American jobs from unfair trade practices that are already and have long been in vogue in some of our other trading countries is "protectionism," then, good, call me a protectionist. That is fine. That is not a bad word in my lexicon. So, some may say that I am a protectionist. I am interested in free trade, I am interested in fair trade and we are not getting either—neither free trade nor fair trade.

And as to the shiboleth that, if we do this or we do that to protect certain American industries from extinction we will initiate a trade war and there will be retaliation, leaves me cold, just dead cold. We are already in a trade war. We have been in such a war for a long time. We are told that if we act to protect American workers in our heavy industries there will be retaliation and a trade war. Well, if we are going to listen to that argument and believe it, then we are blind to the fact that our trading partners have already been bleeding us to death.

That is exactly what is wrong now in part. Certain other countries are engaging in trade practices that are unfair, and that is a major reason why we are going to have a $150-billion trade deficit this year, and why we had a $123-billion trade deficit last year. The war has been going on. Cannon have already been firing to the right and to the left of us and we have been riding into the valley, not with "the 600" but with losses of millions of jobs of American workers.

I think we have to consider defending ourselves, defending our own workers, defending our own industries. Look at what has happened to the steel industry, the ferroalloy industry, the glass industry, the leather goods industry. Oh, I know we are selling more hamburgers than ever before, and we are gaining in service jobs. That is fine and I hope we can continue to gain in the service sector. I want us to continue to export goods, but we cannot build battleships and aircraft carriers and M-1 tanks and missiles and armored vehicles with hamburgers. We have to have steel. We must not let ourselves become dependent on other countries for the steel that this country might need in an emergency of general mobilization.

So I do not cast aspersions upon the service industries. We want all U.S. industries to grow, but this country under this administration has put at the fore of its interests and concerns that which we call national security, national defense. And there are several first lines of national defense. One is the education of our young people. Another is "protection"—I will use that bad word. I will not attempt to clean up the record to remove it, however—protection of our basic heavy industries if we are going to continue to be a superpower. We are just kidding ourselves; we are not having fair trade, and we are not having free trade. Perhaps it is a one-way street. Perhaps some of the other countries are enjoying free trade but they are also engaging in unfair trade practices toward the United States.

Apparently nobody can get the ear of this administration on this matter. I have said these things to the President when sitting right across the table from him at the same time the distinguished Senator from South Carolina raised the question of textile imports and what is happening to our textile industry.

I brought up the subject of ferroalloys, for example. Nobody at the White House seems to know what I am talking about. The Secretary of the Treasury does know; he listened very carefully to my concerns one day in my office. I know that my message got through to him and he has also expressed concern.

I close by saying again I was very disappointed in what the President said last night. I want fair trade. I want free trade. I want all of these things, but we are not getting them. If we do not hear the cannon shots that are whistling over our heads and landing in the Waterloo field of bankruptcy and destruction of our basic industries in this country, then we are very hard of hearing. We all should get hearing aids. That might help just a little bit—especially if the administration will also do so.

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

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

ORDER OF PROCEDURE

SUPERFUND IMPROVEMENT ACT OF 1985

Mr. STAFFORD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 51, Superfund, for a period not to extend beyond the hour of 2:30 today.

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

IMMIGRATION REFORM AND CONTROL ACT OF 1985

Mr. STAFFORD. I further ask unanimous consent that at the hour of 2:30, the Senate resume consideration of S. 1200, the immigration bill, that there be 1 hour of debate on the Simon amendment sunsetting the Wilson agricultural provisions, that it be equally divided, and that no amendments be in order to the Simon amendment.

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

Mr. STAFFORD. Finally, Mr. President, I ask unanimous consent that following the conclusion or yielding back of time on the Simon amendment the Senate proceed to a vote in relation to the Simon amendment.

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

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

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

SUPERFUND IMPROVEMENT ACT OF 1985

The Senate resumed consideration of the bill, S. 51.

Pending: Amendment No. 633 by Mr. Stafford and Mr. Bentsen to provide an alternative way through which companies may obtain pollution liability insurance.

Mr. STAFFORD. Mr. President, it is the recollection of the Senator from Vermont that the last item of business in front of the Senate in connection with the so-called Superfund legislation yesterday was an amendment to the pending bill which had been offered by the Senator from Vermont for himself and the Senator from Texas [Mr. BENTSEN], the ranking member of the committee.

The PRESIDING OFFICER (Mr. COHEN). The Senator is correct.

Mr. STAFFORD. My recollection is that that amendment had been stated and is the pending business.

The PRESIDING OFFICER. The Senator is correct.

Mr. STAFFORD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STAFFORD. It is the understanding of the Senator from Vermont that by unanimous consent he could, for Mr. KASTEN and others, offer a second-degree amendment to the pending amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO 635

(Purpose: To clarify that the activities of pollution liability risk retention groups are limited to coverage of pollution liability risks)

Mr. STAFFORD. In that event, Mr. President, I send an amendment to the desk that I am offering for Mr. KASTEN, Mr. DANFORTH, and Mr. HOLLINGS as a second-degree amendment to the pending amendment. I ask unanimous consent that it be stated and that it be considered at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. STAFFORD] for Mr. KASTEN, Mr. DANFORTH, and Mr. HOLLINGS, proposes an amendment numbered 635 to amendment numbered 633.

Further amend by inserting "(c)" at the end of Section 402 and adding a new subsection as follows:

"(c) The authority to offer or to provide insurance under this title shall be limited to coverage of pollution liability risks and this title does not authorize a risk retention group or purchasing group to provide coverage of any other line of insurance."

Mr. STAFFORD. Mr. President, the amendment that has been offered by me for the Senator from Wisconsin [Mr. KASTEN] and others involves insurance matters traditionally within the jurisdiction of the Senate Commerce Committee. That is the reason why, in this instance, I have offered that amendment on behalf of Senator KASTEN and his colleagues.

● Mr. KASTEN. Mr. President, the amendment offered by the distinguished Senator from Vermont [Mr. STAFFORD] and cosponsored by the distinguished Senator from Texas [Mr. BENTSEN] authorizes the establishment of pollution liability risk retention groups. This amendment involves insurance matters traditionally within the jurisdiction of the Senate Commerce Committee. It utilizes the principles of the Product Liability Risk Retention Act, which I introduced with Senator PACKWOOD, and which was enacted into law in 1981, after being reported by the Commerce Committee.

As a consequence, I have reviewed this amendment, along with other members of the Commerce Committee, and I rise today to support this proposal, as well as to express the support of my colleagues, Senator DANFORTH, the chairman of the Commerce Committee, and Senator HOLLINGS, the ranking minority member of the committee. While recognizing this as a matter of Commerce Committee jurisdiction, we think this amendment makes sense. We recognize that pollution liability insurance is becoming increasingly difficult to obtain, and we think that utilization of the principles of the Product Liability Risk Retention Act is a sound approach to this problem.

However, during our review of this proposal, the concern was expressed to us that the authority granted under the amendment could be abused and that groups might attempt to offer automobile, life, or other lines of insurance not related to insuring pollution liability risks. Although we are sure that the sponsors of this amendment did not intend any such loophole, and we do not think the language of amendment No. 225 would permit offering other lines of insurance Senator DANFORTH, Senator HOLLINGS, and I would like to propose a perfecting amendment to avoid any ambiguity regarding the scope of the authority granted under this amendment.

This clarifying amendment simply provides:

The authority to offer or to provide insurance under this title shall be limited to coverage of pollution liability risks and this title does not authorize a risk retention group or a purchasing group to provide coverage of any other line of insurance.

The purpose of this amendment is only to reenforce the intent of this proposal: that the activities of a pollution liability risk retention group are to be limited to coverage of pollution liability risks. This amendment will assure that this authority is not used to avoid State regulation of the sale of automobile, life, accident and health, or other lines of insurance to group members or to the public.●

Mr. STAFFORD. Mr. President, I am pleased to accept the clarifying amendment offered by the Senator from Wisconsin.

He is correct in stating that our intent regarding this amendment was to limit its authority to the coverage of pollution liability risks. I think the text and structure of the amendment already limits the authority of a pollution liability risk retention group to coverage of only pollution liability risks, but I am pleased to accept this clarifying amendment so that its scope is unambiguous. It is clearly not intended to authorize anyone to offer automobile, life, or health insurance to the public; it is limited solely to the coverage of pollution liability risks. The clarifying language will make its scope crystal clear.

Mr. President, for the majority, I am prepared to accept the Kasten amendment which I have offered to the amendment which Senator BENTSEN and I have proposed to the Senate.

Mr. BENTSEN. Mr. President, for the minority, I think the Senator's amendment is a good one. What it does in effect is help protect the jurisdiction of the Commerce Committee and limit the liability here to pollution

liability risks. We have no objection to the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

Mr. SYMMS. Mr. President, will the Senator yield for a question?

Mr. STAFFORD. Yes.

Mr. SYMMS. Does this amendment speak anything to the problem of what happens after the fact? In other words, let us say that somebody goes and takes over and cleans up a site. Then it passes specifications.

Mr. STAFFORD. Maybe I could explain briefly what the amendment does.

Mr. SYMMS. That would be great.

Mr. STAFFORD. What the amendment proposes to do, because it is getting to be so difficult for those who are engaged in the business of cleaning up dump sites to get insurance, is allow those who are engaged in dump site cleanup as contractors to coinsure themselves if they want to and if there are enough of them to band together to do that. It does not allow them to get into the business of insurance in any way or to go beyond their own operations. What it is designed to do is give them some protection against lawsuits against themselves by banding together in a group to coinsure each other.

Mr. SYMMS. It does not have any liability limitation?

Mr. STAFFORD. No, Mr. President.

Mr. SYMMS. That will be addressed in another amendment.

Mr. STAFFORD. That is true.

Mr. BENTSEN. Mr. President, all it does is allow banding together to insure in a business that cannot buy insurance.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 635) was agreed to.

Mr. STAFFORD. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STAFFORD. Mr. President, I know of no further desire on the part of Members to debate the main amendment (No. 633).

I am prepared to have the Chair put the main amendment before the Senate.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 633) was agreed to.

Mr. BENTSEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 636

(Purpose: To require a study of and report on the sources and extent of lead poisoning in children from environmental sources)

Mr. WEICKER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 51.

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask that it be immediately considered.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Connecticut [Mr. WEICKER] proposes an amendment numbered 636.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

S. 51 is amended by adding on page 84, before line 15, a new subsection as follows:

"(f) The Administrator of the Agency for Toxic Substances and Disease Registry shall, in consultation with the Administrator of the Environmental Protection Agency and other officials as appropriate, not later than March 1, 1986, submit to the Committee on Environment and Public Works of the U.S. Senate and the Committee on Energy and Commerce of the U.S. House of Representatives, a report on the nature and extent of lead poisoning in children from environmental sources. Such report shall include, at a minimum, the following information:

(1) An estimate of the total number of children, arrayed according to Standard Metropolitan Statistical Area or other appropriate geographic unit, exposed to environmental sources of lead at concentrations sufficient to cause adverse health effects;

(2) An estimate of the total number of children exposed to environmental sources of lead arrayed according to source or source types;

(3) A statement of the long term consequences for public health of unabated exposures to environmental sources of lead and including but not limited to, diminution in intelligence, increases in morbidity and mortality; and

(4) Methods and alternatives available for reducing exposures of children to environmental sources of lead.

Such report shall also score and evaluate specific sites at which children are known to be exposed to environmental sources of lead due to releases, utilizing the Hazard Ranking System of the National Priorities List.

The costs of preparing and submitting the report required by this section shall be borne by the Hazardous Substances Response Fund."

Mr. WEICKER. Mr. President, I rise today to offer this amendment to S. 51, the reauthorization of the Environmental Protection Agency's Superfund Program.

Lead poisoning of children has been recognized as a threat to the Nation's health for decades. Yet exposure to lead is still the most prevalent and preventable of childhood health problems. A survey conducted between 1976 and 1980 found that 675,000 children between the ages of 6 months and 5 years have concentrations of lead in their bodies in excess of toxic levels defined by the Centers for Diseases Control.

Scenes of comatose and physically impaired children poisoned by lead after eating paint chipped from the walls of inner-city housing has been replaced by a more insidious poisoning—that from long-term exposure to low levels of lead. This exposure exhibits no immediate symptoms but results in eventual mental impairment, loss of physical ability and the development of behavioral and emotional problems that endure for life.

Exposure to lead from gasoline and paint is being addressed. But residual exposure to environmental sources of lead continues and the health effects are considered devastating. Health authorities across the Nation have repeatedly seen the same children poisoned by lead from contaminated soil around the children's homes.

A single source of lead-contaminated soil in a playground or around a row house has been known to poison not only the same child repeatedly, but also successive generations of children who play or live within the contaminated area.

My staff has investigated and found dangerously high levels of lead in the soil throughout the city of Hartford, CT. A day care center's playground in Hartford was identified this summer with lead contaminated soil as a result of chipped paint accumulating in the soil. The city of Boston, MA, finds 300 to 400 lead poisoned children each year in the city. Up to 200 of these children were so badly poisoned they were hospitalized.

In one case, during the last 8 years, 14 children, residing as part of an extended family in a large house, have been poisoned by lead. The children, ranging in age from 1 to 3 years, have been hospitalized more than 2 weeks at a time for treatment of lead poisoning. Today, the family lives in a lead-free home but is surrounded by a yard polluted with lead. Thus, the health and the lives of the children remain threatened and hospital bills continues to mount.

Mr. President, the welfare of the Nation's children is a concern we all share. The continuing problem of childhood environmental lead poisoning should be an active component of the Nation's effort to clean the environment and insure the health of future generations of Americans. It is with these concerns that I ask the EPA to focus on this problem, beginning with a comprehensive report on the scope of the lead problem.

This amendment directs EPA and the Agency for Toxic Substances and Disease Registry to report to Congress the following information by March 1, 1986:

First, the number of children exposed to environmental sources of lead in high enough concentrations to cause adverse health effects;

Second, an estimate of the number of children exposed to lead according to the source of lead;

Third, a statement of the long-term consequences for public health of unabated exposures to environmental sources of lead which includes mental and physical impairments and death; and

Fourth, methods and alternatives for reducing the exposure of lead to children.

This report will be funded from within the existing hazardous substances response fund since its subject is so clearly under the authority of the EPA.

Mr. President, I want to thank my colleague from Vermont, Senator STAFFORD, my colleague from Texas, Senator BENTSEN, and the members of the Environment and Public Works Committee for their recognition of the continuing need to eliminate threats to the Nation's health from environmental pollution. I urge my colleagues to support this amendment.

Mr. STAFFORD. Mr. President, I support this amendment and find it an important step in continuing to reduce the threat to the children of this Nation from lead poisoning. Such a report from EPA I believe will aid in controlling an important environmental hazard to this Nation's health. I urge its adoption and, for the majority, I am prepared to accept it.

Mr. BENTSEN. Mr. President, the Senator from Connecticut has a longstanding record in the health, education, and welfare of children. This is just one more example of that concern. I think it is helpful. I think the study is necessary so that we better understand the dimensions of the problem and what we can do to prevent it. I am delighted to support it.

Mr. WEICKER. Mr. President, I thank my colleagues.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Connecticut.

The amendment (No. 636) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 637

(Purpose: To terminate taxes allocated to the Superfund at such time as $5,700,000,000 has been credited to the Superfund and to limit the amount which may be expended from the Superfund during any fiscal year)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 637.

Mr. SYMMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 124, line 16, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 125, line 20, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 126, line 10, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 126, line 13, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 126, line 18, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 135, line 21, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 155, between lines 14 and 15, insert the following:

"(3) LIMITATION ON AMOUNTS EXPENDED DURING ANY FISCAL YEAR.—The amounts expended from the Superfund shall not exceed—

"(A) $600,000,000 during fiscal year 1986,

"(B) $900,000,000 during fiscal year 1987,

"(C) $1,200,000,000 during fiscal year 1988,

"(D) $1,500,000,000 during fiscal year 1989, and

"(E) $1,500,000,000 during fiscal year 1990.

Mr. SYMMS. Mr. President, this amendment is very simple. I have some comments I should like to make about the bill in general. However, first I would like to explain what the amendment does. It is an amendment I offered earlier in the Senate Finance Committee. It simply reduces the amount of money that will be spent in this legislation. I call it the 6-9-12-15 amendment. What is being proposed in the legislation before the Senate is that the EPA go from a $300 million program, which we now have in effect, instantaneously to a $1.5 billion program. I think the problem we face is very simple. If we in fact go to a $1.5 billion program, we should know whether or not we are going to spend the money effectively.

Mr. President, I support the idea and the effort of cleaning up hazardous waste sites, but I do not support going from a $300 million program to a $1.5 billion program in the first year. We have not yet established that we have answered some of the questions within this legislation.

Mr. President, without losing my right to the floor, I ask to withdraw the amendment.

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

Mr. SYMMS. Mr. President, it was just brought to my attention by the distinguished chairman of the Committee on Environment and Public Works, the Senator from Vermont, that we are not going to discuss the Finance Committee's side of this, or amendments on that point, today, and we will discuss that later. But I should like to make some comments in general about the bill, if it suits the chairman.

Mr. STAFFORD. Mr. President, will the Senator yield?

Mr. SYMMS. I yield.

Mr. STAFFORD. First, I appreciate the Senator's understanding of the position in which I have found myself and his withdrawing the amendment for the time being. Certainly, this would be an appropriate time for general comments on the bill.

Mr. SYMMS. I thank the Senator very much. My apologies. I did not understand that we are under that agreement.

As to my amendment, I am happy to have my colleagues aware of it. I am just taking a very basic approach to say, with the amendment I have withdrawn, that if the Federal Government and the Congress of the United States deem that it is important to spend taxpayers' money to clean up toxic waste dumps—most of us support that general concept—that if we spent $300 million in fiscal year 1985, and if $600 million is enough to spend in 1986, and if $900 million is enough to spend in 1987, and if $1.2 billion is enough to spend in 1988, and if $1.5 billion is enough to spend in 1989, I think we will get more done in terms of cleanup if we ease our way into it rather than going in whole hog. This is the kind of thing that causes us a great deal of problems with the total Federal budget.

First of all, Mr. President, I think S. 51 makes too much money available, especially under the present circumstances. This is a time we need to reduce and hold the line on spending, and it does not make sense to have more money available than can be used prudently. By their own estimates, EPA cannot use effectively more than $1 billion per year. If that is what they think they can use effectively, they should not have more than that.

I propose a more modest funding schedule that would eventually end up where the committee has tried to get Congress. I am going to propose that we work our way up to $1.5 billion, and I hope that by that time we will have

some of the bugs worked out on this so that it will not be such a terrible boondoggle and waste of money to the taxpayers of this country.

To date, the record indicates that Superfund has not been managed too well. It has cost $1.6 billion to clean up six sites—$1.6 billion to clean up six sites.

By attempting to bury our waste disposal problems under a blizzard of deficit dollars, we are guaranteeing waste, inefficiency, and probably corruption. Superfund is a classic pork barrel opportunity, and overfunding improves that opportunity.

I do not think we yet know the scope of the Superfund problem. EPA estimates that there are 22,000 sites, and GAO estimates 300,000 sites. I have not worked that out; but at the rate we have gone so far in cleaning up the first six sites for $1.6 billion, that sounds like a tremendous amount of money and a tremendous undertaking.

We do not have a satisfactory funding mechanism in place as yet. The current feedstock tax would probably eventually drive a significant share of our manufacturing capacity, and the jobs it provides, offshore. That is why the distinguished Senator from Texas and the distinguished Senator from Wyoming came up with the plan that is within this bill and which has raised a great deal of controversy. It has opposition from the administration. It has substantial opposition from other Members of the Senate, because people do not want to start a new kind of tax. All I am saying is that we do not have a satisfactory method in place as yet for funding.

The proposed new financing schemes leave something to be desired. They provide the opportunity for off-budget taxes which, if the experience of other countries is any indication, will become wealth-consuming monsters.

It is no secret that many people with a great deal of respect and credibility believe that the value added tax has been the driving force that has enabled Europeans to go Socialist, because of the power of the value added tax and its hidden nature.

The other problem I see in this legislation is that strict joint and several liability is not working.

Transaction costs exceed actual costs of cleanup work. For example, in the Conservation Chemical case, pretrial attorneys' fees have been estimated at $5 to $11 million and actual cleanup costs at $6 million.

I do not know whether that bothers my colleagues, but I assume that it does bother them. I know that it would bother the people in America if they focused on this Superfund question, to find out that 50 percent of the money to clean up hazardous waste sites is being spent to pay attorneys to litigate.

I am bothered by the fact that our Government collects for the cost of hazardous waste site cleanup solely on the basis of availability, without regard to actual contribution to the problem. Whatever happened to the idea of fairness?

In my own State of Idaho, the specter of liability for environmental problems caused long ago is hampering negotiations to reopen at least one mine that would produce an important strategic mineral. Reopening this mine would give us an assured domestic supply and put people to work in my State. The people who want to purchase the property will not do so unless they can be guaranteed that they are only responsible and liable for any future damage they might do to the environment. They do not want to take on the liability of what has happened in the past. I think that is an issue we will have to address before this legislation should pass the Senate.

I have been urged to offer an amendment to Superfund that would free a new purchaser from liability for hazardous wastes created by a predecessor. This, it seems to me, is a simple, straightforward, fair amendment. However, I have been told by colleagues around here who are more experienced than I am that there is no way that kind of amendment can be adopted. If we cannot adopt that, how do we think we are ever going to get to the bottom of this problem?

The insurance industry testified before the Committee on Environment and Public Works that they foresee liability from Superfund cleanup greater than the industry's assets. If the liabilities are greater than the industry's assets, I think those of us here have to limit that liability in some way. A compromise has to be worked out so that if people use prudent judgment—and the prudent man rule would apply—we could work out some agreement, so that a company could take the risk and engage in the effort to clean up toxic waste sites.

If people cannot insure it, how are the contractors going to be able to do the job? No responsible contractor will attempt a Superfund cleanup job without adequate insurance. They cannot take that kind of risk.

It seems to me that Superfund cleanup is going to be stalled until the insurance issued is resolved. So until we resolve the insurance issue, why should we try to raise and spend $1.5 billion a year, if it is going to be tied up in litigation and attorneys' fees?

I do not think the duty of the U.S. Senate or the U.S. Congress in general is to provide some kind of giant fund to pay attorneys to sue each other, to provide the Lawyers' Relief Act.

The provision for victims' compensation is another open-ended invitation to litigation. While the present law provides wonderful opportunities for litigation and waste, it really does not provide much incentive for effective cleanup of our hazardous waste sites.

This thing is a lawyer's dream as it is now, with the $300 million. Give them $1.5 billion and do not answer the liability question, and I think it is an open invitation. In fact, I say to my colleagues that the attorneys were salivating in the Public Works Committee at the thought that we might pass this. The room was jammed with people thinking about the new accounts they would have and how much money they would be able to make with litigation from this $1.5 billion fund. We would be paying half of that to lawyers to sue each other.

I am afraid that in the present form Superfund should not be called Superfund. We probably should call it the lawyers slush fund. We need to clean up our environment, and I agree with that, including hazardous waste sites. First we need to clean up the Superfund legislation and get this in the situation where we can actually take the taxpayers' money, take the money, whether we settle on the current proposal of the small, very, very broad-based tax, whether we settle on that, or whether we make some amendment that is satisfactory with the administration or satisfactory with the other Members of the body.

I do not have the answer to that right now, but I am saying that before this is over we have to solve some of those questions or those people who believe that somehow we are going to get much done with respect to the cleaning up of toxic waste dumps are going to be sadly disappointed because there are too many roadblocks here, and this provides the mechanism for an awful lot of lawsuits and for tremendous litigation expenses to the public and very little will be done toward actually cleaning up the waste sites that some of my colleagues are so concerned about and there is so much interest in taking care of.

Mr. President, I yield the floor.

Mr. STAFFORD. Mr. President, it is the understanding of the Senator from Vermont that we will have until 2:30 p.m. to proceed on amendments affecting S. 51, the Superfund bill.

I believe that the able Senator from New Jersey [Mr. LAUTENBERG] has an amendment, and we would like to dispose of that if we can by 2:30 p.m. and if time allows also an amendment by Mr. BAUCUS of Montana.

AMENDMENT NO. 638

(Purpose: To improve Community Emergency Preparedness and Response)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. MATTINGLY). The amendment will be stated.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] for himself, Mr. HUMPHREY, Mr. HEINZ, Mr. MOYNIHAN, and Mr. BRADLEY, proposes an amendment numbered 638.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 87, after line 16, insert the following and renumber succeeding sections accordingly:

SEC. . Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new subsection:

"(d) EMERGENCY PLANNING.—(1)(A) The President shall publish a list of extremely hazardous substances, taking into account the toxicity, reactivity, volatility, flammability, and usage of such substances. For the purposes of the preceding sentence, the term "toxicity" shall include any acute or chronic health effect which may result from an acute exposure to the substance. The President shall review, and modify as necessary, such list not less often than every two years. Such list shall identify each extremely hazardous substance and shall establish a quantity of each such substance which, if released at a facility, would likely pose an imminent and substantial endangerment to the public health or to the environment. Facilities that have present such a quantity of such a substance shall notify the Governor in accordance with paragraph (2)(A).

"(B) Within 30 days after enactment of the Superfund Improvement Act of 1985, the President shall publish an initial list of substances and quantities as described in subparagraph (A), which shall be the same as substances and quantities listed by the Council of the European Communities in its "Council Directive of June 24, 1982, on the Major Accident Hazards of Certain Industrial Activities, Annex III", published in the Official Journal of the European Communities, August 5, 1982.

"(2)(A) Not later than 90 days after the date of enactment of the Superfund Improvement Act of 1985, or not later than 60 days after any revision of the list, each owner or operator of a facility (other than motor vehicles, rolling stock, or aircraft) that has present a quantity of a substance that requires notification under paragraph (1) shall notify the Governor of the State in which such facility is located that such facility is subject to the requirements of this subsection. The Governor may designate additional facilities that shall be subject to the provisions of this subsection.

"(B) Not later than 180 days after the date of enactment of the Superfund Improvement Act of 1985, the Governor of each State shall designate emergency planning districts in order to facilitate preparation and implementation of emergency plans. Where appropriate, the Governor may designate existing political subdivisions or multijurisdictional planning organizations as such districts. In emergency planning areas that involve more than one State, the Governors of each potentially affected State may designate emergency planning districts and emergency planning committees by agreement. Im making such designation, the Governor shall indicate which facilities designated under subparagraph (A) are within such emergency planning district.

"(C) Not later than 210 days after such date of enactment, the Governor shall appoint members of an emergency planning committee for each emergency planning district. Each Committee shall include representatives of the public, appropriate State and local organizations, and owners and operators of facilities designated under subparagraph (A). In making such appointments, the Governor shall consider persons who would be expected to play a major role in the event of a release of an extremely hazardous substance, such as elected officials, law enforcement and firefighting personnel, public health, medical, hospital, and environmental protection personnel, civil defense personnel, transportation officials, and representitives of broadcast and print media. Interested persons may petition the Governor to modify the membership of such committee. Such committee shall appoint a chairperson and shall establish rules by which the committee shall function. Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan.

"(D) Each emergency planning committee shall complete preparation of emergency plans in accordance with the subsection not later than two years after such date of enactment. The committee shall review such plan at least annually, or as changed circumstances in the community or at any facility may require.

"(E) Each emergency planning committee shall evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and shall make recommendations with respect to additional resources that may be required, and the means for providing such additional resources.

"(F) Each emergency plan shall include (but is not limited to)—

"(i) identification of facilities designated pursuant to subparagraph (A) that are within the emergency planning district, and identification of routes likely to be used for the transportation of substances listed pursuant to subparagraph (A);

"(ii) methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances;

"(iii) designation of a community emergency coordinator and a facility emergency coordinator, who shall make determinations necessary to implement the plan;

"(iv) procedures providing reliable, effective, and timely notification by the facility emergency coordinator and the community emergency coordinator to persons designated in the emegency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements under section 103 (j),;

"(v) methods for determining the occurrence of a release, and the area or population likely to be affected by such release;

"(vi) evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes;

"(vii) training programs, including schedules for training of local emergency response and medical personnel; and

"(viii) methods and schedules for exercising such plan.

"(G) The owner or operator of each facility designated pursuant to subparagraph (A) shall—

"(i) within 210 days after such date of enactment, notify the emergency planning committee for the emergency planning district in which such facility is located that a facility representative will participate in the emergency planning process;

"(ii) promptly inform the emergency planning committee of any relevant changes occurring at such facility as such changes occur or are expected to occur; and

"(iii) upon request from the emergency planning committee, promptly provide information to such committee necessary for developing and implementing the emergency plan.

"(H) The National Response Team shall publish guidance documents for preparation and implementation of emergency plans. Such documents shall be published not later than 150 days after such date of enactment.

"(I) The Regional Response Teams shall review and comment upon such emergency plans or other issues related to preparation, implementation, or exercise of such plan upon request of the emergency planning committee. Such review shall not delay implementation of such plans.

"(3) The President may order a facility owner or operator to comply with paragraph (2)(A) and (G) of this subsection. The United States district court for the district in which the facility is located shall have jurisdiction to enforce the order, and any person who violates or fails to obey such an order shall be liable to the United States for a civil penalty of not more than $25,000 for each day in which such violation occurs or such failure to comply continues.".

On page 58, after line 20, insert the following and renumber succeeding sections accordingly:

SEC. (a) Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting the following new subsections:

(i) MATERIAL SAFETY DATA SHEETS AND EMERGENCY INVENTORY.—(1) Each owner or operator of a facility at which a hazardous chemical is produced, used, or stored shall file a Material Safety Data Sheet and Emergency Inventory form, as published under paragraph (3) of this subsection, not later than 180 days after enactment of the Superfund Improvement Act of 1985 for such hazardous chemical with the emergency planning committee established under section 105(d), for the area in which such facility is located and the Governor of the State in which the facility is located. In addition, the Emergency Inventory form shall be filed with the Environmental Protection Agency. If no emergency planning committee exists for the area in which a facility is located, the Governor of the State in which the facility is located shall designate appropriate area officials to receive the Material Safety Data Sheet and Emergency Inventory form. The Governor of the State in which a facility is located shall notify owners and operators of facilities required to comply with the provisions of this subsection.

"(2) Whenever a Material Safety Data Sheet is revised (as required under regulations under the Occupational Safety and Health Act of 1970) each such facility owner or operator shall file, as promptly as practicable, but not later than 90 days after such revision, the revised material safety data sheet. On an annual basis, or whenever a significant change occurs in the amount or presence of the hazardous chemical located at the facility, such owner or operator shall file a new Emergency Inventory form with the recipients designated in paragraph (1).

"(3) The President shall publish the Emergency Inventory form in the Federal Register within 90 days of the enactment of the Superfund Improvement Act of 1985. The Emergency Inventory Form shall provide for an estimate of the maximum amounts of the hazardous chemical present at the facility at any time during the preceding calendar year (in ranges), a brief description of the use or storage of the hazardous chemical at such facility, and the location of the hazardous chemical at such facility.

"(4) The Material Safety Data Sheets and Emergency Inventory forms shall be made available by the emergency planning committee to the public upon request. If no emergency planning committee exists for the area in which the facility is located, the Material Safety Data Sheets and Emergency Inventory forms shall be made available to the public by the Governor of the State in which the facility is located upon request.

"(5) Nothing in this subsection shall be construed to limit the ability of any State or locality to require submission or distribution of information related to hazardous substances.

"(6) The President may establish quantities for hazardous chemicals below which no facility at which a hazardous chemical is produced, used, or stored shall be subject to the provisions of this subsection.

"(7) The President may order a facility owner or operator to comply with this subsection. The United States district court for the district in which the facility is located shall have jurisdiction to enforce the order, and any person who violates or fails to obey such an order shall be liable to the United States for a civil penalty of not more than $25,000 for each day in which such violation occurs or such failure to comply continues.

"(j) EMERGENCY NOTIFICATION.—(1) The owner or operator of any facility at which a release occurs in an amount requiring a report under subsection (a) shall immediately provide notice of such release to the community emergency coordinator for the emergency planning committees, established pursuant to subsection 105(d), for any area likely to be affected by the release and to the Governor of any State likely to be affected by the release. If an emergency plan prepared pursuant to section 105(d) does not exist, an operator shall instead provide notice to the emergency response authority of the affected jurisdictions.

"(2) Notice under paragraph (1) shall include (to the extent known at the time of the notice)—

"(A) the chemical name or identity of any hazardous substance involved in the release;

"(B) an estimate of the quantity of any such hazardous substance that was released into the environment;

"(C) the time and duration of the release;

"(D) the medium or media into which the release occurred;

"(E) the nature of the health or safety hazard posed by any substance released to the population as a whole and to sensitive populations, and the likely symptoms of exposure at different levels and types of exposure (unless such information is readily available to the emergency coordinator pursuant to the emergency plan);

"(F) proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the emergency coordinator pursuant to the emergency plan); and

"(G) the name and telephone number of the person or persons to be contacted for further information.

"(3) As soon as practicable after a release to which this subsection applies, such owner or operator shall provide a follow-up notice (or notices, as more information becomes available) updating the information required under paragraph (2), and including additional information with respect to—

"(A) actions taken to respond to and contain the release;

"(B) any known or anticipated acute or chronic health risks associated with the release, and

"(C) where appropriate, advice regarding medical attention necessary for exposed individuals.".

(b) Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is further amended by adding at the end thereof the following new paragraphs:

"(35) 'hazardous chemical' means, for purposes of section 103(i), any substance which is treated as a 'hazardous chemical' pursuant to the Occupational Safety and Health Administration's hazard communication standard (codified in July 1985 in 29 CFR 1910.1200), except that the following substances shall not be treated as a 'hazardous chemical' for such purposes:

"(A) any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration;

"(B) any manufactured item that contains a hazardous chemical present as a solid which does not result in exposure to the hazardous chemical under normal conditions of use;

"(C) any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public;

"(D) any substance to the extent it is used in a laboratory, hospital, or medical facility under the direct supervision of a technically qualified individual;

"(E) any substance to the extent it is used in routine agricultural operations; and;

"(F) any substance to the extent it is regulated under the Hazardous Liquid Pipeline Safety Act of 1979 or the Natural Gas Pipeline Safety Act of 1968:

"(36) 'Material Safety Data Sheet' means a material safety data sheet developed for a hazardous chemical pursuant to the hazard communication regulations promulgated under the Occupational Safety and Health Act of 1970 (codified in July 1985 at 29 CFR 1910.1200).".

Mr. LAUTENBERG. Mr. President, I am offering this amendment on behalf of myself, and Senators MOYNIHAN, HUMPHREY, HEINZ, and BRADLEY. The amendment is designed to improve community emergency planning around facilities handling hazardous chemicals. The amendment is modeled on S. 1531, the Community Emergency Preparedness and Response Act of 1985, which I introduced on July 30.

Mr. President, our amendment builds upon the emergency response provisions in Superfund. It provides a framework for improving and integrating facility and community planning and emergency response efforts, establishing training programs for emergency response officials, and for educating the public about what to do in the event of a toxic release into the environment. The amendment recognizes that the responsiblility for emergency preparedness and response planning and implementation rests with the States and affected localities, but provides Federal technical assistance when appropriate.

The amendment stems from a hearing held by the Senate Environment and Public Works Committee in February, 1985 in the wake of the tragedy in Bhopal, India, and a number of serious releases in this country. Testimony before the committee, from firemen, State and local emergency response personnel, Federal officials and industry representatives confirmed the need to improve local notification, planning and response capabilities for dealing with releases of hazardous substances that are dangerous to the public and environment.

Mr. President, 1 year ago, Bhopal, India was unknown. Now it is a name and a place known to people all over the world. It is a name that strikes terror in the hearts of millions who live or work near a chemical plant.

Since the Bhopal incident, there have been a series of less serious, but significant, releases in the United States that suggest that we are far from immune from such dangers. Clearly, we must take every step to prevent such occurrences. But, in the event of a chemical release, we should be better prepared to respond.

Hundreds of the victims in Bhopal could have been spared their lives or injuries if they had known of the hazard around them and known how to respond. Many more lives could have been saved it a communication system had been in place to alert residents of Bhopal about the release. That is true of chemical releases in our country as well.

Our amendment is designed to improve our ability to respond to these incidents. To improve local emergency preparedness planning, the bill requires that the Environmental Protection Agency prepared a list of extremely hazardous substances.

The foundation of this list will be the "Seveso list" developed by the European Economic Community as part of its directive on major accident hazards. The directive was approved by EEC members in 1982, following a major dioxin accident in Seveso, Italy.

Facilities which handle substances on this list of specified amounts would be required to participate in community emergency response planning. The Seveso list is considered to be an initial list for purposes of emergency planning, and can be modified by EPA, to add or delete substances.

Shortly after the Seveso list is published in the Federal Register and facilities have notified the Governors in the States in which they are located, Governors are to designate planning districts within their States for areas

likely to be affected by releases from such facilities and appoint local emergency planning committees to prepare emergency response plans and establish or improve training programs for local emergency response and medical personnel.

The Federal role is primarily technical; in developing the list of extremely hazardous substances and providing guidance and technical assistance to emergency planning committees, and review and comment on local emergency response plans upon request.

In addition, the amendment would require immediate notification upon the release of a reportable quantity under Superfund. Facilities experiencing such a release would be required to notify the National Response Center, as provided under current law, but also would have to notify the appropriate emergency planning committees, their Governor, and in the absence of planning committees, State and local emergency response officials. Unlike EPA's existing notification regulations, notification must be immediate. This notification shall be accompanied by specific information pertaining to the substances released and appropriate response measures. Follow up notification of actions taken to respond to and contain a release would be required as soon as practicable after the release.

This notification requirement simply expands upon a provision I authored in S. 51. The SE requirements are expected to provide a means for the local planning committees, the Governor, and the National Response Center to track facilities that may have a record of releases, and should serve as an aid in designating additional facilities to participate in community emergency planning. These notification requirements are effective immediately upon enactment of the Superfund Improvement Act of 1985.

Finally, Mr. President, the facilities that handle substances covered by OSHA's hazard communication standard would be required to submit the material safety data sheets required under that standard, and an annual estimate of their inventories of the substances covered by the OSHA standard, and location, and basic uses and storage information about such substances, to local emergency planning committees, the State, and EPA, which shall make this information available to the public.

This provision will make information about hazardous substances present in a community available to emergency response personnel and the public through the MSDS and emergency inventory. This provision is vital to our first responders—the firefighters, police, and emergency personnel—who must put their lives on the line to respond to chemical emergencies.

Mr. President, there are a number of additional points that I would like to make for purposes of legislative history. This amendment provides no specific authorization from the Superfund for expenditures related to carrying out its provisions. However, it is expected that funding for emergency response and training will continue to come from the fund, and be sufficient to support the additional activities of the national response teams and regional response teams under this provision.

The amendment is structured to allow existing planning areas and plans to be incorporated into the district and committee planning process. To the extent that a State or a locality has an effective plan, the committees and communities can use this plan.

The substances covered by the material safety data sheet and emergency inventory requirements in the community right-to-know provisions of the amendment are more numerous than the substances on the Seveso list. The reason for this is straight forward. What our workers are entitled to know in handling hazardous substances, our firefighters should know. They are essentially workers who work under the worst conditions—fires, spills, and other releases involving hazardous chemicals and other materials. The list of extremely hazardous substances, on the other hand, which trigger facilities for emergency planning, can be shorter and more focused on the risks to the larger community.

The Seveso list was chosen as an appropriate starting point for triggering emergency planning because of its widespread acceptance as a list of substances that pose an extreme threat to the public and environment. In a report from the Congressional Research Service, the Seveso list is described as a list "composed of chemicals generally recognized as being of significance in the event of an uncontrolled or sudden release. Experts from several countries generated and agreed to the list. The chemicals are not restricted to those of acute toxicity, but include many of those of possible long-term toxicity, e.g. dioxin. Finally, the experts collectively decided upon quantities of concern for each chemical." I request that the remainder of the report from the CRS and the accompanying Seveso directive be printed in the RECORD at the conclusion of my remarks.

Mr. President, I shall request that additional material be printed in the RECORD at the conclusion of my remarks.

In crafting the amendment, it was brought to our attention that biannual exercise of plans keeps a community prepared and attentive to changes in the community and turnover among emergency response personnel. While we did not believe it was appropriate to dictate how often different communities should practice their plans, the emphasis should be upon keeping these plans, people plans and not paper plans, which requires practice and continual public education.

The role of the community is critical in the planning process. The amendment provides that the public be represented on the planning committees, be given opportunity to participate in meetings on the plan, and have opportunity for comment. The committees are expected to play an active role in reaching out and bringing the public into the process.

In an Environment and Public Works Committee field hearing in Newark, NJ this winter, several residents of the industrial area of Linden expressed surprise about emergency response procedures in the city. They were unsure where to go, whom to call, and what to do in the event of a chemical release. It is imperative that residents learn of hazards in their midst and be able to respond in the case of a mishap.

Mr. President, I ask unanimous consent that the following material be printed in the RECORD: The New Jersey emergency services form for consideration in developing the "right-to-know" provisions of the amendment are an important element in this process. These provisions provide for distribution of material safety data sheets and emergency inventory forms to the planning committees and the State EPA is to receive the emergency inventory. The information submitted is to be made available to the public by the planning committee or State uniform emergency inventory form, also the excellent series by Stuart Diamond of the New York Times on the tragedy in Bhopal. The New York Times series provides a persuasive argument that releases of hazardous substances are widespread, and that the elements that lead up to catastrophic release and failed response are common to the manufacture and use of these substances throughout the world.

Today we recognize that we cannot afford to play Russian roulette with hazardous chemicals, and bank on being able to respond without coordinated emergency response efforts. The Environment and Public Works Committee has already taken steps to respond to emergency planning and response needs. The amendments in S. 51 improve notification requirements under Superfund and stiffen penalties for noncompliance.

Mr. President, this amendment complements those provisions.

This amendment is supported by our firefighters, labor, public health, environmental, religious, and consumer groups. These include the 170,000 members of the International Association of Firefighters, the National Lung

Association, AFSCME, the AFL-CIO, the U.S. Conference of Mayors, and a large coalition of environmental groups. This morning, the International Association of Fire Chiefs passed a unanimous resolution on behalf of their 9,000 members which is consistent with this amendment.

Mr. President, I ask unanimous consent that a letter written on behalf of this amendment by this coalition, a letter by Mr. Ed Hennessy, chairman of the Allied Corp., one of New Jersey's largest companies and the fire chiefs' resolution, be printed in the RECORD, along with other materials at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LAUTENBERG. Mr. President, I understand that this amendment is acceptable to the managers of the bill. I urge my colleagues to adopt this amendment.

EXHIBIT 1

FIREFIGHTING, LABOR, HEALTH, ENVIRONMENTAL, AGRICULTURAL, RELIGIOUS, CITIZEN AND CONSUMER ORGANIZATIONS STRONGLY SUPPORT SUPERFUND HAZARDOUS SUBSTANCE INVENTORY AND EMERGENCY PREPAREDNESS AND RESPONSE PROVISIONS

DEAR SENATOR: On December 3, 1984, more than 2,000 citizens were killed and 200,000 injured in Bhopal, India, when the toxic cloud of methyl isocyanate from a Union Carbide manufacturing facility spread over the sleeping city. Following the Bhopal tragedy, the worst industrial accident in history, the American public asked, "Could it happen here?"

Today, we know it can. According to the Congressional Research Service, approximately 75 percent of all Americans live in the vicinity of facilities which handle, treat, or store hazardous chemicals. Recent chemical releases in this country, especially in the release on August 11 from another Union Carbide facility in Institute, West Virginia, have underscored the lack of adequate public information about hazardous substances and the health hazards associated with exposure to them. In addition, life-threatening inadequacies in emergency response capabilities also have become apparent.

In response to these chemical disasters, the Senate Environment and Public Works Committee incorporated a provision establishing a Hazardous Substances Inventory in S. 51, the Superfund Improvement Act of 1985.

The Hazardous Substances Inventory would provide information about chemical use, storage, and releases into the air and environment from facilities handling hazardous substances. Covered facilities also would attach Material Safety Data Sheets, required by the OSHA Hazard Communication Standard, to the inventory form in order to provide information about the health hazards and safe handling of these substances.

The inventory is to be used by local, state, and federal agencies to improve toxic chemical management by monitoring location and use, as well as tracking regular environmental releases of these substances. It is to be made widely available to the public, including emergency response officials, who sorely need this information to plan for and respond to toxic chemical releases.

In addition, in late July, Senators Lautenberg, Moynihan, and Humphrey introduced S. 1531, the Community Emergency Preparedness and Response Act of 1985. They intend to offer an amendment similar to S. 1531 when the full Senate takes up the Superfund reauthorization this fall. This legislation builds upon the emergency response provisions of Superfund by providing a framework for improved community preparedness and notification around facilities that handle hazardous substances.

S. 1531 mandates that a priority list of hazardous substances be developed by the Environmental Protection Agency and that designated facilities, which store, handle or manufacture these substances, participate in emergency response planning. The Governors of each state are responsible for designating planning districts in areas where releases from such facilities might endanger public health of the environment. Local emergency planning committees subsequently would be established to prepare emergency response plans and ensure that local emergency response personnel are trained to carry out the plans successfully. This legislation provides federal technical assistance where appropriate, but relies upon the states and localities to take primary responsibility for developing plans for protecting their citizens.

The undersigned firefighting, labor, health, environmental, agricultural, religious, citizens, and consumer organizations strongly support the Hazardous Substance Inventory in S. 51, and the emergency preparedness amendment to be offered when the full Senate takes up S. 51. The events of recent months have illustrated dramatically the need for strengthening the information requirements and emergency response capabilities under Superfund. The adoption of these provisions could literally mean the difference between life and death for the citizens of this country and for those who must respond to chemical releases.

We urge you to support these important provisions when S. 51 is brought to the Senate floor.

Sincerely,

Mike Kerr, American Federation of State, County and Municipal Employees; Richard Duffy, International Association of Firefighters; Fran Dumelle, American Lung Association; Greg Humphrey, American Federation of Teachers; Mary Lou Licwinko, Association of Schools of Public Health; Len Simon, U.S. Conference of Mayors.

Julia A. Holmes, League of Women Voters; Linda Tarr-Whelan, National Education Association; Lori Rogovin, American Association of University Women: Janet Hathaway, Public Citizen's Congress Watch; Diane VanDe Hie, National Association of Local Governments on Hazardous Waste; Robert Alpern, Washington Office, Unitarian Universalist Association of Congregations in North America; Allen Spalt, Rural Advancement Fund; Haviland C. Houston, General Board of Church and Society, United Methodist Church; Rick Hind, U.S. PIRG; Eric Jansson, National Network to Prevent Birth Defects.

Linda Golodner, National Consumers League; David Mallino Industrial Union Department, AFL-CIO; Jeff Tryens, Conference on Alternative State and Local Policies; Gene Kimmelman, Consumer Federation of America; Leslie Dach, National Audubon Society; Jay Feldman, National Coalition Against the Misuse of Pesticides; Shirley Briggs, Rachel Carson Council; Charles Lee, United Church of Christ Commission for Racial Justice: Bill Klinefelter, United Steel Workers of America; Victoria Leonard, National Women's Health Network.

Ken Kamlett, National Wildlife Federation; Martha Broad, Natural Resources Defense Council; Anthony Guarisco, International Alliance of Atomic Veterans; Geoff Webb, Friends of the Earth; John O'Connor, National Campaign Against Toxic Hazards; Norman Solomon, Fellowship of Reconciliation; Ann F. Lewis, Americans for Democratic Action; Cathy Hurwit, Citizens Action; Blaise Lupo, Clergy and Laity Concerned.

Fred Millar, Environmental Policy Institute; Scott Martin, League of Conservation Voters; Joseph R. Hacala, S.J., Jesuit Social Ministries, National Office; Kathleen Tucker, Health and Energy Institute; David Zwick, Clean Water Action Project; Dan Becker, Environmental Action; Sally Timmel, Church Women United; Ralph Watkins, Church of the Brethren.

RESOLUTION

Whereas: The IAFC recognizes the need that emergency service personnel have a right-to-know the known or potentially hazardous and toxic materials to be encountered in response to emergency incidents, and

Whereas: The IAFC recognizes the need for industry handling known or suspected hazardous or toxic materials to make a positive effort to assist and support fire departments with training and education programs for fire and rescue personnel responding to incidents involving their products, and

Whereas: The IAFC recognizes that potential or known hazardous chemicals can lead to health hazards, and should be regulated, and

Whereas: The IAFC recognizes that even small amounts of potential or known hazardous chemicals can lead to health hazards, and

Whereas: The IAFC recognizes that hazardous or toxic substances which may present acute and/or chronic adverse health hazards to fire and rescue personnel must be identified and reported, and

Whereas: The failure of the Federal Hazardous Communication Law to adequately address this subject has caused many of our states and localities to adopt stringent right-to-know legislation,

Therefore be it Resolved: That the IAFC supports the enactment of Federal fire service right-to-know legislation in order to establish a more uniform means of planning and/or responding to emergencies dealing with potential releases of hazardous substances which, may present an imminent or substantial danger to fire and rescue personnel, and be it further

Resolved: That the IAFC supports Federal legislation that recognizes the need for the fire department to have concise, relevant, manageable information that will be of practical use by emergency response agencies, and be it further

Resolved: That industry, including users and suppliers provide a regularly updated inventory to allow for adequate preplan for emergency responses, and be it further

Resolved: That any Federal legislation will establish minimum standards and that no state or local government shall be prohibited from the enactment of more strin-

gent right-to-know legislation, and be it further

Resolved: That any and all right-to-know legislation shall cover at least those hazards and toxic substances which are now regulated and defined under OSHA's hazardous communication standards, and be it further

Resolved: That this Resolution will provide guidance to the IAFC Board of Directors.

ALLIED CORP.,
Morristown, NJ, September 12, 1985.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR FRANK: I appreciate the opportunity Allied representatives had to share their experience and comments with your staff as the Community Emergency Preparedness and Response Act, S. 1531, was being drafted.

Allied supports the enactment of S. 1531. It is consistent with our long-standing endorsement of the concept of making community officials and residents aware of potentially dangerous materials in nearby facilities and having in place carefully devised procedures to be followed in the event of an emergency.

Those provisions complement the "hazardous materials inventory" requirement which you added to S. 51 in the Environment and Public Works Committee. We hope you will modify that provision so that, as in S. 1531, it is targeted to facilities handling extremely hazardous substances. Finally we urge that the language make it clear that estimates can be used to satisfy emissions reporting requirements when exact data are unavailable.

We look forward to working further with you and your staff on this important legislation.

With best wishes,

Sincerely,

EDWARD L. HENNESSY, Jr.,
Chairman of the Board.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, July 30, 1985.

To: Senate Committee on Environment and Public Works, Attention: Liz Barratt-Brown.

From: Michael M. Simpson, Analyst in Life Sciences, Science Policy Research Division.

Subject: A list of chemicals of concern.

Based upon our previous conversations, my understanding is that you are interested in a preliminary list of chemicals generally recognized as being of significance in the event of an uncontrolled and sudden release. It is understood that, as with many specific components of proposed legislation, this list would not be construed as final and unchangeable, but would serve as the starting point for discussion. While any components of a list (by being either on or off it) could engender debate, the chemicals on this list would be limited to those which are generally recognized by experts and bodies of experts as significant in the event of an uncontrolled and sudden release. Finally, because generally there is more uncertainty and controversy associated with the specification of chemicals of long-term toxicity (e.g., are carcinogenic, mutagenic, or teratogenic), the list would be composed mostly of chemicals of acute toxicity.

There are millions of known chemicals, and tens of thousands in commerce. Further, as pointed out in the National Academy of Sciences' (NAS) report of 1984, Toxicity Testing—Strategies to Determine Needs and Priorities, there are large gaps of knowledge about the health effects of most of these chemicals. Finally, the assigned time constraint and finite research resources of the Cogressional Research Service necessarily would have resulted in a limited invetigation.

Both the National Institute for Occupational Saftey and Health, and the American Chemical Society, maintain extensive computerized data bases of chemicals and their observed health effects. These organizations can be contacted to provide a list of chemicals of specified toxicity. An extensive search with scores of specified toxicities would probably require a significant allocation of time and other resources. Specifying the toxicities could be controversial. And the health effects data gaps noted by the NAS would prevent the list from being complete and final.

Rather than attempt to generate a list of specific chemicals of specified toxicities, my approach was to review lists of chemicals of concern compiled by experts and bodies of experts. There are several of such lists, including that compiled by the United Nations Environment Program, and by the Office of Environmental and Scientific Affairs of the World Bank. Following a review of several of these lists, the enclosed list was selected as being most suited to your perceived needs.

The enclosed Council of the European Communities list is composed of chemicals generally recognized as being of significance in the event of an uncontrolled and sudden release. Experts from several countries generated and agreed to the list. The chemicals are not restricted to those of acute toxicity, but include many of those of possible long-term toxicity, e.g., dioxin. Finally, the experts collectively decided upon quantities of concern for each chemical.

I trust this information will be useful to you in starting and focusing discussion about legislation to prevent injuries and damage from chemical accidents. Please call me at 287-7010 when I can be of further assistance.

COUNCIL DIRECTIVE ON MAJOR ACCIDENT HAZARDS OF CERTAIN INDUSTRIAL ACTIVITIES

The Council of the European Communities:

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 100 and 235 thereof,

Having regard to the proposal from the Commission,[1]

Having regard to the opinion of the European Parliament,[2]

Having regard to the opinion of the Economic and Social Committee,[3]

Whereas the objectives and principles of the Community environment policy were fixed by the action programmes of the European Communities on the environment of 22 November 1973,[4] and 17 May 1977,[5] and having regard in particular to the principle that the best policy consists in preventing the creation of pollution or nuisances at source; whereas to this end technical progress should be conceived and directed so as to meet the concern for the protection of the environment;

Whereas the objectives of the Community policy of health and safety at work were fixed by the Council resolution of 29 June 1978 on an action programme of the European Communities on safety and health at work,[6] and having regard in particular to the principle that the best policy consists in obviating possible accidents at source by the integration of safety at the various stages of design, construction and operation;

Whereas the Advisory Committee on Safety, Hygiene and Health Protection at Work, set up by Decision 74/325/EEC,[7] has been consulted;

Whereas, the protection of the public and the environment and safety and health protection at work call for particular attention to be given to certain industrial activities capable of causing major accidents; whereas such accidents have already occurred in the Community and have had serious consequences for workers and, more generally, for the public and the environment;

Whereas, for every industrial activity which involves, or may involve, dangerous substances and which, in the event of a major accident, may have serious consequences for man and the environment, the manufacturer must take all necessary measures to prevent such accident and to limit the consequences thereof;

Whereas the training and information of persons working on an industrial site can play a particularly important part in preventing major accidents and bringing the situation under control in the event of such accidents;

Whereas, in the case of industrial activities which involve or may involve substances that are particularly dangerous in certain quantities, it is necessary for the manufacturer to provide the competent authorities with information including details of the substances in question and high-risk installations and situations, with a view to reducing the hazards of major accidents and enabling the necessary steps to be taken to reduce their consequences;

Whereas it is necessary to lay down that any person outside the establishment liable to be affected by a major accident should be appropriately informed of the safety measures to be taken and of the correct behaviour to be adopted in the event of an accident;

Whereas, if a major accident occurs, the manufacturer must immediately inform the competent authorities and communicate the information necessary for assessing the impact of that accident;

Whereas Member States should forward information to the Commission regarding major accidents occurring on their territory, so that the Commission can analyze the hazards from major accidents;

Whereas this Directive does not preclude the conclusion by a Member State of agreements with third countries concerning the exchange of information to which it is privy at internal level other than that obtained through the Community arrangements for the exchange of information set up by this Directive;

Whereas disparity between provisions already applicable or being prepared in the various Member States on measures to prevent major accidents and limit their consequences for man and the environment may create unequal conditions of competition and hence directly affect the functioning of the common market; whereas the approximation of laws provided for in Article 100 of

[1] OJ No C 212, 24.8.1979, p. 4.
[2] OJ No C 175, 14.7.1980, p. 48.
[3] OJ No C 182, 21.7.1980, p. 25.
[4] OJ No C 112, 20.12.1973, p. 1.
[5] OJ No C 139, 13.6.1977, p. 1.
[6] OJ No C 165, 11.7.1978, p. 1.
[7] OJ No L 185, 9.7.1974, p. 15.

the Treaty should therefore be carried out in this field;

Whereas it seems necessary to combine this approximation of laws with action by the Community aimed at attaining one of the Community objectives in the field of environmental protection and health and safety at work; whereas, in pursuance of this aim, certain specific provisions should therefore be laid down; whereas, since the necessary powers have not been provided by the Treaty, Article 235 of the Treaty should be invoked,

Had adopted this directive:

Article 1

1. This Directive is concerned with the prevention of major accidents which might result from certain industrial activities and with the limitation of their consequences for man and the environment. It is directed in particular toward the approximation of the measures taken by Member States in this field.

2. For the purposes of this directive:

(a) *Industrial activity* means:

Any operation carried out in an industrial installation referred to in Annex I involving, or possibly involving, one or more dangerous substances and capable of presenting major-accidents hazards and also transport carried out within the establishment for internal reasons and the storage associated with this operation within the establishment,

Any other storage in accordance with the conditions specified in Annex II;

(b) *Manufacturer* means: Any person in charge of an industrial activity;

(c) *Major accident* means: An occurrence such as a major emission, fire or explosion resulting from uncontrolled developments in the course of an industrial activity, leading to a serious danger to man, immediate or delayed, inside or outside the establishment, and/or to the environment, and involving one or more dangerous substances;

(d) *Dangerous substances* means: For the purposes of Articles 3 and 4, substances generally considered to fulfill the criteria laid down in Annex IV; for the purposes of Article 5, substances in the lists in Annex III and Annex II in the quantities referred to in the second column.

Article 2

This Directive does not apply to the following:

1. Nuclear installations and plant for the processing of radioactive substances and material;

2. Military installations;

3. The manufacture and separate storage of explosives, gunpowder and munitions;

4. Extraction and other mining operations;

5. Installations for the disposal of toxic and dangerous waste which are covered by Community Acts in so far as the purpose of those Acts is the prevention of major accidents.

Article 3

Member States shall adopt the provisions necessary to ensure that, in the case of any of the industrial activities specified in Article 1, the manufacturer is obliged to take all the measures necessary to prevent major accidents and to limit their consequences for man and the environment.

Article 4

Member States shall take the measures necessary to ensure that all manufacturers are required to prove to the competent authority at any time, for the purposes of the controls referred to in Article 7 (2), that they have identified existing major-accident hazards, adopted the appropriate safety measures, and provided the persons working on the site with information, training and equipment in order to ensure their safety.

Article 5

1. Without prejudice to Article 4, Member States shall introduce the necessary measures to require the manufacturer to notify the competent authorities specified in Article 7: If, in an industrial activity as defined in Article 1 (2)(a), first indent, one or more of the dangerous substances listed in Annex III are involved, or it is recognized that they must be involved, in the quantities laid down in the said Annex, such as: Substances stored or used in connection with the industrial activity concerned; products of manufacture; by-products; or residues; or if, in an industrial activity as defined in Article I (2)(a), second indent, one or more of the dangerous substances listed in Annex II are stored in the quantities laid down in the second column of the same Annex.

The notification shall contain the following:

(a) information relating to substances listed, respectively, in Annex II and Annex III, that is to say: The data and information listed in Annex V; the stage of the activity in which the substances are involved or may be involved; the quantity (order of magnitude); the chemical and/or physical behaviour under normal conditions of use during the process; the forms in which the substances may occur or into which they may be transformed in the case of abnormal conditions which can be foreseen; if necessary, other dangerous substances whose presence could have an effect on the potential hazard presented by the relevant industrial activity.

(b) information relating to the installations, that is to say: The geographical location of the installations and predominant meteorological conditions and sources of danger arising from the location of the site; the maximum number of persons working on the site of the establishment and particularly of those persons exposed to the hazard; a general desciption of the technological processes; a description of the sections of the establishment which are important from the safety point of view, the sources of hazard and the conditions under which a major accident could occur, together with a description of the preventive measures planned; the arrangements made to ensure that the technical means necessary for the safe operation of plant and to deal with any malfunctions that arise are available at all times.

(c) information relating to possible major-accident situations, that is to say: Emergency plans, including safety equipment, alarm systems and resources available for use inside the establishments in dealing with a major accident; any information necessary to the competent authorities to enable them to prepare emergency plans for use outside the establishment in accordance with Article 7 (1); the names of the person and his deputies or the qualified body responsible for safety and authorized to set the emergency plans in motion and to alert the competent authorities specified in Article 7.

2. In the case of new installations, the notification referred to in paragraph 1 must reach the competent authorities a reasonable length of time before the industrial activity commences.

3. The notification specified in paragraph 1 shall be updated periodically to take account on new technical knowledge relative to safety and of developments in knowledge concerning the assessment of hazards.

4. In the case of industrial activities for which the quantities, by substance, laid down in Annex II or III, as appropriate, are exceeded in a group of installations belonging to the same manufacturer which are less than 500 metres apart, the Member States shall take the necessary steps to ensure that the manufacturer supplies the amount of information required for the notification referred to in paragraph 1, without prejudice to Article 7, having regard to the fact that the installations are a short distance apart and that any major-accident hazards may therefore be aggravated.

Article 6

In the event of modification of an industrial activity which could have significant consequences as regards major-accident hazards, the Member States shall take appropriate measures to ensure that the manufacturer: revises the measures specified in Articles 3 and 4, informs the competent authorities referred to in Article 7 in advance, if necessary, of such modification in so far as it affects the information contained in the notification specified in Article 5.

Article 7

1. The Member States shall set up or appoint the competent authority or authorities who, account being taken of the responsibility of the manufacturer, are responsible for: Receiving the notification referred to in Article 5 and the information referred to in the second indent of Article 6; examining the information provided; ensuring that an emergency plan is drawn up for action outside the establishment in respect of whose industrial activity notification has been given; and, if necessary, requesting supplementary information; ascertaining that the manufacturer takes the most appropriate measures, in connection with the various operations involved in the industrial activity for which notification has been given, to prevent major accidents and to provide the means for limiting the consequences thereof.

2. The competent authorities shall organize inspections or other measures of control proper to the type of activity concerned, in accordance with national regulations.

Article 8

1. Member States shall ensure that persons liable to be affected by a major accident originating in a notified industrial activity within the meaning of Article 5 are informed in an appropriate manner of the safety measures and of the correct behavior to adopt in the event of an accident.

2. The Member States concerned shall at the same time make available to the other Member States concerned, as a basis for all necessary consultation within the framework of their bilateral relations, the same information as that which is disseminated to their own nationals.

Article 9

1. This Directive shall apply to both new and existing industrial activities.

2. "New industrial activity" shall also include any modification to an existing industrial activity likely to have important implications for major-accident hazards.

In the case of existing industrial activities, this Directive shall apply at the latest on 8 January 1985.

However, as regards the application of Article 5 to an existing industrial activity, the Member States shall ensure that the manu-

facturer shall submit to the competent authority, at the latest on 8 January 1985, a declaration comprising: Name or trade name and complete address; registered place of business of the establishment and complete address; name of the director in charge; type of activity; type of production or storage; an indication of the substances or category of substances involved, as listed in Annexes II or III.

4. Moreover, Member States shall ensure that the manufacturer shall, at the latest on 8 July 1989, supplement the declaration provided for in paragraph 3, second, subparagraph, with the data and information specified in Article 5. Manufacturers shall normally be obliged to forward such supplementary declaration to the competent authority; however, Member States may waive the obligation on manufacturers to submit the supplementary declaration; in that event such declaration shall be submitted to the competent authority at the explicit request of the latter.

Article 10

1. Member States shall take the necessary measures to ensure that, as soon as a major accident occurs, the manufacturer shall be required:

(a) To inform the competent authorities specified in Article 7 immediately;

(b) To provide them with the following information as soon as it becomes available: The circumstances of the accident; the dangerous substances involved within the meaning of Article 1 (2)(d); the date available for assessing the effects of the accident on man and the environment; the emergency measures taken.

(c) To inform them of the steps envisaged: To alleviate the medium and long-term effects of the accident; to prevent any recurrence of such an accident.

2. The Member States shall require the competent authorities:

(a) To ensure that any emergency and medium and long-term measures which may prove necessary are taken;

(b) To collect, where possible, the information necessary for a full analysis of the major accident and possibly to make recommendations.

Article 11

1. Member States shall inform the Commission as soon as possible of major accidents which have occurred within their territory and shall provide it with the information specified in Annex VI as soon as it becomes available.

2. Member States shall inform the Commission of the name of the organization which might have relevant information on major accidents and which is able to advise the competent authorities of the other Member States which have to intervene in the event of such an accident.

3. Member States may notify the Commission of any substance which in their view should be added to Annexes II and III and of any measures they may have taken concerning such substances. The Commission shall forward this information to the other Member States.

Article 12

The Commission shall set up and keep at the disposal of the Member States a register containing a summary of the major accidents which have occurred within the territory of the Member States, including an analysis of the causes of such accidents, experience gained and measures taken, to enable the Member States to use this information for prevention purposes.

Article 13

1. Information obtained by the competent authorities in pursuance of Articles 5, 6, 7, 9, 10 and 12 and by the Commission in pursuance of Article 11 may not be used for any purpose other than that for which it was requested.

2. However this Directive shall not preclude the conclusion by a Member State of agreements with third countries concerning the exchange of information to which it is privy at internal level other than that obtained through the Community machinery for the exchange of information set up by the Directive.

3. The Commission and its officials and employees shall not divulge the information obtained in pursuance of this Directive. The same requirements shall apply to officials and employees of the competent authorities of the Member States as regards any information they obtain from the Commission.

Nevertheless, such information may be supplied: In the case of Articles 12 and 18; when a Member State carries out or authorizes the publication of information concerning that Member State itself.

4. Paragraphs 1, 2 and 3 shall not preclude the publication by the Commission of general statistical data or information on matters of safety containing no specific details regarding particular undertakings or groups of undertakings and not jeopardizing industrial secrecy.

Article 14

The amendments necessary for adapting Annex V to technical progress shall be adopted in accordance with the procedure specified in Article 16.

Article 15

1. For the purposes of applying Article 14, a Committee responsible for adapting this Directive to technical progress (hereinafter referred to as 'the Committee') is hereby set up. It shall consist of representatives of the Member States and be chaired by a representative of the Commission.

2. The Committee shall draw up its own rules of procedure.

Article 16

1. Where the procedure laid down in this Article is to be followed, matters shall be referred to the Committee by the chairman, either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be adopted. The Committee shall deliver its opinion on the draft within a time limit which may be determined by the chairman according to the urgency of the matter. It shall decide by a majority of 45 votes, the votes of the Member States being weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged where these are in accordance with the opinion of the Committee.

(b) Where the measures envisaged are not in accordance with the opinion of the Committee, or in the absence of an opinion, the Commission shall forthwith submit a proposal to the Council on the measures to be adopted. The Council shall act by a qualified majority.

(c) If the Council does not act within three months of the proposal being submitted to it, the measures proposed shall be adopted by the Commission.

Article 17

This Directive shall not restrict the right of the Member States to apply or to adopt administrative or legislative measures ensuring greater protection of man and the environment than that which derives from the provisions of this Directive.

Article 18

Member States and the Commission shall exchange information on the experience acquired with regard to the prevention of major accidents and the limitation of their consequences; this information shall concern, in particular, the functioning of the measures provided for in this Directive. Five years after notification of this Directive, the Commission shall forward to the Council and the European Parliament a report on its application which it shall draw up on the basis of this exchange of information.

Article 19

At the latest on 8 January 1986 the Council shall, on a proposal from the Commission, review Annexes I, II and III.

Article 20

1. Member States shall take the measures necessary to comply with this Directive at the latest on 8 January 1984. They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the provisions of national law which they adopt in the field covered by this Directive.

Article 21

This Directive is addressed to the Member States.

Done at Luxembourg, 24 June 1982.

F. AERTS, *For the Council The President.*

[Annex I]

INDUSTRIAL INSTALLATIONS WITHIN THE MEANING OF ARTICLE 1

1. Installations for the production or processing of organic or inorganic chemicals using for this purpose, in particular: alkylation, amination by ammonolysis, carbonylation, condensation, dehydrogenation, esterification, halogenation and manufacture of halogens, hydrogenation, hydrolysis, oxidation, polymerization, sulphonation, desulphurization, manufacture and transformation of sulphur-containing compounds, nitration and manufacture of nitrogen-containing compounds, manufacture of phosphorus-containing compounds, formulation of pesticides and of pharmaceutical products.

Installations for the processing of organic and inorganic chemical substances, using for this purpose, in particular: distillation, extraction, solvation, mixing.

2. Installations for distillation, refining or other processing of petroleum or petroleum products.

3. Installations for the total or partial disposal of solid or liquid substances by incineration or chemical decomposition.

4. Installations for the production or processing of energy gases, for example, LPG, LNG, SNG.

5. Installations for the dry distillation of coal or lignite.

6. Installations for the production of metals or non-metals by the wet process or by means of electrical energy.

[Annex II]

Storage at Installations Other Than Those Covered by Annex I

("Isolated Storage")

The quantities set out below relate to each installation or group of installations belonging to the same manufacturer where the distance between the installations is not sufficient to avoid, in foreseeable circumstances, any aggravation of major-accident hazards. These quantities apply in any case to each group of installations belonging to the same manufacturer where the distance between the installations is less than approximately 500 m.

Substances or groups of substances	Quantities (tonnes) > For application of articles 3 and 4	Quantities (tonnes) > For application of article 5
1. Flammable gases as defined in Annex IV(c)(i)	50	[1] 300
2. Highly flammable liquids as defined in Annex IV(c)(ii)	10,000	100,000
3. Acrylonitrile	350	5,000
4. Ammonia	60	600
5. Chlorine	10	200
6. Sulphur dioxide	20	500
7. Ammonium nitrate	[2] 500	[2] 5,000
8. Sodium chlorate	25	[2] 250
9. Liquid oxygen	200	[2] 2,000

[1] Member States may provisionally apply Article 5 to quantities of at least 500 tonnes until the revision of Annex II mentioned in Article 19.
[2] Where the substance is in a state which gives it properties capable of creating a major-accident hazard.

[Annex III]

List of Substances for the Application of Article 5

The quantities set out below relate to each installation or group of installations belonging to the same manufacturer where the distance between the installations is not sufficient to avoid, in foreseeable circumstances, any aggravation of major-accident hazards. These quantities apply in any case to each group of installations belonging to the same manufacturer where the distance between the installations is less than approximately 500 m.

Name	Quantity (>)	CAS No.	EEC No.
1. 4-Aminodiphenyl	1 kg	92-67-1	
2. Benzidine	1 kg	92-87-5	612-042-00-2
3. Benzidine salts	1 kg		
4. Dimethylnitrosamine	1 kg	62-75-9	
5. 2-Naphthylamine	1 kg	91-59-8	612-022-00-3
6. Beryllium (powders, compounds).	10 kg		
7. Bis(chloromethyl) ether.	1 kg	542-88-1	603-046-00-5
8. 1,3-Propanesultone	1 kg	1120-71-4	
9. 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD).	1 kg	1746-01-6	
10. Arsenic pentoxide, Arsenic (V) acid and salts.	500 kg		
11. Arsenic trioxide, Arsenious (III) acid and salts.	100 kg		
12. Arsenic hydride (Arsine).	10 kg	7784-42-1	
13. Dimethylcarbamoyl chloride.	1 kg	79-44-7	
14. 4-(Chloroformyl) morpholine.	1 kg	15159-40-7	
15. Carbonyl chloride (Phosgene).	20 t	75-44-5	006-002-00-8
16. Chlorine	50 t	7782-50-5	017-001-00-7
17. Hydrogen sulphide	50 t	7783-06-04	016-001-00-4
18. Acrylonitrile	200 t	107-13-1	608-003-00-4
19. Hydrogen cyanide	20 t	74-90-8	006-006-00-X
20. Carbon disulphide	200 t	75-15-0	006-003-00-3
21. Bromine	500 t	7726-95-6	035-001-00-5
22. Ammonia	500 t	7664-41-7	007-001-00-5
23. Acetylene (Ethyne)	50 t	74-86-2	601-015-00-0
24. Hydrogen	50 t	1333-74-0	001-001-00-9
25. Ethylene oxide	50 t	75-21-8	603-023-00-X
26. Propylene oxide	50 t	75-56-9	603-055-00-4
27. 2-Cyanopropan-2-ol (Acetone cyanohydrin).	200 t	75-86-5	608-004-00-X
28. 2-Propenal (Acrolein).	200 t	107-02-8	605-008-00-3
29. 2-Propen-1-ol (Allyl alcohol).	200 t	107-18-6	603-015-00-6
30. Allylamine	200 t	107-11-9	612-046-00-4
31. Antimony hydride (Stibine).	100 kg	7803-52-3	
32. Ethyleneimine	50 t	151-56-4	613-001-00-1
33. Formaldehyde (concentration > 90%).	50 t	50-00-0	605-001-01-2
34. Hydrogen phosphide (Phosphine).	100 kg	7803-51-2	
35. Bromomethane (Methyl bromide).	200 t	74-83-9	602-002-00-3
36. Methyl isocyanate	1 t	624-83-9	615-001-00-7
37. Nitrogen oxides	50 t	11104-93-1	
38. Sodium selenite	100 kg	10102-18-8	
39. Bis(2-chloroethyl) sulphide.	1 kg	505-60-2	
40. Phosacetim	100 kg	4104-14-7	015-092-00-8
41. Tetraethyl lead	50 t	78-00-2	
42. Tetramethyl lead	50 t	75-74-1	
43. Promurit (1-(3,4-Dichlorophenyl)-3-triazenethio-carboxamide).	100 kg	5856-73-7	
44. Chlorfenvinphos	100 kg	470-90-6	015-071-00-3
45. Crimidine	100 kg	535-89-7	613-004-00-8
46. Chloromethyl methyl ether.	1 kg	107-30-2	
47. Dimethyl phosphoramidocyanidic acid.	1 t	63917-41-9	
48. Carbophenothion	100 kg	786-19-6	015-044-00-6
49. Dialifos	100 kg	10311-84-9	015-088-00-6
50. Cyanthoate	100 kg	3734-95-0	015-070-00-8
51. Amitron	1 kg	78-53-5	
52. Oxydisulfoton	100 kg	2497-07-6	015-096-00-X
53. 00-Diethyl S-ethylsulphinylmethyl phosphorothioate.	100 kg	2588-05-8	
54. 00-Diethyl S-ethylsulphenylmethyl phosphorothioate.	100 kg	2588-06-9	
55. Disulfoton	100 kg	298-04-4	015-060-00-3
56. Demeton	100 kg	8065-48-3	
57. Phorate	100 kg	298-02-2	015-033-00-6
58. 00-Diethyl S-ethylthiomethyl phosphorothioate.	100 kg	2600-69-3	
59. 00-Diethyl S-isopropylthiomethyl phosphorodithioate.	100 kg	78-52-4	
60. Pyrazoxon	100 kg	108-34-9	015-023-00-1
61. Pensulfothion	100 kg	115-90-2	015-090-00-7
62. Paraoxon (Diethyl 4-nitrophenyl phosphate).	100 kg	311-45-5	
63. Parathion	100 kg	56-38-2	015-034-00-1
64. Azinphos-ethyl	100 kg	2642-71-9	015-056-00-1
65. 00-Diethyl S-propylthiomethyl phosphorodithioate.	100 kg	3309-68-0	
66. Thionazin	100 kg	297-97-2	
67. Carbofuran	100 kg	1563-66-2	006-026-00-9
68. Phosphamidon	100 kg	13171-21-6	015-022-00-6
69. Tirpate (2,4-Dimethyl-1,3-dithiolane-2-carboxaldehyde 0-methylcarbamoyloxime).	100 kg	26419-73-8	
70. Mevinphos	100 kg	7786-34-7	015-020-00-5
71. Parathion-methyl	100 kg	298-00-0	015-035-00-7
72. Azinphos-methyl	100 kg	86-50-0	015-039-00-9
73. Cycloheximide	100 kg	66-81-9	
74. Diphacinone	100 kg	82-66-6	
75. Tetramethylenedisulphotetramine.	1 kg	80-12-6	
76. EPN	100 kg	2104-64-5	015-036-00-2
77. 4-Fluorobutyric acid	1 kg	462-23-7	
78. 4-Fluorobutyric acid, salts.	1 kg		
79. 4-Fluorobutyric acid, esters.	1 kg		
80. 4-Fluorobutyric acid, amides.	1 kg		
81. 4-Fluorocrotonic acid.	1 kg	37759-72-1	
82. 4-Fluorocrotonic acid, salts.	1 kg		
83. 4-Fluorocrotonic acid, esters.	1 kg		
84. 4-Fluorocrotonic acid, amides.	1 kg		
85. Fluoroacetic acid	1 kg	144-49-0	607-081-00-7
86. Fluoroacetic acid, salts.	1 kg		
87. Fluoroacetic acid, esters.	1 kg		
88. Fluoroacetic acid, amides.	1 kg		
89. Fluenetil	100 kg	4301-50-2	607-078-00-0
90. 4-Fluoro-2-hydroxybutyric acid.	1 kg		
91. 4-Fluoro-2-hydroxybutyric acid, salts.	1 kg		
92. 4-Fluoro-2-hydroxybutyric acid, esters.	1 kg		
93. 4-Fluoro-2-hydroxybutyric acid, amides.	1 kg		
94. Hydrogen fluoride	50 t	7664-39-3	009-002-00-6
95. Hydroxyacetonitrile (Glycolonitrile).	100 kg	107-16-4	
96. 1,2,3,7,8,9-Hexachlorodibenzo-p-dioxin.	100 kg	19408-74-3	
97. Isodrin	100 kg	465-73-6	602-050-00-4
98. Hexamethylphosphoramide.	1 kg	680-31-9	
99. Juglone (5-Hydroxynaphthalene-1,4-dione).	100 kg	481-39-0	
100. Warfarin	100 kg	81-81-2	607-056-00-0
101. 4,4'-Methylenebis (2-chloroaniline).	10 kg	101-14-4	
102. Ethion	100 kg	563-12-2	015-047-00-2
103. Aldicarb	100 kg	116-06-3	006-017-00-X
104. Nickel tetracarbonyl.	10 kg	13463-39-3	028-001-00-1
105. Isobenzan	100 kg	297-78-9	602-053-00-0
106. Pentaborane	100 kg	19624-22-7	
107. 1-Propen-2-chloro-1,3-diol-diacetate.	10 kg	10118-72-6	
108. Propyleneimine	50 t	75-55-8	
109. Oxygen difuluoride	10 kg	7783-41-7	
110. Sulphur dichloride	1 t	10545-99-0	016-013-00-X
111. Selenium hexafluoride.	10 kg	7783-79-1	
112. Hydropen selenide	10 kg	7783-07-5	
113. TEPP	100 kg	107-49-3	015-025-00-2
114. Sulfotep	100 kg	3689-24-5	015-027-00-3
115. Dimefox	100 kg	115-26-4	015-061-00-9
116. 1-Tri(cyclohexyl) stannyl-1H-1,2,4-triazole.	100 kg	41083-11-8	
117. Triethylenemelamine.	10 kg	51-18-3	
118. Cobalt (powders, compounds).	100 kg		
119. Nickel (powders, compounds).	100 kg		
120. Anabasine	100 kg	494-52-0	
121. Tellurium hexafluoride.	100 kg	7783-80-4	
122. Trichloromethanesulphenyl chloride.	100 kg	594-42-3	
123. 1,2-Dibromoethane (Ethylene dibromide).	50 t	106-93-4	602-010-00-6
124. Flammable substances as defined in Annex IV (c) (i).	200 t		
125. Flammable substances as defined in Annex IV (c) (ii).	50,000 t		
126. Diazodinitrophenol	10 t	7008-81-3	
127. Diethylene glycol dinitrate.	10 t	693-21-0	603-033-00-4
128. Dinitrophenol, salts	50 t		609-017-00-3
129. 1-Guanyl-4-nitrosaminoguanyl-1-tetrazene.	10 t	109-27-3	
130. Bis (2,4,6-trinitriphenyl)amine.	50 t	131-73-7	612-018-00-1
131. Hydrazine nitrate	50 t	13464-97-6	
132. Nitroglycerine	10 t	55-63-0	603-034-00-X
133. Pentaerythritol tetranitrate.	50 t	78-11-5	603-035-00-5
134. Cyclotrimethylene trinitramine.	50 t	121-82-4	
135. Trinitroaniline	50 t	26952-42-1	
136. 2,4,6-Trinitroanisole.	50 t	606-35-9	609-011-00-0
137. Trinitrobenzene	50 t	25377-32-6	609-005-00-8
138. Trinitrobenzoic acid.	50 t	35860-50-5 129-66-8	
139. Chlorotrinitrobenzene.	50 t	28260-61-9	610-004-00-X
140. N-Methyl-N,2,4,6-N-tetranitroaniline.	50 t	479-45-8	612-017-00-6
141. 2,4,6-Trinitrophenol (Picric acid).	50 t	88-89-1	609-009-00-X
142. Trinitrocresol	50 t	28905-71-7	609-012-00-6
143. 2,4,6-Trinitrophenetole.	50 t	4732-14-3	
144. 2,4,6-Trinitroresorcinol (Styphnic acid).	50 t	82-71-3	609-018-00-9
145. 2,4,6-Trinitrotoluene.	50 t	118-96-7	609-008-00-4
146. Ammonium nitrate ([1]).	5000 t	6484-52-2	

Name	Quantity (>)	CAS No.	EEC No.
147. Cellulose nitrate (containing > 12.6% nitrogen).	100 t	9004-70-0	603-037-00-6
148. Sulphur dioxide	1000 t	7446-09-05	016-011-00-9
149. Hydrogen chloride (liquefied gas).	250 t	7647-01-0	017-002-00-2
150. Flammable substances as defined in Annex IV(c) (iii).	200 t		
151. Sodium chlorate(1).	250 t	7775-09-9	017-005-00-9
152. tert-Butyl peroxyacetate (concentration > 70%).	50 t	107-71-1	
153. tert-Butyl peroxyisobutyrate (concentration > 80%).	50 t	109-13-7	
154. tert-Butyl peroxymaleate (concentration > 80%).	50 t	1931-62-0	
155. tert-Butyl peroxy isopropyl carbonate (concentration > 80%).	50 t	2372-21-6	
156. Dibenzyl peroxydicarbonate (concentration > 90%).	50 t	2144-45-8	
157. 2,2-Bis (tert-butylperoxy) butane (concentration > 70%).	50 t	2167-23-9	
158. 1,1-Bis (tert-butylperoxy) cyclohexane (concentration > 80%).	50 t	3006-86-8	
159. Di-sec-butyl peroxydicarbonate (concentration > 80%).	50 t	19910-65-7	
160. 2,2-Dihydroperoxypropane (concentration > 30%).	50 t	2614-76-8	
161. Di-n-propyl peroxydicarbonate (concentration > 80%).	50 t	16066-38-9	
162. 3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetroxacyclononane (concentration > 75%).	50 t	22397-33-7	
163. Methyl ethyl ketone peroxide (concentration > 60%).	50 t	1338-23-4	
164. Methyl isobutyl ketone peroxide (concentration > 60%).	50 t	37206-20-5	
165. Peracetic acid (concentration > 60%).	50 t	79-21-0	607-094-00-8
166. Lead azide	50 t	13424-46-9	082-003-00-7
167. Lead 2,4,6-trinitroresorcinoxide (Lead styphnate).	50 t	15245-44-0	609-019-00-4
168. Mercury fulminate	50 t	20820-45-5 628-86-4	080-005-00-2
169. Cycloterramethylene-eneterranitramine.	50 t	2691-41-0	
170. 2,2'4,4',6,6'-Hexanitrostilbene.	50 t	20062-22-0	
171. 1,3,5-Tariamino-2,4,6-trinitrobenzene.	50 t	3058-38-6	
172. Ethylene glycol dinitrate.	50 t	628-96-6	603-032-00-9
173. Ethyl nitrate	50 t	625-58-1	007-007-00-8
174. Sodium picramate	50 t	831-52-7	
175. Bariom azide	50 t	18810-58-7	
176. Di-isobutyryl peroxide (concentration > 50%).	50 t	3437-84-1	
177. Diethyl peroxydicarbonate (concentration > 30%).	50 t	14666-78-5	
178. tert-Butyl peroxypivalate (concentration > 77%).	50 t	927-07-1	

[1] Where this substance is in a state which gives it properties capable of creating a major accident hazard

NB: The EEC numbers correspond to those in Directive 67/548/EEC and its amendments.

[Annex IV]

INDICATIVE CRITERIA

(a) Very toxic substances: Substances which correspond to the first line of the table below; substances which correspond to the second line of the table below and which, owing to their physical and chemical properties, are capable of entailing major-accident hazards similar to those caused by the substance mentioned in the first line:

LD 50 (oral) (1) mg/kg body weight	LD 50 (cutaneous) (2) mg/kg/body weight	LC 50 (3) mg/l (inhalation)
LD 50 < 5	LD 50 < 10	LC 50 < 0.1
5 < LD 50 < 25	10 < LD 50 < 50	0.1 < LC 50 < 0.5

(1) LD 50 oral in rats.
(2) LD 50 cutaneous in rats or rabbits.
(3) LD 50 by inhalation (four hours) in rats.

(b) Other toxic substances: The substances showing the following values of acute toxicity and having physical and chemical properties capable of entailing major-accident hazards:

LD 50 (oral) (1) mg/kg body weight	LD 50 (cutaneous) (2) mg/kg/body weight	LC 50 (3) mg/l (inhalation)
25 < LD 50 < 200	50 < 50 < 400	0-5 < LC 50 < 2

(1) LD 50 oral in rats.
(2) LD 50 cutaneous in rats or rabbits.
(3) LD 50 by inhalation (four hours) in rats.

(c) Flammable substances:

(i) *flammable gases:* Substances which in the gaseous state at normal pressure and mixed with air become flammable and the boiling point of which at normal pressure is 20 °C or below:

(ii) *highly flammable liquids:* Substances which have a flash point lower than 21 °C and the boiling point of which at normal pressure is above 20 °C;

(iii) *flammable liquids:* Substances which have a flash point lower than 55 °C and which remain liquid under pressure, where particular processing conditions, such as high pressure and high temperature, may create major-accident hazards.

(d) Explosive substances: Substances which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.

[Annex V]

DATA AND INFORMATION TO BE SUPPLIED IN CONNECTION WITH THE NOTIFICATION PROVIDED FOR IN ARTICLE 5

If it not possible or if it seems unnecessary to provide the following information, reasons must be given.

1. Identity of the substance
Chemical name
CAS number
Name according to the IUFAC nomenclature
Other names
Empirical formula
Composition of the substance
Degree of purity
Main impurities and relative percentages
Detection and determination methods available to the installation
Description of the methods used or references to scientific literature
Methods and precautions laid down by the manufacturer in connection with handling, storage and fire
Emergency measures laid down by the manufacturer in the event of accidential dispersion
Methods available to the manufacturer for rendering the substance harmless
2. Brief indication of hazards
—For man:
—Immediate.
—Delayed.
—For the environment:
—Immediate.
—Delayed.

[Annex VI]

INFORMATION TO BE SUPPLIED TO THE COMMISSION BY THE MEMBER STATES PURSUANT TO ARTICLE II

Report of Major Accident:
Member State:
Authority responsible for report:
Address:
1. General data:
Date and time of the major accident:
Country, administrative region, etc.:
Address:
Type of industrial activity:
2. Type of major accident: Explosion—— Fire—— Emission of dangerous substances——.
Substance(s) emitted:
3. Description of the circumstances of the major accident:
4. Emergency measures taken:
5. Cause(s) of major accident:
Known: (to be specified)——.
Not known: Information will be supplied as soon as possible——.
6. Nature and extent of damage:
(a) *Within the establishment:*
Casualties: ——killed; ——injured; ——poisoned.
Persons exposed to the major accident ——.
Material damage ——.
The danger is still present ——.
The danger no longer exists ——.
(b) *Outside the establishment:*
Casualties: ——killed; ——injured; ——poisoned.
Persons exposed to the major accident ——.
Material damage ——.
Damage to the environment ——.
The danger is still present ——.
The danger no longer exists ——.
7. Medium and long-term measures, particularly those aimed at preventing the recurrence of similar major accidents (to be submitted as the information becomes available).

[Annex VII]

STATEMENT RE ARTICLE 8

The Member States shall consult one another in the framework of their bilateral relations on the measures required to avert major accidents originating in a notified industrial activity within the meaning of Article 5 and to limit the consequences for man and the environment. In the case of new installations, this consultation shall take place within the time limits laid down in Article 5(2).

[From the New York Times, Jan. 28, 1985]

THE BHOPAL DISASTER: HOW IT HAPPENED

(By Stuart Diamond)

NEW DELHI, Jan. 27.—The gas leak at a chemical plant in central India on Dec. 3 that killed at least 2,000 people was the result of operating errors, design flaws, maintenance failures and training deficiencies, according to present and former employees, company technical documents and the Indian Government's chief scientist.

Those are among the findings of a seven-week inquiry begun by reporters of The New York Times after the leak of toxic methyl isocyanate gas at a Union Carbide plant in Bhopal, India, produced history's worst industrial disaster, stunning India and the world. Among the questions the tragedy raised were how it could have happened and who was responsible.

The inquiry involved more than 100 interviews in Bhopal, New Delhi, Bombay, New York, Washington, Danbury, Conn., and Institute, W. Va. It unearthed information not available even to the Union Carbide Corporation, the majority owner of the plant where the leak occurred, because the Indian authorities have denied corporate representatives access to some documents, equipment and personnel.

EVIDENCE OF VIOLATIONS

The Times investigation produced evidence of at least 10 violations of the standard procedures of both the parent corporation and its Indian-run subsidiary.

Executives of Union Carbide India Ltd., which operated the plant, are reluctant to address the question of responsibility for the tragedy, in which about 200,000 people were injured. The plant's manager has declined to discuss the irregularities. The managing director of the Indian company refused to talk about details of the accident or the conditions that produced it, although he did say that the enforcement of safety regulations was the responsibility of executives at the Bhopal plant.

When questioned in recent days about the shortcomings disclosed in the inquiry by The Times, a spokesman at Union Carbide corporate headquarters in Danbury characterized any suggestion of the accident's causes as speculation and emphasized that Union Carbide would not "contribute" to that speculation.

SUMMARY OF IRREGULARITIES

A review by The Times of some company documents and interviews with chemical experts, plant workers, company officials and former officials disclosed these and other irregularities at Bhopal:

When employees discovered the initial leak of methyl isocyanate at 11:30 p.m. on Dec. 2, a supervisor—believing, he said later, that it was a water leak—decided to deal with it only after the next tea break, several workers said. In the next hour or more, the reaction taking place in a storge tank went out of control. "Internal leaks never bothered us," said one employee. Indeed, workers said that the reasons for leaks were rarely investigated. The problems were either fixed without further examination or ignored, they said.

Several months before the accident, plant employees say, managers shut down a refrigeration unit designed to keep the methyl isocyanate cool and inhibit chemical reactions. The shutdown was a violation of plant procedures.

The leak began, according to several employees, about two hours after a worker whose training did not meet the plant's original standards was ordered by a novice supervisor to wash out a pipe that had not been properly sealed. That procedure is prohibited by plant rules. Workers think the most likely source of the contamination that started the reaction leading to the accident was water from this process.

The three main safety systems, at least two of which, technical experts said, were built according to specifications drawn for a Union Carbide plant at Institute, W. Va., were unable to cope with conditions that existed on the night of the accident. Moreover, one of the systems had been inoperable for several days, and a second had been out of service for maintenance for several weeks.

Plant operators failed to move some of the methyl isocyanate in the problem tank to a spare tank as required because, they said, the spare was not empty as it should have been. Workers said it was a common practice to leave methyl isocyanate in the spare tank, though standard procedures required that it be empty.

Instruments at the plant were unreliable, according to Shakil Qureshi, the methyl isocyanate supervisor on duty at the time of the accident. For that reason, he said, he ignored the initial warning of the accident, a gauge's indication that pressure in one of three methyl isocyanate storage tanks had risen fivefold in an hour.

The Bhopal plant does not have the computer system that more sophisticated operations, including the West Virginia plant, use to monitor their functions and quickly alert the staff to leaks, employees said. The management, they added, relied on workers to sense escaping methyl isocyanate as their eyes started to water. That practice violated specific orders in the parent corporation's technical manual, titled "Methyl Isocyante," which sets out the basic policies for the manufacture, storage and transportation of the chemical. The manual says: "Although the tear gas effects of the vapor are extremely unpleasant, this property cannot be used as a means to alert personnel."

Training levels and requirements for experience and education had been sharply reduced, according to many plant employees, who said the cutbacks were the result, at least in part, of budget reductions.

The staff at the methyl isocyanate plant, which had little automated equipment, was cut from 12 operators on a shift to 6 in 1983, according to several employees. The plant "cannot be run safely with six people," said Kamal K. Pareek, a chemical engineer who began working at the Bhopal plant in 1971 and was senior project engineer during the building of the methyl isocyanate facility there eight years ago.

There were no effective public warnings of the disaster. The alarm that sounded on the night of the accident was similar or identical to those sounded for various purposes, including practice drills, about 20 times in a typical week, according to employees. No brochures or other materials had been distributed in the area around the plant warning of the hazards it presented, and there was no public education program about what to do in an emergency, local officials said.

Most workers, according to many employees, panicked as the gas escaped, running away to save their own lives and ignoring buses that sat idle on the plant grounds, ready to evacuate nearby residents.

A TOP PRIORITY

At its headquarters in Danbury, the parent corporation said last month: "Union Carbide regards safety as a top priority. We take great steps to insure that the plants of our affiliates, as well as our own plants, are properly equipped with safeguards and the employees are properly trained."

Over the weekend in response to questions from The Times, a corporate spokesman described the managers of the Indian affiliate as "well qualified" and cited their "excellent record," adding that because of the possibility of litigation in India "judicial and ethical rules and practices inhibit them from answering questions."

However, the spokesman said: "Responsibility for plant maintenance, hiring and training of employees, establishing levels of training and determining proper staffing levels rests with plant management.

RESPONSIBILITY FOR SAFETY

V.P. Gokhale, the chief operating officer of Union Carbide India Ltd., in his first detailed interview since Dec. 3, would not comment on specific violations or the cause of the accident, but he said the Bhopal plant was responsible for its own safety, with little scrutiny from outside experts.

The Indian company has one safety officer at its headquarters in Bombay, Mr. Gokhale said, but that officer is chiefly responsible for keeping up to date the safety manuals used at the company's plants.

Despite the Bhopal plant's autonomy on matters of safety, it was inspected in 1982 by experts from the parent company in the United States, and they filed a critical report.

In the interview, however, Mr. Gokhale contended that the many problems cited in the 1982 report had been corrected. "There were no indications of problems," he said. "We had no reason to believe there were any grounds for such an accident."

Mr. Gokhale, who became managing director of Union Carbide India in December 1982 and has been with the company 25 years added: "There is no way with 14 factories and 28 sales branches all over the country and 9,000 employees that I could personally supervise any plant on a week-to-week basis."

At perhaps a dozen points during a two-hour interview, he spoke his answers into a tape recorder, saying he would inform the parent corporation's Danbury headquarters of what he had said. He also made notes of some of his comments and said he would send them to Danbury for approval by Union Carbide lawyers.

RELATIONSHIP OF THE COMPANIES

The precise relationship between Union Carbide's American headquarters and its Indian affiliate is a subject that Mr. Gokhale and other company officials have refused to discuss in detail. But an understanding of that relationship is a key element in pinpointing responsibility for the disaster at Bhopal. Lawyers from both the United States and India say it is also central to the lawsuits brought by Bhopal residents damaged by the accident.

Although the situation remains unclear, some evidence of the relationship between the Indian and American companies has begun to emerge. The United States corporation has direct representation on the Indian company's board. J. M. Rehfield, an executive vice president in Danbury, sits on that board, Mr. Gokhale acknowledged, as do four representatives of Union Carbide Eastern Inc., a division based in Hong Kong. Mr. Gokhale said the board of directors reviews reports on the Indian affiliate's operations.

Moreover, some key safety decisions affecting Bhopal were reportedly made or reviewed at the corporate headquarters in Danbury.

Srinivasan Varadarajan, the Indian Government's chief scientist, said his staff had been told by managers of the Bhopal plant that the refrigeration unit designed to chill the methyl isocyanate, which he said was very small and had never worked satisfactorily, had been disconnected because the

managers had concluded after discussions with American headquarters that the device was not necessary.

A spokesman at corporate headquarters in Danbury, Thomas Failla, said: "As far as we have been able to establish, the question of turning off the refrigeration unit was not discussed with anyone at Union Carbide Corporation."

The methyl isocyanate operating manual in use at Bhopal, which was adapted by five Indian engineers from a similar document written for the West Virginia plant, according to a former senior official at Bhopal, says: "Keep circulation of storage tank contents continuously 'ON' through the refrigeration unit."

And a senior official of Union Carbide India said few if any people would have died Dec. 3 had the unit been running because it would have slowed the chemical reaction that took place during the accident and increased the warning time from two hours to perhaps two days.

Workers said that when the 30-ton refrigeration unit was shut down, electricity was saved and the Freon in the coils of the cooling unit was pumped out to be used elsewhere in the plant.

Mr. Gokhale specifically declined to answer questions about the refrigeration unit.

EMPLOYEES CRITICIZE MORALE

Many employees at the Bhopal plant described a factory that was once a showpiece but that, in the face of persistent sales deficits since 1982, had lost much of its highly trained staff, its morale and its attention to the details that insure safe operation.

"The whole industrial culture of Union Carbide at Bhopal went down the drain," said Mr. Pareek, the former project engineer. "The plant was losing money, and top management decided that saving money was more important than safety. Maintenance practices became poor, and things generally got sloppy. The plant didn't seem to have a future, and a lot of skilled people became depressed and left as a result."

Mr. Pareek said he resigned in December 1983 because he was disheartened about developments at the plant and because he was offered a better job with Goodyear India Ltd. as a divisional production manager.

Mr. Gokhale termed the company's cost-cutting campaign simply an effort to reduce "avoidable and wasteful expenditures."

The corporate spokesman in Danbury said Union Carbide has "an ongoing operations improvement program which involves, among other things, a regular review of ways to reduce costs." He said Union Carbide India was involved in such programs, "but the details of those programs at the Bhopal plant are not known to us."

The spokesman added: "Financial information supplied to us indicated that the Bhopal plant was not profitable."

In the absence of official company accounts, details of the accident and its causes have been provided by technical experts such as Dr. Varadarajan and Mr. Pareek and by three dozen plant workers, past and present company officials and other people with direct knowledge of the factory's operations. Many of them agreed to be interviewed only on condition that they not be identified. Most of the workers knew little English and spoke in Hindi through an interpreter.

They provided some documents but often relied upon their recollections because many plant files and even public records have been impounded by the Indian authorities investigating the accident.

POTENTIAL FOR SERIOUS ACCIDENT

Nearly all those interviewed contended that the company had been neither technically nor managerially prepared for the accident. The 1982 inspection report seemed to support that view, saying the Bhopal plant's safety problems represented "a higher potential for a serious accident or more serious consequences if an accident should occur."

That report "strongly" recommended, among other things, the installation of a larger system that would supplement or replace one of the plant's main safety devices, a water spray designed to contain a chemical leak. That change was never made, plant employees said, and on Dec. 3 the spray was not high enough to reach the escaping gas.

The spokesman in Danbury said the corporation had been informed that Union Carbide India had taken "all the action it considered necessary to respond effectively" to the 1982 report.

Another of the safety devices, a gas scrubber or neutralizer, one of the systems said to have been built according to the specifications used at the West Virginia plant, was unable to cope with the accident because it has a maximum design pressure one-quarter that of the leaking gas, according to plant documents and employees.

The third safety system, a flare tower that is supposed to burn off escaping gases, would theoretically have been capable of handling about a quarter of the volume of the leaking gas were it not under such pressure, according to Mr. Pareek. The pressure, he said, was high enough to burst a tank through which gases must flow before being channeled up the flare tower. The tower was the second system described by technical experts as conforming to the specifications used in West Virginia.

In any case, the pressure limitations of the flare tower were immaterial because it was not operating at the time of the accident.

GUIDELINES FOR DESIGN

A former executive at the Bhopal plant said the parent corporation had provided guidelines for the design of the scrubber, the flare tower and the spray system. But detailed design work for those systems and the entire plant, he said, was performed by Humphreys & Glasgow Pvt. Ltd. of Bombay, a subsidiary of Humphreys & Glasgow Ltd. of London, a consulting company based in London. The London company in turn is owned by the Enserch Corporation of Dallas.

The spokesman in Danbury said the Union Carbide Corporation had provided its Indian affiliate with "a process design package containing information necessary and sufficient" for the affiliate to arrange the design and construction of the plant and its equipment.

The spokesman said the corporation had only incomplete information on the scrubber, flare tower and other pieces of equipment, and he declined to comment on their possible relationship to the accident.

It was unclear whether the limitations of the safety systems resulted from the guidelines provided by the Union Carbide Corporation or from the detailed designs.

Employees at the plant recalled after the accident that during the evening of Dec. 2 they did not realize how high the pressures were in the system. Suman Dey, the senior operator on duty, said he was in the control room at about 11 p.m. and noticed that the pressure gauge in one tank read 10 pounds a square inch, about five times normal. He said he had thought nothing of it.

Mr. Qureshi, an organic chemist who had been a methyl isocyanate supervisor at the plant for two years, had the same reaction half an hour later. The readings were probably inaccurate, he thought. "There was a continual problem with instruments," he said later. "Instruments often didn't work."

LEAK FOUND BUT TEA IS FIRST

About 11:30 P.M., workers in the methyl isocyanate structure, about 100 feet from the control room, detected a leak. Their eyes started to water.

V. N. Singh, an operator, spotted a drip of liquid about 50 feet off the ground, and some yellowish-white gas in the same area. He said he went to the control room about 11:45 and told Mr. Qureshi of a methyl isocyanate leak. He quoted Mr. Qureshi as responding that he would see to the leak after tea.

Mr. Qureshi contended in an interview that he had been told of a water leak, not an escape of methyl isocyanate.

No one investigated the leak until after tea ended, about 12:40 a.m., according to the employees on duty.

Such inattention merely compounded an already dangerous situation according to Dr. Varadarajan, the Government scientist.

He is a 56-year-old organic and biological chemist who holds doctoral degrees from Cambridge and Delhi universities and was a visiting lecturer in biological chemistry at the Massachusetts Institute of Technology. He heads the Council of Scientific and Industrial Research, the Government's central research organization, which operates 42 national laboratories.

In the two weeks after the accident, Dr. Varadarajan said, he and a staff gathered from the research council questioned factory managers at Bhopal, directed experiments conducted by the plant's research staff and analyzed the results of those tests. Some of the experiments were conducted on methyl isocyanate that remained at the Bhopal plant after the accident, he said, and some were designed to measure the reliability of testing procedures used at the factory.

Dr. Varadarajan said in a long interview that routine tests conducted at the Bhopal factory used a faulty method, so the substance may have been more reactive than the company believed.

For example, he said, the Bhopal staff did not adequately measure the incidence in methyl isocyanate or the possible effects of chloride ions, which are highly reactive in the presence of small amounts of water. Chlorine, of which chloride is an ion, is used in the manufacture of methyl isocyanate.

Dr. Varadarajan argued that the testing procedure used at Bhopal assumed that all of the chloride ions present resulted from the breakdown of phosgene and therefore the tests measured phosgene, not chloride ions. Phosgene is used in the manufacture of methyl isocyanate, and some of it is left in the compound to inhibit certain chemical reactions.

When his staff secretly added chloride ions to methyl isocyanate to be tested by the factory staff, Dr. Varadarajan said, the tests concluded that 23 percent of the chloride was phosgene.

"As yet," the scientist said, "Union Carbide has been unable to provide an unequivocal method of distinguishing between

phosgene and chloride" in methyl isocyanate.

The Union Carbide spokesman in Danbury said: "Tests for chloride-containing materials, including chloride ions in the tank are made routinely."

Dr. Varadarajan said his staff had produced its own hypotheses of the accident's causes after Union Carbide failed to provide any, even on request.

The spokesman in Danbury said that a team of "exceptionally well qualified" Chemists and engineers from Union Carbide had been studying the accident for seven weeks "and still has not been able to determine the cause." He added:

"Anyone who attempts to state what caused the accident would be only speculating unless he has more facts than we have and has done more analysis, tests and experiments than we have. Anyone who speculates about the cause of the accident should conspicuously label it as speculation."

Dr. Varadarajan's analysis, along with internal Union Carbide documents and conversations with workers, offers circumstantial evidence for at least one explanation of what triggered the accident.

There were 45 metric tons, or about 13,000 gallons, of methyl isocyanate in the tank that leaked, according to plant workers. That would mean the tank was 87 percent full.

Union Carbide's spokesman in Danbury said the tank contained only 11,000 gallons of the chemical, "which was well below the recommended maximum working capacity of the 15,000-gallon tank."

However, even that lower level—73 percent of capacity—exceeds the limit set in the Bhopal operating manual, which says: "Do not fill MIC storage tanks beyond 60 percent level." And the parent corporation's technical manual suggests an even lower limit, 50 percent.

The reason for the restrictions, according to technical experts formerly employed at the plant, was that in case of a large reaction pressure in the storage tank would rise less quickly, allowing more time for corrective action before a possible escape of toxic gas.

For 13,000 gallons of the chemical, the amount reported by the plant staff, to have reacted with water, at least 1.5 tons or 420 gallons of water would have been required, according to Union Carbide technical experts.

But those experts said that an analysis of the tank's contents had not disclosed water-soluble urea, or biuret, the normal product of a reaction between water and methyl isocyanate.

Furthermore, all of those interviewed agreed that it was highly unlikely that 420 gallons of water could have entered the storage tank.

HYPOTHESIS ON THE CAUSE

Those observations led Dr. Varadarajan and his staff to suggest that there may have been another reaction: water and phosgene.

Phosgene, which was used as a chemical weapon during World War I, inhibits reactions between water and methyl isocyanate because water selectively reacts first with phosgene.

But Dr. Varadarajan said his study had found that the water-phosgene reaction produced something not suggested in the Union Carbide technical manual: highly corrosive chloride ions, which can react with the stainless steel walls of a tank, liberating metal corrosion products—chiefly iron—and a great deal of heat.

The heat, the action of the chloride ions on methyl isocyanate, which releases more heat, and the chloride ions' liberation of the metals could combine to start a runaway reaction, he said.

"Only a very small amount of water would be needed to start a chain reaction," he said, estimating the amount at between one pint and one quart.

Beyond its routine checks for the presence of chloride, the corporate spokesman said in Danbury, Union Carbide specifies that tanks be built of certain types of stainless steel that do not react with methyl isocyanate.

He did not say whether the specified types of stainless steel react with chloride ions.

Dr. Varadarajan said his hypothesis had been confirmed by laboratory experiments in which the methyl isocyanate polymerized, or turned into a kind of plastic, about 15 tons of which was found in the tank that leaked.

OTHER CONTAMINANTS POSSIBLE

But that is not the only possible explanation of the disaster at Bhopal. Although water breaks down methyl isocyanate in the open air, it can react explosively with the liquid chemical in a closed tank. Lye can also react with it in a closed tank, but in the gas naturalizer, or scrubber, a solution of water and lye neutralizes escaping gas. Beyond water and lye, methyl isocyanate reacts strongly, often violently, with a variety of contaminants, including acids, bases and metals such as iron.

Most of those contaminants are present at the plant under certain conditions. Water is used for washing and condenses on pipes, tanks, and other equipment colder than the surrounding air. Lye, or sodium hydroxide, a base, is sometimes used to clean equipment. Metals are the corrosion products of the stainless steel tanks used to store methyl isocyanate.

Union Carbide Corporation's technical manual on methyl isocyanate, published in 1976, recognizes the dangers. It says that metals in contact with methyl isocyanate can cause a "dangerously rapid" reaction. "The heat evolved," it adds, "can generate a reaction of explosive violence." When the chemical is not refrigerated, the manual say, its reaction with water "rapidly increases to the point of violent boiling." The presence of acids or bases, it adds, "greatly increases the rate of the reaction."

SOURCES OF CONTAMINANTS

Investigators from both Union Carbide, India and its parent corporation have found evidence of at least five contaminants in the tank that leaked, according to nuclear magnetic resonance spectrographs that were obtained by The New York Times and analyzed by two Indian technical experts at the request of The Times. Among the contaminants, a senior official of the Indian company said, were water, iron, and lye.

The water came from the improperly sealed pipe that had been washed, workers speculated, or perhaps was carried into the system after it had condensed in nitrogen that is used to replace air in tanks and pipes to reduce the chance of fire.

In the days before the accident, workers said, they used nitrogen in an unsuccessful attempt to pressurize the tank that leaked on Dec. 3. The nitrogen is supposed to be sampled for traces of moisture, but "we didn't check the moisture all the time," Mr. Qureshi said.

During the same period, the workers said, they added lye to the scrubber, which is connected to the storage tanks by an intricate set of pipes and valves that are supposed to be closed in normal working conditions but that workers said were sometimes open or leaking.

Dr. Varadarajan said he was particularly troubled that, in the absence of what he considered sufficient basic research on the stability of commercial methyl isocyanate, it was stored in such large quantities. "I might keep a small amount of kerosene in my room for my stove," he said, "but I don't keep a large tank in the room."

The Union Carbide Corporation decided that it would be more efficient to store the chemical in large quantities, former officials of the Indian affiliate said, so that a delay in the production of methyl isocyanate would not disrupt production of the pesticides of which it is a component.

Many plants store methyl isocyanate in 52-gallon drums which are considered safer than large tanks because the quantity in each storage vessel is smaller. The chemical was stored in drums at Bhopal when it was imported from the United States. Tank storage began in 1980, when Bhopal started producing its own methyl isocyanate.

The Union Carbide technical manual for methyl isocyante suggests that drum storage is safer. With large tank storage, it says contamination—and, therefore, accidents—are more likely. The drums do not typically require refrigeration, the manual says. But it cautions that refrigeration is necessary for bulk storage.

TRAINING WAS LIMITED

Although the storage system increased the risk of trouble at Bhopal, the plant's operating manual for methyl isocyanate offered little guidance in the event of a large leak.

After telling operators to dump the gas into a spare tank if a leak in a storage tank cannot be stopped or isolated, the manual says: "There may be other situations not covered above. The situation will determine the appropriate action. We will learn more and more as we gain actual experience."

Some of the operators at the plant expressed disatisfaction with their own understanding of the equipment for which they were responsible.

M.K. Jain, an operator on duty on the night of the accident, said he did not understand large parts of the plant. His three months of instrument training and two weeks of theoretical work taught him to operate only one of several methyl isocyanate systems, he said. "If there was a problem in another MIC system, I don't know how to deal with it," said Mr. Jain, a high school graduate.

Rahaman Khan, the operator who washed the improperly sealed pipe a few hours before the accident, said: "I was trained for one particular area and one particular job. I don't know about other jobs. During training they just said, 'These are the valves you are supposed to turn, this is the system in which you work, here are the instruments and what they indicate. That's it.' "

IT WAS NOT MY JOB

As to the incident on the day of the accident, Mr. Khan said he knew the pipe was unsealed but "it was not my job" to do anything about it.

Previously, operators say, they were trained to handle all five systems involved in the manufacture and storage of methyl isocyanate. But at the time of the accident, they said, only a few of about 20 operators

at Bhopal knew the whole methyl isocyanate plant.

The first page of the Bhopal operating manual says: "To operate a plant one should have an adequate knowledge of the process and the necessary skill to carry out the different operations under any circumstances."

Part of the preparatory process was "what it" training, which is designed to help technicians react to emergencies C.S. Tyson, a Union Carbide inspector from the United States who studied the Bhopal plant in 1982, said recently that inadequate "what if" training was one of the major shortcomings of that facility.

Beyond training, workers raised questions about lower employment qualifications. Methyl isocyanate operators' jobs, which once required college science degrees, were filled by high school graduates, they said, and managers experienced in dealing with methyl isocyanate were often replaced by less qualified personnel, sometimes transfers from Union Carbide battery factories, which are less complex and potentially dangerous than methyl isocyanate operations.

MAINTENANCE TEAM REDUCED

The workers also complained about the maintenance of the Bhopal plant. Starting in 1984, they said, nearly all major maintenance was performed on the day shift, and there was a backlog of jobs. This situation was compounded, the methyl isocyanate operators said, because since 1983 there had been 6 rather than 13 operators on a shift, so there were fewer people to prepare equipment for maintenance.

As a result of the backlog, the flare tower, one of the plant's major safety systems, had been out of operation for six days at the time of the accident, workers said. It was awaiting the replacement of a four-foot pipe section, they said, a job they estimated would take four hours.

The vent gas scrubber, the employees said, had been down for maintenance since Oct. 22, although the plant procedures specify that it be "continuously operated," until the plant is "free of toxic chemicals."

The plant procedures specify that the chiller must be operating whenever there is methyl isocyanate in the system. The Bhopal operating manual says the chemical must be maintained at a temperature no higher than 5 degrees centigrade or 41 degrees Fahrenheit. It specifies that a high temperature alarm is to sound if the methyl isocyanate reaches 11 degrees centigrade or 52 degrees Fahrenheit.

But the chiller had been turned off, the workers said, and the chemical was usually kept at nearly 20 degrees centigrade, or 68 degrees Fahrenheit. They said plant officials had adjusted the temperature alarms to sound not at 11 degrees but at 20 degrees centigrade.

That temperature, they maintained, is well on the way to methyl isocyanate's boiling point, 39.1 degrees centigrade, or 102.4 degrees Fahrenheit. Moreover, Union Carbide's 1976 technical manual warns specifically that if methyl isocyanate is kept at 20 degrees centigrade a contaminant can spur a runaway reaction. The manual says the preferred temperature is 0 degrees centigrade, or 32 degrees Fahrenheit.

If the refrigeration unit had been operating, a senior official of the Indian company said, it would have taken as long as two days, rather than two hours, for the methyl isocyanate reaction to produce the conditions that caused the leak. This would have given plant personnel sufficient time to deal with the mishap and prevent most, if not all, loss of life, he said.

The methyl isocyanate operating manual directs workers unable to contain a leak in a storage tank to dump some of the escaping gas into a 15,000-gallon tank that was to remain empty for that purpose. But the workers on duty said that during the accident they never opened the valve to the spare tank, and their supervisors never ordered them to do so. The workers said they had not tried to use the spare tank because its level indicator said it was 22 percent full and they feared that hot gas from the leaking tank might spark another reaction in the spare vessel.

The level indicator, according to the operators on duty that night, was wrong. The spare tank contained only 437 gallons of methyl isocyanate, not the 3,300 gallons indicated by the gauge.

Nonetheless, standard procedures had been violated. The operating manual says, "Always keep one of the storage tanks empty. This is to be used as dump tank during emergency." It provides that any tank less than 20 percent full be emptied completely.

The spokesman in Danbury said, "Our investigators did find some MIC in a spare tank," adding: "We do not know when and how the MIC got into the spare tank."

[From the New York Times, Jan. 30, 1985]

THE DISASTER IN BHOPAL: WORKERS RECALL HORROR

(By Stuart Diamond)

BHOPAL, INDIA, Jan. 24.—About 12:40 a.m. on Dec. 3, a worker at the Union Carbide pesticide plant here went to investigate a growing leak of methyl isocyanate. As he stood on a concrete slab above three large, partly buried storage tanks holding the chemical, the slab suddenly began to shake beneath him.

"There was a tremendous sound, a messy boiling sound, underneath the slab like a caldron," the worker, Mr. Dey, later recalled, "The whole area was vibrating."

He said he started to run away, heard a loud noise behind him, turned to look and saw 60 feet of concrete at least 6 inches thick crack. "The heat was like a blast furnace," he said. "I couldn't get within six feet of it."

GAS HEADS FOR THOUSANDS

He then heard a loud hissing sound, he said, and saw gas shoot out of a tall stack connected to the tank and form a white cloud that drifted over the plant and toward nearby neighborhoods where thousands of residents slept.

"I panicked," he said. "Everybody panicked."

Mr. Dey, a tall, soft-spoken man who has worked at the plant for five years, was among about a dozen workers and supervisors interviewed who were at the plant in the hours before and after a leak of methyl isocyanate, a chemical more toxic than cyanide that was used at the plant to make pesticide. The leak went out of control and caused the worst industrial accident in history, killing at least 2,000 people and injuring 200,000 in this central Indian city.

TOXICITY WAS UNDERESTIMATED

Nearly all the workers interviewed were making their first public statements since the disaster. They gave their accounts in Hindi through an interpreter; some declined to be identified.

Virtually all the workers said they knew methyl isocyanate was dangerous and some said they knew it could be fatal, but the dozen workers said they underestamated its toxicty. No one said he knew it could kill many people quickly.

The Union Carbide Corporation technical manual for methyl isocyanate is pointed on the hazards of the chemical and states that it "may cause fatal pulmonary edema," which is an accumulation of fluid in the lungs. But although the manual was distributed to managers that handle methyl isocyanate at the Bhopal plant and was seen by some of the workers there, most of the factory's employees had not read or understood it, according to former technical officials at the factory.

WORKERS EXPECTED SLOW DAY

The hours before the accident, the workers said, unfolded this way:

About 100 workers reported for duty on the eight-hour shift beginning at 2:45 p.m. on Sunday, Dec. 2.

The production plant to make methyl isocyanate had been shut down since Oct. 22, the workers recalled, and they were not particularly busy. In addition, they said, most major maintenance was now being done on the day shift during the week.

Outside the walled factory, it was a typical Sunday afternoon in the teeming old city of Bhopal, local residents later recalled. The open-air market was bustling; some of the vendors, as usual, were calling out their items for sale from carts and small booths on narrow streets.

Across the street from the factory, children played in the dirt outside the slum huts crammed together in a community called Jai Prakash Nagar.

Inside the factory, workers said, the pesticide Sevin was being produced. The Sevin plant, after having been shut down for some time, had been started up again about a week before but was still running at far below normal capacity, the workers said.

To make the pesticide, carbon tetrachloride is mixed with methyl isocyanate and alpha-naphthol, a coffee-colored powder that smells like mothballs.

The methyl isocyanate, or MIC, was stored in the three partly buried tanks, each with a 15,000-gallon capacity.

NITROGEN LEAKED OUT

Workers had not been able to use the methyl isocyanate in one of the tanks, No. 610, to make the pesticide for more than a week, they said, because they could not get the chemical out of the tank. Every time they tried to push it out and into the Sevin plant by pumping in nitrogen, they said, the nitrogen leaked out somewhere; they did not know where.

The methyl isocyanate supervisor on duty during the second shift of Dec. 2, the workers said, was Gori Shankar, who had arrived two months before from a Calcutta battery factory owned by Union Carbide India Ltd., which also owns the Bhopal plant. The company is owned 50.9 percent by the Union Carbide Corporation of Danbury, Conn.

About 9:15 p.m. Mr. Shankar telephoned one of the methyl isocyanate operators, Rahaman Khan, who was in the plant's canteen having tea, Mr. Khan recalled. Mr. Shankar could not be reached for comment on the workers' accounts, and plant officials declined to put The New York Times in touch with specific employees.

Mr. Khan said Mr. Shankar asked him to come to the MIC area of the plant and clean a pipe.

The pipe, about 25 feet long and 8 feet off the ground, led from a device that filtered

crude methyl isocyanate before it went into the storage tanks, Mr. Khan said. Inside the pipe was a valve that had been closed.

VALVE HAD NOT BEEN SEALED

Mr. Khan and several other workers said Mr. Shankar told him to open a nozzle on the pipe and put a water hose in to clean the inside.

"He came along with me and stayed there while I did the procedure," Mr. Khan said. "I connected a hose to the pipe to be cleaned and opened a drain."

It was about 9:30 p.m., he recalled.

Mr. Khan said he noticed that the closed valve had not been sealed with a slip blind, a metal disc that is inserted into pipes to make sure that water does not leak through the valve. Valves were notorious for leaking at Bhopal, the workers said.

They knew, they said, that water reacted violently with methyl isocyanate. Page 67 of the MIC operating manual for Bhopal says: "Isolate the equipment positively by inserting suitable blinds. Isolation by valve or valves is not to be relied upon."

Mr. Khan said he and Mr. Shankar left the area while the pipe was being cleaned.

Unattended, water flowed into the pipe, out pipe drains and onto the floor, where it entered a floor drain, Mr. Khan and other workers recalled. The water was to continue to flow, the workers said, for about three hours.

According to Mr. Khan, it was the only pipe in the methyl isocyanate unit being washed during the second shift that day.

"I DIDN'T CHECK TO SEE"

"I knew that valves leaked," said Mr. Khan, who has a high school education and less training than the amount orginally established for methyl isocyanate plant operators.

"I didn't check to see if that one was leaking," he said. "It was not my job."

Many workers said they believed water from the unsealed valve was the most likely trigger for the accident that came hours later.

Shakil Qureshi, the methyl isocyanate supervisor on duty at the time of the accident, said later: "If water caused this accident, it is the fault of the management of Union Carbide. In fact, it is all our faults."

He said it would have been extremely difficult to check whether the valve was leaking; the plant, he said, did not have the proper instruments.

He said he found out later that there was no indication in notes on the daily maintenance log to insert a slip blind, although there was a note to wash the pipe.

"But the daily notes are always vague," he said.

PRESSURE OF GAS RISES BUT CAUSES NO ALARM

About 10:30 p.m., the workers on duty prepared for the change in shifts that was to occur about 15 minutes later, some of them recalled. Among other things, they said, they logged the pressure indicated on the gauge in the control room for MIC tank No. 610.

It was two pounds per square inch—normal, they said.

Operators said they did not record the temperature of the tank. "For a very long time we have not watched the temperature," one worker said. "There was no column to record it in the log books."

Operators said the temperature of the methyl isocyanate was usually nearly 20 degrees centigrade, or 68 degrees Fahrenheit, although the plant's operating manual specifies that it be kept below 5 degrees centigrade, or 41 degrees Fahrenheit. Sometimes in the summer, operators said, the methyl isocyanate storage tank temperature indicator went off the scale, which was 25 degrees centigrade at the maximum, or 77 degrees Fahrenheit.

About 11 p.m., Mr. Dey later recalled, he noticed that the pressure gauge for Tank 610 read 10 pounds per square inch—five times what it had been half an hour earlier.

Mr. Dey, who was in the control room and was the senior operator on duty, said he had thought nothing of it; it was still a relatively normal pressure.

Half an hour later, Mr. Qureshi, whose office is across the hall from the control room, had the same reaction, he later recalled—he thought one of the two readings was faulty. "Instruments often didn't work," he said. "They got corroded. Crystals would form on them."

About 11:30 p.m., workers in the methyl isocyanate area said, they realized that there was a methyl isocyanate leak somewhere: Their eyes began to tear. Detecting leaks by the effect of the gas on the eyes was standard procedure at the plant, and at least one leak a month was detected this way at the plant, they said.

"We were human leak detectors," Mr. Dey said. The practice violated procedures laid out in the technical manual.

The workers began to look for the source of the leak, they recalled.

V.N. Singh, one of the workers, said he and the others walked around the MIC structure, which looks like a small refinery, and spotted a drip of liquid about 50 feet off the ground and some yellowish-white gas accompanying the drip.

"It was a small but continuous drip," he said.

While the other workers kept looking at it—they later said they thought they had found the source but were not certain—Mr. Singh said he went by himself to inform Mr. Qureshi.

He said it was about 11:45 p.m.

According to Mr. Singh, he told Mr. Qureshi of a leak of methyl isocyanate, although this is in dispute: Mr. Qureshi later said he had been told only of a water leak.

Mr. Singh recalled that Mr. Qureshi told him he would deal with the leak after the next tea break, scheduled about 12:15 a.m.

Until tea time, the workers said, they continued to inspect the area. Then all of the MIC workers had tea together in the control room about 100 feet away from the storage tanks. The workers said they talked about the leak, among other things, over tea.

WORKERS REALIZE IN PANIC LEAK IS OUT OF CONTROL

It was in the five minutes after the tea break ended at 12:40 a.m., the workers said, that the enormity of the accident became known. They began to panic both because of the choking fumes, they said, and because of their realization that things were out of control.

"Things were happening very fast," Mr. Dey said.

First, Mr. Dey said, he glanced at the temperature gauge for Tank 610 in the control room and noticed that it had risen above 25 degrees centigrade, or 77 degrees Fahrenheit, the top of the scale.

The pressure gauge for the tank, meanwhile, was rapidly moving toward 40 pounds per square inch, the point at which an emergency relief valve on the MIC tank bursts open, according to the workers.

Within seconds, Mr. Dey said, he went to Mr. Qureshi's office and told him that the pressure in Tank 610 was rising rapidly.

He then rushed to the storage tanks to investigate, he said, and saw the concrete over the tanks crack as MIC turned from liquid to gas and shot out the stack, forming a white cloud. Part of it hung over the factory, the rest began to drift toward the sleeping neighborhoods nearby.

Mr. Dey raced back to tell Mr. Qureshi in the control room, he said, "I told Qureshi there was a massive MIC leak that could not be controlled."

Mr. Dey said he looked at the pressure gauge in the control room for Tank 610 again; the indicator was off the scale, above 55 pounds per square inch, he said.

It was about 12:45 a.m., he said.

At that time, Mr. Qureshi later recalled, he ordered all water sources in the area shut off and ordered water sprayed on the leak to break down the MIC. It was at this point, the workers said, that the water used to clean the pipe on the previous shift was, after about three hours, turned off.

But the leak did not stop, Mr. Qureshi recalled, and the effect of the MIC became more pronounced by the minute—workers eyes began to hurt and tear more excessively; some began to cough, they said.

Someone sounded an alarm by breaking its glass, workers said. Mr. Dey said he made an announcement on the factory loudspeaker that there was a large MIC leak and that people should leave.

Workers were running around in panic, shouting "massive MIC leak," Mr. Dey recalled.

Within a minute or so, the fire brigade arrived on trucks and turned on several hydrants to put a water curtain around the escaping gas, the workers said. But the curtain, they said, reached only about 100 feet high while the gas was escaping from the top of a stack 120 feet high and was shooting another 10 feet into the air.

It was about 12:50 a.m.

Mr. Dey said he then turned on the vent gas scrubber, a device designed to neutralize escaping toxic gas. The scrubber had been under maintenance; the flow meter indicated there was no caustic soda flowing into the device, Mr. Dey said.

He said it was not clear to him whether there was actually no caustic soda in the system or whether the meter was broken. Broken gauges were not unusual at the factory, workers said.

In fact, the gas was not being neutralized but was shooting out the vent scrubber stack and settling over the plant.

One reason the scrubber was not working, technical experts later said, was that the temperature and pressure of the gas far exceeded the design limits of the scrubber. The temperature of the escaping gas was at least 121 degrees centigrade, or 250 degrees Fahrenheit, according to the plant's technical specifications for the valve that burst on the storage tank. The MIC operating manual for the Bhopal plant says the scrubber should not be operated above 70 degrees centigrade, or 158 degrees Fahrenheit, for extended periods.

Meanwhile, K. V. Shetty, the plant superintendent for the shift, had come racing over from the main gate on a bicycle, workers said.

"He came in pretty much in a panic," Mr. Dey said. "He said, 'What should we do?'"

Mr. Shetty, who declined to be interviewed, was on the administrative and not

the technical side of the factory, the workers said.

Inside the factory, the white cloud of methyl isocyanate engulfed the production plant and started wafting toward the control room.

Nearly all members of the plant staff began to leave—everyone but Mr. Qureshi, Mr. Shetty and the six MIC plant operators working that shift, the workers said. Those fleeing looked at the wind direction indicator, a large sock on a pole, and ran into the wind, the workers later recalled.

Four buses were parked by the road on which workers ran to escape, the workers recalled. There was a provision for drivers to man the vehicles and drive them to the nearby neighborhood, loading some residents aboard and having the rest follow, workers said. But the buses stood idle, the workers said.

"Everybody was busy running away," one operator said.

CONTROL ROOM ENGULFED AS ALL EFFORTS FAIL

About 1 a.m., Mr. Qureshi said, he telephoned S. P. Choudhary, the assistant factory manager. The workers said Mr. Choudhary said to turn on the flare tower, which is designed to burn off escaping gas.

Mr. Qureshi gave the instruction to workers, they recalled, and Mr. Dey said he told Mr. Qureshi that turning on the flare with all that gas in the air would cause a huge explosion.

Mr. Dey said Mr. Qureshi then remembered that a four-foot, elbow-shaped piece of pipe was missing from the flare anyway. It had corroded and was to be replaced.

The workers said they considered other alternatives, such as dumping the escaping gas into a spare storage tank. One of the three tanks, No. 619, was supposed to be empty, but it was not; it also contained MIC, as did No. 611, the workers said.

The workers said they then grabbed their oxygen masks and tanks.

About 1:30 a.m., MIC began to engulf the control room and the adjoining offices, Mr. Qureshi recalled. He said he could not find an oxygen mask and cylinder in his office. Someone had taken his, he said, so he ran out of the control room and ran off.

"I thought I was going to die," he said.

Mr. Dey put on his oxygen gear and went to look for Mr. Qureshi in the MIC cloud but could not find him.

"I couldn't see two feet in front of me, the cloud was so thick," he said.

In the meantime, Mr. Qureshi recalled, he had found a clear area, scaled a six-foot fence topped by barbed wire and had broken his leg as he landed. He was taken to a hospital later that morning.

Mr. Dey said he went upwind and waited, periodically putting on his oxygen gear to go back to the control room and check the instruments.

At 2 a.m., he said, the pressure and temperature gauges were still off the top of their scales. He continued to go back and forth, and when he checked the area at 2:30 A.M., he said, the gas that had begun shooting out of the stack nearly two hours earlier had stopped coming out.

Jagannathan Mukund, the factory manager, arrived at the plant about 3 A.M. and sent a man to tell the police about the accident because the phones were out of order, the workers said. They said the police were not told earlier because, they said, the company management had an informal policy of not involving the local authorities in gas leaks.

Meanwhile, people were dying by the hundreds outside the factory. Some died in their sleep. Others ran into the cloud, breathing in more and more gas and dropping dead in their tracks. Thousands of animals also died. By dawn, doctors at nearby hospitals would be piling bodies in spare rooms for lack of space.

By 3:30 A.M., the gas had dispersed from the MIC plant.

Mr. Dey said he went back into the control room and watched it continue to float out over nearby communities .

He sat there, he said, until the middle of the next afternoon.

"There was," he said, "nothing else to do."

A STAGE SET FOR A DISASTER

BHOPAL, India, Jan. 24.—The dozen workers interviewed after the Bhopal accident later maintained that the stage for disaster had already been set when they reported for duty at the sprawling chemical plant on Dec. 2, a mild and relaxed Sunday afternoon in the central Indian city.

A refrigeration unit designed to keep the methyl isocyanate cool and nonreactive had been shut off and chemical was warmer than allowed by the plant's operating manual, they said. The staff and its training, they said had been reduced, and important instruments, including pressure gages, were unreliable.

At the same time, the workers said, maintenance at the plant had been curtailed and new supervisors and operators were in key positions. A cost-cutting program at the money-losing plant, they contended, was jeopardizing safety.

Two of the plant's major safety systems to handle escaping gas—a gas neutralizer and a flare tower to burn it off—were not designed to withstand pressure anywhere near that of the methyl isocyanate in this accident, technical experts said. A water spray system was not high enough to reach and contain the escaping methyl isocyanate, the workers said.

The ill-fated methyl isocyanate storage tank had been overfilled, with the consequence that the pressure would rise faster in an accident, the experts added.

In all, there were already more than half a dozen violations of plant procedures by the day of the accident; more were to occur during the accident itself, according to workers, technical experts and former Union Carbide officials.

Company and plant officials and managers in the United States and in India generally declined to comment on such actions and allegations. They characterized any suggestion of the causes as speculation.

[From the New York Times, Jan. 31, 1985]

DISASTER IN BHOPAL: WHERE DOES BLAME LIE?

(By Robert Reinhold)

BHOPAL, INDIA, Jan. 24—A few weeks before the gas leak at the Union Carbide factory, it had been granted an "environmental clearance certificate" by the state pollution control board.

It was a routine clearance required by the central Government of India, and it was readily granted since, in the words of a board official, "only slight modifications were needed" in the plant's emission controls.

In fact, the plant was soon to suffer a chemical reaction that spewed lethal methyl isocyanate gas across this central Indian city in the early hours of Dec. 3, leaving more than 2,000 dead and 200,000 others injured.

The aftermath has brought much soul-searching and finger-pointing over who was ultimately responsible for the tragedy. Plant workers, technical experts and former Union Carbide officials have described a deterioration of safety standards at the plant that, they say, helped provoke a disaster.

The tragedy has also led many to accuse the state pollution board—as well as many other agencies of the state and central Government responsible for monitoring industry—for not having adequately monitored the plant.

Their failure, many have said, has raised questions about the ability of India, which is already an industrial power, and its fast-developing states to regulate the new industry they seek. And it has led many to say that the responsibility for the deaths must be shared by the Government.

ENFORCEMENT LEFT TO STATES

Under Indian law, industrial licenses are issued by the Ministry of Industry of the Government in New Delhi. But enforcement of worker safety, environmental and other rules is left largely to the state governments.

The department of labor in Madhya Pradesh, the state of which Bhopal is the capital, employs 15 factory inspectors to monitor more than 8,000 plants spread over the vast state, the largest in India.

According to an official of the inspector's office, they lack the most basic instruments, even typewriters and telephones in some regional offices, and must travel by public bus and train on their rounds.

The Bhopal office, which is reponsible for monitoring the Union Carbide plant, has only two inspectors, both mechanical engineers with little knowledge of chemical hazards.

Inspection records show that they made many visits to the plant after internal leaks and other mishaps, but recommended only minor remedial recommendations, generally urging the company to follow its own operating procedures more closely.

Similarly, the Madhya Pradesh air and water pollution control board has acquired not a single instrument to measure air pollution, nor has it hired any new staff, since the central Government passed its first air-pollution law more than two years ago.

Almost all government officials interviewed maintained that they were not responsible for looking after the methyl isocyanate tank that leaked, and they pointed the finger elsewhere.

An official of the state labor department's division of industrial health and safety said the factory inspectors' job was limited to looking after safety devices to protect workers.

"We do not design, maintain and operate plants," he said. "We only check to see there are enough protective masks and safety guards."

Similarly, U.K. Tiwari, chairman of the pollution-control board, said his agency lacked responsibility because methyl isocyanate, called MIC, was not a normal emission of the factory and therefore was not monitored at all. Indeed, he said, the factory's regular noxious emissions were "almost nothing."

"This was an accident," he said. "In the normal working of the factory there was almost no emission of this gas. Normal monitoring would not have foreseen this at all. This was a failure of safety equipment."

The top official of the Madhya Pradesh government is the Chief Minister, Arjun Singh, a politician who has held the job since 1980. That is when Union Carbide started manufacturing MIC, which is used to make all the pesticides produced at the factory, a few miles from Mr. Singh's house.

Mr. Singh was himself affected by the gas at his large home in the new part of Bhopal. In an interview there, he contended that the burden rested with the company to inform the local authorities about potential hazards.

"It is the basic responsibility of the company to make the community aware of it," he said. "I have not seen anything so far to show this was done."

SOME COMPANY OFFICIALS FACE CRIMINAL CHARGES

So far, Mr. Singh's Government has brought criminal charges against several officials of Union Carbide, including Warren M. Anderson, chairman of the Union Carbide Corporation of Danbury, Conn., and Keshub Mahindra and V. P. Gokhale, chairman and managing director respectively of Union Carbide India Ltd. The Union Carbide Corporation owns 50.9 percent of Union Carbide India, which owns the Bhopal plant.

In addition, charges have been brought against Jaganathan Mukund, the factory manager, and S. P. Choudhary, the assistant factory manager. All have been released on bail.

Mr. Singh has also accepted the resignation of his labor minister, Sunder Patidar, and dismissed the chief inspector of factories, C. P. Tyagi, who Mr. Singh said had renewed the factory's license annually without acting on reports of safety lapses from the labor department.

Did the Chief Minister accept any personal responsibility?

"In a way I am responsible for everything," he replied. "But there must be some level at which the persons most closely concerned have to have greater responsibility than me."

He agreed that Madhya Pradesh's industrial and environmental safeguards were deficient.

"Most of these rules were framed quite a long way back," he said. "They certainly need updating in view of new processes."

If it was the plant management's duty to inform the public about the nature of their plant, they clearly failed to discharge it.

Not even Dr. M. N. Nagu, director of public health for the state, knew anything about the poison gas that was to leave thousands of Bhopal residents, including himself, choking, gasping for breath and half blinded.

Indeed, even with the first bodies piling up at Hamidia Hospital, he said, a factory doctor told him that the gas was not lethal and that it caused only eye and lung irritation.

"They said it's not so toxic to create any problem," Dr. Nagu said.

"I said, 'What are you talking about—people are coming in dying.' "

MANY OFFICIALS KNEW LITTLE OF THE CHEMICAL

Nor did Bhopal's part-time Mayor, Dr. R. K. Bisarya, also a physician, know much about MIC. Neither did Ranjit Singh, the chief administrative officer of the Bhopal district and the man chiefly responsible for contingency plans in case of disasters. There was none in case of a leak from Carbide.

"I had no idea," he said. "I knew they made pesticides, but I did not know what the ingredients were, and I have never heard of a compound called MIC."

The police superintendent, Swaraj Puri, said he first learned of MIC, with his eyes and lungs burning, at about 3:30 A.M. on Dec. 3, when he was informed of it by K. V. Shetty, the plant superintendent for the shift four hours after the leak began.

"We made him spell it," Mr. Puri said.

These officials said nobody at the company suggested a simple antidote of covering the face with a wet cloth. Had that been known in advance, they said, many lives might have been saved.

The seeds of the accident were planted in 1972 when, under Government pressure to reduce imports and loss of foreign exchange, the company proposed to manufacture and store MIC at the plant.

What the company told the central and state Governments about the potential hazards of this process is unclear, since all records have been impounded by an official inquiry.

The New Delhi Government's Ministry of Industry granted the MIC license, No. C/11/409/75, on Oct. 31, 1975.

This was just two months after the issuance of the Bhopal development plan on Aug. 25, 1985. That plan, which had the force of law, required that "obnoxious industries," including manufacture of pesticides and insecticides, be relocated to an industrial zone 15 miles away.

"Obnoxious industries which are likely to pollute the atmosphere are often located on the leeward side, so as to save habitated areas from harmful effects of such industries," the 1975 report stated, adding that at the proposed new industrial area, "the prevailing winds will carry obnoxious gases away from the city area."

The plan was not followed. The factory stayed, and soon slum dwellings and even middle-income housing were being built nearby.

The development plan was devised under M. N. Buch, then commissioner and director of town and country planning for the state and a former secretary of environment and administrator of the Bhopal municipal corporation.

In an interview, Mr. Buch, who recently resigned from the Indian administrative service, said he ordered the Carbide plant to relocate in 1975.

"The risks of a pesticide formulation plant are very different from a plant that manufacturers the basic material for pesticides," he said. "with such a plant, it no longer becomes a question of whether people should live across the street. It becomes a question of whether people should live within many miles of the plant.

"I would not have permitted the plant to locate there," Mr. Buch said, adding that the plant was responsible for the deaths. But he also charged that the Government carried an "equivalent vicarious responsibility" for what he called its failure to monitor the plant and to follow the master plan.

The plan called for the Carbide site to be converted to housing and light commercial use. It also called for 2,560 hectares, or 6,325 acres, of new housing by 1994, so as to eliminate the shanty slums that crop up everywhere.

So far, he went on, only a few hundred hectares of housing have been built. "Therefore, they allowed these slums to come up," he said.

Mr. Buch said he did not know why his order to relocate the plant was ignored; he said that soon after, he took another job for unrelated reasons.

N. V. Patwardhan, the current director of the town-country planning commission, declined to comment, saying the matter was under judicial inquiry.

HOUSING SPRANG UP AROUND THE NEW PLANT

In any case, as Carbide built its MIC unit, the population in the shadow of its plant grew rapidly.

The local government granted construction permits on June 5, 1976, seven months after the MIC license was granted, to Sant Kanwar Ram Nagar, a housing development near the plant, and construction loans were given by the Madhya Pradesh housing finance corporation a year later. Some individual building permits were granted in the neighborhood as recently as 1983.

Other housing sprang up, all with government sanction. At the same time, unauthorized slums inched closed to the Carbide factory. One, Jai Prakash Nagar, spread out right in front of the main gate of the factory, giving leaky shelter to about 700 families and 3,000 people at the time of the accident.

If the nontechnical political and civil authorities in Bhopal were unaware of the latent volcano in their midst, why did the technical and industrial agencies involved in licensing and monitoring the plant also suspect nothing?

And why was so little action taken in the face of several signs, including one fatal accident at the plant in 1981, that all was not well inside the plant?

Industrial licenses are issued by the Ministry of Industry in New Delhi, after consultation with several other agencies, such as in this case the Ministry of Chemicals and Fertilizers, the directorate a general of technical development, the Ministry of Agriculture and its Central Pesticides Board, as well as the Madhya Pradesh state government.

Just what Union Carbide disclosed about the hazards of MIC production when it applied a dozen years ago is unclear. The application predated India's air and water pollution laws. Also unclear is how much scrutiny the central Government gave the application.

"This is a big weakness in the process," said a former official of the Department of Industry in New Delhi. "The depth of scrutiny is so shallow and so superficial. I would not be at all surprised if they did not realize what it was about, and just said it would generate employment in Madhya Pradesh."

Even so, an official of the Madhya Pradesh department of industries said there were some in the department who objected to the plant location. But, be added, they were overruled by nontechnical people and the plant applications were recommended to the central Government.

"It is not carbide's fault," he said "We did not tell them what to do. They never refused to install what we asked. They were never advised what was needed."

Under current central Government rules, all letters of intent to issue an industrial license to a company with foreign collaboration require the company to take "adequate steps" to prevent air, water and solid pollution, as well as "adequate industrial safety measures" to the satisfaction of the state government involved.

The letter also stipulates that no new or expanded industrial activity should take place within the urban limits of cities of over one million or within the municipal limits of cities over 500,000 population. Bhopal's population today is estimated at 800,000.

Only last June 21, less than six months before the accident, the Ministry of Industry in New Delhi ordered that no license should be granted unless the state director of industries confirmed that the site has been "approved from the environmental angle."

But none of this was in place in 1975, when the plant got its license.

Once licensed by the central Government, the Carbide factory was theoretically monitored by the state government under four main national laws: the Factories Act of 1948, the Insecticides Act of 1968, the Water Act of 1974 and the Air Act of 1982.

Thus far, the Madhya Pradesh government has placed the burden of blame on its labor department, which enforces the Factories Act, aimed mainly at providing safe working conditions for plant workers, rather than protecting the general public.

The dismissal of the chief factory inspector, Mr. Tyagi, has incensed the factory inspectors' office, based in Indore, 120 miles southwest of Bhopal.

Mr. Tyagi declined to comment, but another member of the inspectors' office described the conditons under which factory inspectors must operate in Madhya Pradesh with the proviso that he not be identifed.

Each inspector, he said, has responsibility for more than 150 factories, triple the standard recommended by the International Labor Organization.

Each is given a quota of 400 inspections a year, to be done in only 200 or so working days. Moreover, he added, they are expected to travel about this large state by public transportation.

"Factories are almost always located outside of cities," he said. "Often we must ask for a car from the factory owner to get there. We go in his vehicle, and then sometimes we must prosecute him."

Frequent requests or better support from the state government have gone unheeded, the staff member said. They have no hygiene laboratory and few instruments.

"We don't even have instruments to collect samples," he said. "All we can say is there is dust and you stop it. It is very difficult to prove in a court of law because we don't know what the normal level is."

Moreover, inspectors have little authority to order that unsafe conditions be remedied, apart from going to court. That process often takes years and then the fines are minimal. The official recalled a recent case in which factory managers were fined 2.50 rupees each, or 20 cents, for each infraction.

Much of the machinery purchased by textile, cement and other factories in the state is antiquated and cheaply made, he said, and management usually tries to get away with whatever it can. The inspector comes into the picture only after production has begun.

The Indian Factories Act explicitly authorizes the individual states to make rules requiring written previous permission from the chief inspector of factories before a factory site is chosen and construction begun. More than 36 years after the act was passed, the Madhya Pradesh government has still not written such rules.

"The industries department never tells the factories they must get a license from us," the staff member of the inspectors' office said. "We must tell them."

As for Union Carbide, he said that by comparison to the safety violations committed by other plants in the state, Carbide was considered almost a model citizen. It had only one fatal accident in recent years, while one steel plant had 25 in one year and deaths were common in other plants, he said.

Carbide was never prosecuted for its lapses.

Since the MIC unit opened in 1980, the factory inspectors did periodically check the three MIC storage tanks.

But they did not have the proper equipment, so they relied on ultrasonic tests performed by the company itself. The inspectors also checked to determine that the safety valves on the tanks would open to release gas in case of a pressure buildup.

The official noted with an ironic smile that they worked all too well Dec. 3.

After the fatal accident on Dec. 24, 1981, in which an illiterate worker died after taking off his face mask when splashed with phosgene, the Central Labor Institute in Bombay, operated by the New Delhi Government, sent an investigator.

The director of the institute, the official said, concluded that the plant's safety equipment was of international standards and that the plant posed no significant problem.

Nonetheless, the death of the worker, Ashraf Mohammad Kahn, prompted an investigation by the state labor department. It appointed Dr. S. Siddiqui, a professor at the local science college, Vigyan Mahavidyalaya, on Feb. 10, 1982.

He delivered his report on March 5, 1984, and it concluded that the worker died from his own mistake, but also that there was poor coordination between the production and the maintenance staff, which allowed him to open a pipe that was not cleared of deadly phosgene.

The Siddiqui report went unattended by the state labor department for seven months. Even a reminder from the Chief Minister on Dec. 11, more than one week after the Dec. 3 leak, brought no immediate response, according to his office, and the matter remained "inert" for more than a week more.

For that, several officials of the labor department, including its secretary, Arun Kumar, were suspended.

The current secretary of both the state labor and industries departments is Manish Bahal. He declined substantive comment on allegations of lapses in his departments, saying he did not want to pre-empt the judicial inquiry.

But he said the manufacturing process was left to companies. "We are not there to check manufacturing," he said. "We are not there to run the factory."

An inquiry into Mr. Khan's death was also undertaken by the state agriculture department in 1982 at the request of his brother. The inquiry was completed last summer and reached conclusions similar to those of Professor Siddiqui. But no action was taken until after the disaster in December.

The spokesman for Chief Minister Singh, Sudeep Banerjee, said the state planned soon to prosecute Union Carbide under the Pesticides Act, which gives the states authority to protect workers involved in the manufacture, formulation, transportation, distribution and application of pesticides.

Neither did the environmental authorities pay close attention to the plant. When the MIC unit was added in 1980, the plant was required to build a 22-acre solar evaporation pond for its toxic waste, so that its toxic effluent was theoretically nil.

In fact, since the factory was running at only 30 percent of capacity, its production of waste was much less than expected.

PLANT'S POLLUTION NOT CONSIDERED MAJOR

But the state pollution control board did raise objections about the discharge from Carbide's storm drain, which emptied into a drainage ditch outside the plant.

Monthly samples, tested for biological oxygen demand, pH relative acidity and other indicators, showed it to be polluted, though the board never tested it for toxicity, a board worker said.

The worker said the plant was "given one or two reminders, but they never did anything about it." He said the plant's own data almost always was below the acceptable levels.

Compared with the extensive pollution caused by other industries, the drain was "not considered a major problem," he said, and no court action was taken.

Still, a few years ago, several animals died near the Carbide drain. The company paid the owners, and there was little further worry about it.

"After that it became routine that if an animal died of old age the owner would throw it in the effluent and ask Carbide for money," the pollution worker said.

The state air and water pollution control board operates with a staff of 262 in five regional offices, with a laboratory here in Bhopal. It is charged with monitoring "outlets for sewage of trade effluent" into streams and wells.

This means it must regularly cover not only 200 major and medium-sized industries but also 90,000 smaller ones, as well as municipal waste discharge.

Moreover, unlike environmental agencies in the United States, the board has no authority to order a polluter to desist. It must, like the factory inspectors, go through a long court procedure.

A Bhopal journalist, Raajkumar Keswani, had been warning of potential disaster at the plant in his now defunct Hindi weekly, Rapat.

These warnings, along with complaints from unions representing Carbide workers, resulted in a debate in the Madhya Pradesh legislative Assembly on Dec. 21, 1982.

One member suggested that the plant should be moved to a "safer place."

With Chief Minister Singh present, the then state labor minister, Tara Singh Viyogi, gave this response:

"Mr. Speaker, this plant was established here in 1969 with an investment of 250 million rupees [$20 million at current rates]. It is not a small piece of a stone that I can shift from one place to another."

He added, "There is no danger to the city, nor do I find any symptoms of it."

Mr. Viyogi, now a textile labor union leader in Gwalior, about 200 miles north of Bhopal, denied in an interview any responsibility for the accident.

"I never imagined it," he said. "It was beyond my thinking that it could happen."

He said he had personally visited the plant three times and was satisfied with its safety measures, feeling that any leak could be stopped—if the measures, he said, were used properly.

"My information was not wrong," he said. "What I said at the time was that if the instruments worked properly and they used them properly, it would have stopped the leak."

[From the New York Times, Feb. 3, 1985]

THE DISASTER IN BHOPAL: LESSONS FOR THE FUTURE

(By Stuart Diamond)

BHOPAL, INDIA.—In this teeming central Indian city where an industrial gas leak in December killed more than 2,000 people, the problems and dilemmas faced by multinational companies in developing countries come into sharp focus.

Vendors sell, dried cow-dung for fuel while nearby factories install automated solar-energy devices. A business executive does financial statements on a computer while outside his window two men clothed in little more than rags try to push a rice-laden wooden cart out of a drainage ditch.

At the airport on the edge of town, a jet lands on a wavy asphalt runway; the luggage is sometimes carried away on a cart pulled by a bullock. A new television transmission tower looms over the countryside; in front of it, a woman in a sari carries gravel for construction in a basket on her head.

OLD WAYS NOT REPLACED

The advances that have made India an industrial power have, in most areas, not replaced previous methods. Instead, the new technology forms a veneer on a continuum of life styles and perceptions that stretch into the past.

In this setting, the Union Carbide Corporation and its Indian affiliate, Union Carbide India Ltd., built in Bhopal a complex pesticide factory where, on Dec. 3, a leak of methyl isocyanate caused the worst industrial accident in history. In addition to those killed, 200,000 people were injured.

The accident, many Indian technological experts and others say, has raised questions about doing business in the third world—not only for the multinational companies but for the host countries as well.

'A LOT OF RISKS'

"Western technology came to this country but not the infrastructure for that technology," said Dr. S.R. Kamat, a prominent Bombay expert on industrial health and the hazards of development.

"A lot of risks have been taken here," he said. "Machinery is outdated. Spare parts are not included. Maintenance is inadequate. Bhopal is the tip of an iceberg, an example of lapses not only in India but by the United States and many other countries."

Since the accident, scientists, Government officials, policy makers, medical experts, cultural specialists and business leaders—including officials from Union Carbide—have converged on the city to glean the lessons of Bhopal. The city, they say, has become a laboratory for the study of how industrial companies can better conduct business in the third world—and what steps might be taken to avoid a repetition of what happened here.

Interviews with more than a hundred specialists, officials, residents of Bhopal and others suggest that several lessons have already begun to emerge. These are some of the issues being discussed:

Hazardous facilities often pose added risks in developing nations, where skilled labor and public understanding are often lacking. Special training is needed to compensate for these extra risks.

Public education is critical in developing countries, where people often do not understand the hazards of toxic substances. Repeated drills and clear warning signals are needed.

The more rural areas of the developing world should not be used to test complex new technology.

A sense of urgency about all safety problems and attention to worst-case possibilities—routine in industrial countries but often not transferred to developing countries—should be part of worker training, especially in plants with a high turnover of personnel.

The company headquarters should audit its plants in developing countries frequently, perhaps more often than it audits plants at home.

Sophisticated backup safety systems, often installed in industrial nations, are needed to compensate for lapses in training and staff in developing nations, where they are needed more.

Company executives should be technically—not just administratively—trained in businesses that use toxic materials; such training can compensate for a lack of technical know-how in the local plant staff.

Many areas of the developing world are growing rapidly and without zoning laws. Suitable buffers should be placed around the factory to prevent the dangers of crowding.

Cultural differences between foreign and host countries should be considered. If preventive maintenance is a new concept it, should be more thoroughly taught.

Host governments should closely and continually inspect hazardous factories and their managements, enforcing strict and quick sanctions for safety lapses.

In making agreements with multinational companies, the governments of developing countries should consider only those technologies that can be safely handled in the long run. It may be necessary to change laws that mandate turning factories over to local control completely.

INDIA IS STILL EAGER TO INCREASE TECHNOLOGY

Many technological experts note that India has tried to use new technology to solve its problems of food and medical care and that companies such as Union Carbide have been well-regarded as helping India to achieve those goals.

Thus, despite the anger generated by the Bhopal accident, it is clear, they say, that multinationals do not face wholesale expulsion from India—although there is talk among state and central Government officials of nationalizing the Bhopal plant, which is on Government-leased land.

And while there have been official statements that the Bhopal plant will not again make hazardous materials, many here believe that the plant will reopen. The jobs are needed in a country where unemployment is high and there is no welfare system; those without jobs often must beg or face starvation.

"People here say: 'We have already lost 2,000 lives. Must we lose 2,000 jobs too?" said Paul Shrivastava, a native of Bhopal and an associate professor of management at the New York University Graduate School of Business Administration, who returned home to study the accident.

Officials in India note that multinational companies provide the country with technology, skill, capital and equipment that might otherwise take years to develop indigenously. The Government, they say, is keen to continue joint ventures between Indian interests and foreign companies.

India and other countries provide multinational companies with benefits in return, according to a wide variety of studies in the United States. The companies have gained large new markets and have often been able to produce products inexpensively because of a cheap labor force and fewer requirements to install expensive environmental and worker-protection equipment, those studies said.

In December, the Government approved 194 projects between Indian and foreign companies, according to the Indian Investment Center, a Government-sponsored group that tries to encourage investment.

Those included, it said, 47 from the United States, the most of any country. The projects involved production of batteries, computer parts, steam turbines, oil-drilling tools and even a plant to make phosgene, a poison that is used in making methyl isocyanate, or MIC.

In the last two years, agreements have been reached for four new Union Carbide plants: a battery plant; one to produce calcium carbide, which is used in making battery materials; one to bottle specialty gases such as helium and argon, and one to make equipment that separates oxygen from the atmosphere for bottling.

TECHNOLOGY SPREAD THIN ON AN ANCIENT CULTURE

There are many success stories of advanced technology in India, many specialists say. The country's airlines run a busy and virtually accident-free schedule, nuclear reactors supply electricity, Indian scientists and engineers do advanced research in chemistry, physics and biotechnology.

The country has the third-largest number of technical students in college in the world, after the United States and the Soviet Union, according to a United Nations study two years ago.

But the country has 750 million people and many technological industries to support, the Indian experts say. The considerable technical skill, they say, is spread thin.

A recent study, "Multinationals and Self-Reliance," by the Indian Institute of Public Administration in New Delhi found that of 1,695 top employees at seven leading foreign drug companies here, more than a quarter were only high school graduates.

The new Prime Minister, Rajiv Gandhi, has said that he wants more technology to help his country develop. Last month a study by the Birla Institute of Scientific Research, a respected private research unit, concluded that the growth of India's technological progress was much less than that in many other countries. It said India had the financial resources to grow faster.

Dr. Shrivastava, the New York University professor, said the ability to handle new technology here is more a question of training and management than basic ability and discipline.

"Much more attention must be paid to the support systems for new technology and the culture in which it exists before the technology is located here," he said.

Bhopal has grown swiftly since it was made the capital of the state of Madhya Pradesh in 1956. But there is only one telephone for every thousand people, according to state officials; most of the population has running water for only a few hours a day, and there are few street signs, traffic lights, washing machines, hair dryers, computers or automated equipment of any kind.

On the narrow, crowded streets of Bhopal's old city, 2,000 years of civilization fight for space. Cows, goats, scooters, buses, cars, carts, bicycles, water buffalo, three-wheeled taxis, horse-drawn carriages, men in business suits and women in tribal dress travel

in both directions on 12-foot-wide thoroughfares hemmed in by shops with wares in the line of traffic.

When Union Carbide decided to build a factory in Bhopal, many people familiar with its development say, the city was a technological ingenue.

"When we set up this plant, we used workers just out of the agricultural age," said Kamal K. Pareek, the senior project engineer during the building of the factory's MIC facility in the late 1970's. "You just can't afford to do anything wrong in a factory like this. There are safety devices, but a high level of skill and understanding is needed to use them properly.

"What we needed," he continued, "were people who had grown up with technology, not workers who have had technology imposed on them by economic circumstances."

He and other technology experts said there was a big difference between someone educated in sciences and someone who has grown up understanding technology.

"People here have the ability to operate by rote, and the capacity for providing rote skills exists," Dr. Shrivastava said. "But that is not the same as saying that new technology can be handled in all its dimensions."

Key among the problems is the lack of emphasis on preventive maintenance, the Indian technological experts said. "The idea of spending money now to save money later is a concept completely alien in what is basically a subsistence economy," said Kiran Rana, a chemical engineer and native of Kashmir in northern India who now lives and works in the United States.

"We Indians start very well," Mr. Pareek said, "but we are not meticulous enough to follow up adequately."

ACCIDENT MAY CHANGE GOALS FOR TECHNOLOGY

Officials here say that because of the accident they will more closely match what multinationals have to offer with the needs of the country. And particularly for toxic industries, they say, there will be much more examination of each plan from both the supply and the operational veiwpoints.

"Concern about hazards will be a major part of the scrutiny of new proposals from now on, particularly when chemical processors are involved," said L.K. Jha, a Government economist and former industrial adviser to the Prime Minister.

"We have the technical capability to handle any kind of technology," he said, "but we must insure that the more hazardous kinds are handled only by the most competent people and not in a routine fashion."

He added that training levels for complex industrial plants had been inadequate, particularly for low-level employees. Government inspections, he said, will be increased.

Such vigilance, many Indian officials and experts say, is long overdue. India has adequate environmental protection laws on the books, they say, but the laws have often not been enforced.

Since the accident, many experts here have begun to question whether the Bhopal pesticide plant and other enterprises like it really perform the service that was specified under agreements with the Government allowing them to operate here: to transfer technological know-how to India.

"An unfortunate assumption has been made—that when technology arrives here, it is transferred," said S.K. Goyal, head of the Corporate Studies Group, a Government-sponsored New Delhi University unit that studies corporate responsibility.

"We are finding that the technology often just gets transferred to the premises of the subsidiary, not into the society as a whole," he said. "it stays within the walls of the factory."

Moreover, Indian experts are now saying, most of India is still rural and thus requires a different kind of technology than that which multinational corporations have provided in the past. What is needed, they say, is smaller-scale technology that is appropriate to small rural businesses and does not disrupt the social and cultural norms.

This idea, called "appropriate technology," is a subject of dispute among specialists who are trying to help developing countries progress. On the one side are those who argue that the smaller, less-efficient technologies are less disruptive to local values; the other group says that such a path is too slow and will not appreciably raise the standard of living of the people as much as is possible with industrialization and high technology.

Some Indian technology officials contend that there is too much emphasis on high-powered goods and services while much of the country needs simple conveniences of life, such as a pulley to draw water from wells and a simple stove made from metal drums. Millions of people with such needs, they say, live in places like Bhopal, where new technology has not yet been integrated into the existing culture.

Some also question whether the issues raised by the disaster will bring effective action.

"This was a tragic accident," said K.L. Sahu, who collects official statistics on births, deaths, diseases and other aspects of life in Bhopal and the surrounding districts from a small government office in the city.

"But industrial countries like yours," he said, "may be more upset than people here. Two thousand people died in one place, but many more people die in smaller accidents.

"It will take a year or so," he added, "for this tragedy to be washed from the minds of the people. After that, many of the things we talk about now may be forgotten."

Mr. BYRD. Mr. President, I want to express my support for the amendment offered by the distinguished Senator from New Jersey and I am pleased to join him in cosponsoring this amendment. This amendment addresses the fundamental issue of improving community planning and emergency response efforts in the event of a toxic release into the environment.

The need to improve community planning and emergency response procedures has been underscored by the Bhopal disaster and the recent chemical releases in this country, such as the August 11, 1985 aldicarb oxime release in Institute, WV. While the responsibility for emergency preparedness and response planning and implementation rests primarily with the States and local governments, this amendment provides for improved integration of planning and emergency response efforts between a facility and a community and for appropriate Federal technical assistance through the national response team. Through such improvement we can insure increased public health and safety.

In addition, this amendment requires immediate notification to the National Response Center of toxic releases and followup notification of actions taken to respond to and contain a release to all appropriate authorities. The delays in emergency response procedures constitute a major public health threat. Such a requirement as contained in this amendment is essential to the protection of the general public.

There are over 11,000 chemical plants in this country. Many of these plants are in or near major population centers. While the prevention of toxic chemical releases must remain a primary concern, without a well-prepared emergency response system, the health and lives of large segments of the public may be endangered. This amendment will improve the development of community emergency plans and the ability to implement such emergency response procedures in the event of a toxic release.

I wish to commend my distinguished colleague from New Jersey for his fine efforts on this issue. I am pleased to support this amendment.

Mr. STAFFORD. Mr. President, I congratulate the most able and distinguished Senator from New Jersey for his amendment, which I am pleased to support, and I ask unanimous consent that I be added as a cosponsor for the amendment, as well as Senators BYRD and ROCKEFELLER.

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

Mr. STAFFORD. Mr. President, this amendment would require facilities that handle certain extremely hazardous chemicals to notify local emergency response officials that they do so, and to inform these officials of the health hazards posed by the chemical and of appropriate response actions in the event of an accident. It also requires these facilities to let local officials know when they do have an accident.

The amendment places corresponding duties on local officials to develop emergency response plans.

Mr. President, these requirements are not unduly burdensome, and they will help protect the public from serious chemical accidents.

I urge my colleagues to support this amendment and, Mr. President, for the majority I am prepared to accept it.

Mr. LAUTENBERG. I thank the manager of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 638) was agreed to.

Mr. STAFFORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STAFFORD. Mr. President, I believe we are now prepared if the Senator from Montana wishes to offer an amendment that we understand he has.

AMENDMENT NO. 639

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. STAFFORD, Mr. BENTSEN, and Mr. GLENN, proposes an amendment numbered 639.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Tha amendment reads as follows:

Page 87, line 16, delete the closed quotations.

Page 87, after 16, insert the following:

"(d)(1) This subsection applies to facilities—

"(A) which as of July 1, 1985, were not included on, or proposed for inclusion on, the National Priorities List; and

"(B) at which special study wastes described in sections 3001(b)(2)(B) or (3)(A) of the Solid Waste Disposal Act or any leachate from abandoned mine sites are present, including any such facility from which there has been a release of a special study waste or leachate, except that this subsection shall not apply to a facility which does not involve the presence of any such waste or leachate in any significant quantity.

"(2) Pending revision of the hazard ranking system under subsection (c), no facility to which this subsection applies may be added to the National Priorities List unless the Administrator makes the following specific findings, based on facility-specific data:

"(A) as to the status of studies by the Environmental Protection Agency on such waste under the Solid Waste Disposal Act and of regulation of such waste under subtitle C thereof;

"(B) as to the extent to which the hazard ranking system score for the facility is affected by the presence of any special study waste at, or any release from, such facility;

"(C) as to the quantity, toxicity, and concentration of hazardous substances that are constitutents of any speical study waste at, or release from, such facility, the extent of or potential for release of such hazardous constituents, and degree of risk to human health or the environment posed by the release of such hazardous constituents at such facility: *Provided,* That the findings in this subparagraph shall be based on actual concentrations of hazardous substances and not on the total quantity of special study waste at such facility; and,

"(D) that based on the findings in subparagraph (C), the degree of risk to human health or the environment posed by such facility is equal to or greater than the risk posed by facilities at which no special study waste is present and which are proposed for inclusion on the National Priorities List.

A person may be subject to liability under sections 106 or 107 under this Act for any waste or release referred to in paragraph (1) of this subsection at any facility to which this subsection applies only if the specific findings required under this paragraph with respect to that facility have been made and such suit against such person supports each specific finding with appropriate facility-specific data. This paragraph shall not apply to any facility that is included on the National Priorities List pursuant to a hazard ranking system revised in accordance with subsection (c) so as to incorporate the factors identified in subparagraphs (C) and (D) of this paragraph.

"(3) Following the Administrator's completion of the applicable special waste study required under section 8002 (f), (m), (n), (o), or (p) of the Solid Waste Disposal Act, and the determination required under section 3001(b)(3)(C) or, in the case of a special study waste described in section 3001(b)(2)(B), the authorization of regulations by Congress pursuant to section 3001(b)(2)(B)), of such Act, if a special study waste is not hazardous waste listed under section 3001 of the Solid Waste Disposal Act, the waste stream, or one of the constituents thereof, may not be deemed to be a hazardous substance unless such waste, at the facility in question, has one of the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act.

"(4) Nothing in this subsection shall be construed to limit the authority of the Administrator to remove any facility which as of July 1, 1985, is included on the National Priorities List from such List, or not to list any facility which as of such date is proposed for inclusion on such list.

"(5) Nothing in this subsection shall be construed to limit the authority of the Administrator or the Attorney General from seeking abatement of an imminent and substantial endangerment under section 106(a).".

Mr. BAUCUS. Mr. President, I rise today to offer an amendment with my distinguished colleagues from Vermont [Mr. STAFFORD], Texas [Mr. BENTSEN], and Utah [Mr. GARN] in cosponsoring this amendment to S. 51, the Superfund Improvement Act of 1985. This amendment adds a new subsection (d) to section 105 of CERCLA, and builds upon a provision already contained in section 120 of S. 51.

As one of the cosponsors of the amendment which was adopted by the Environment and Public Works Committee and is now contained in section 120 of the bill, I want to clarify its background and intent. I also want to acknowledge the support of my cosponsor, Senator DOMENICI, with whom I offered the amendment in the committee. In addition, I want to explain in some detail the intent and purpose behind the related "Special Waste Findings" amendment that is being offered by Senators STAFFORD and BENTSEN and on behalf of myself and other members of the Environment and Public Works Committee.

SECTION 120—NATIONAL CONTINGENCY PLAN (HAZARD RANKING SYSTEM)

The purpose of section 120 of the bill is to assure that the Environmental Protection Agency undertakes a systematic, unbiased, and open reassessment of the hazard ranking system [HRS] which it currently uses to determine the sites that should be included on the national priorities list. I am concerned that the current hazard ranking system may not accurately assess the relative degree of risk to human health and the environment posed by sites and facilities subject to review. I do not prejudge that question, but I do think EPA needs to take a very hard look at the HRS in a formal review process, and the committee has agreed.

My concern arose initially after learning of a report by TRC consultants that had challenged the technical validity of the EPA hazard ranking system—the so-called MITRE model. While I cannot say whether the TRC consultants' specific critique is or is not technically valid, I do think it raises a significant number of potentially important questions about the adequacy of the present hazard ranking system need to be examined carefully in an open process that takes into account public comment.

My concern has deepened upon learning that EPA has asked MITRE—and apparently only MITRE—to review and critique the TRC report which had criticized the MITRE model. This hardly seems like the kind of independent, open-minded review and assessment for which I had hoped.

Thus, I think more than ever section 120 needs to be enacted. There are several related points about this provision that I want to underscore.

First, this provision creates a nondiscretionary duty for the Administrator to act within 12 months. Likewise, the amendments of the hazard ranking system required by this provision must be effective within 18 months. Both of these requirements are mandatory, not merely directive; if ignored by EPA, the requirements may be enforced by citizen suit.

Second, the provision requires that amendments to the hazard ranking system be adopted in accordance with a specified informal rulemaking procedure. The purpose of this requirement is to assure that EPA will solicit, seriously consider, and respond thoughtfully to public comment on the inadequacies of hazard ranking system and how the model can be improved to accurately assess the relative risks posed by hazardous waste sites and facilities.

Third, the provision requires the revised hazard ranking system to go into effect no later than 18 months after this bill is enacted. This means that after the effective date of the revised hazard ranking system, newly listed sites can be added to the NPL only in accordance with the revised system. In other words, once it is in effect EPA may not disregard the new HRS or

give it only limited weight in NPL listing decisions. The Agency must list higher ranked sites in preference to lower ranked sites under the amended system.

Fourth, the existing hazard ranking system would continue in effect until the revised system is in place. Thus, the provision should not disrupt progress to clean up existing NPL sites or preclude EPA from listing new sites in the interim until the HRS is revised as required by section 120 of the bill.

"SPECIAL WASTE FINDINGS" AMENDMENT

Since the committee reported out its "Superfund Improvement Act of 1985," several concerns have been raised that have convinced me and my colleagues on the committee that additional amendments are needed.

First, some of those who reviewed section 120 of the bill expressed dismay that the final sentence of new section 105(c) of the act might be construed to require EPA to continue to use the present HRS without any revision for 18 months. This was not the intent at all. The intent was only to allow EPA to continue to use that system—or to modify it if the Agency chooses—until the required revision goes into effect in 18 months.

Second, it was also maintained by some that section 120 provides no standard for EPA to use in deciding how to revise the HRS. I do not entirely agree with this concern, since section 120 specifically states that amendments to the HRS—

shall assure, to the maximum extent feasible, that the [HRS] accurately assesses the relative degree of risk to human health and the environment posed by sites and facilities subject to review.

I believe this is the standard that must guide EPA in revising the HRS under section 120 of the bill, as reported from the committee. However, in order to further clarify the intent of this provision, the "Special Waste Findings" amendment makes clear that:

Quantity, toxicity, and concentration of hazardous constituents, not merely total volume of waste must be considered to accurately assess risk; and release, exposure, and risk data are to be evaluated on a site-specific basis without reliance on inappropriate assumptions or general theories.

Thus, the final sentence of paragraph (2) of new subsection 105(d) indicates that the HRS should be revised, as provided in subsection 105(c), to incorporate these factors.

The third concern that was raised about section 120 of the committee bill related specifically to the so-called "special wastes" that are described in sections 3001 of the Solid Waste Disposal Act. It was argued that until the HRS is revised to assure that the foregoing factors are weighed accurately, some high volume, low toxicity waste sites posing low risk might be listed on the NPL in preference to other, potentially more serious sites. This concern was underscored by the subsequent decisions by the U.S. Court of Appeals for the District of Columbia in the companion Eagle-Picher cases (No. 83-2259, et. seq.).

The Eagle-Picher decisions presented the Congress with a difficult problem. On the one hand, we did not want to prevent EPA from listing and achieving expedited cleanup of sites posing a genuine and substantial threat to human health or environment, regardless of whether they involve special study wastes. That is the very function of Superfund, and in my State of Montana, there appear to be a number of waste sites—including special study wastes that pose just such a concern. The Silver Bow Creek site is just such an example where I have actually pushed to have the site expanded downstream. I have supported and continue to support these cleanup efforts.

On the other hand, Congress has recognized that these special study wastes warrant separate attention and evaluation, and as of this date, EPA has not completed its long overdue mandated studies on these wastes. Given scarce funds, we need to concentrate on the sites of greatest concern, and the committee was not convinced that the present MITRE model would produce that result. For these reasons, we felt we could not simply ratify the Eagle-Picher decisions for the future.

Thus, in the "Special Waste Findings" amendment that is offered on behalf of the committee, a balance has been struck. Until the HRS is properly revised, special study waste sites—including abandoned mine site leachate may be listed on the NPL only if the Administrator of EPA makes the required specific findings based on facility-specific data. Liability for costs, damages, or penalities may be imposed for the sites which are so listed, but only if the requisite specific findings have been made and only if the Administrator in court supports each of these specific findings with appropriate facility-specific data. The Administrator's authority to seek emergency abatement orders under section 106(a) has been preserved, as well as his authority under section 104 to spend fund moneys to clean up pollutants and contaminants.

By establishing this balance, the amendment will assure that: no delay occurs in cleaning up sites presently listed on the NPL; the MITRE model will be revised to accurately reflect comparative risk on a site-specific basis; in the interim, special study waste sites—or abandoned mine drainage areas—could be listed on the NPL if they present a genuine and substantial risk, but certain safeguards would be put into place to assure that proper site-by-site assessment of risk is undertaken before this is done and that higher priority sites are listed first; and EPA's emergency authorities under section 104 and 106(a) of CERCLA would remain available to deal with these sites, when appropriate. However, liability for costs, damages, and penalties for special study wastes and releases at such sites and areas not listed as of July 1, 1985, would be imposed under sections of 106 and 107 of the act only after EPA makes the necessary specific findings and offers the necessary site-specific data to support these findings in court.

Finally, the amendment makes clear that once EPA completes its special studies on these wastes—and determines whether or not to list them as hazardous wastes under section 3001 of the Solid Waste Disposal Act, the waste streams which are not found to be hazardous—and the constituents of these waste streams—will not be treated as hazardous substances under CERCLA. The only exception is for those wastes which flunk the characteristic tests listed or identified under section 3001 of the Solid Waste Disposal Act.

Mr. President, this amendment is very simple. Essentially, under present law, the hazard ranking system that the EPA utilizes under Superfund is set up so that if a certain hazardous waste material is found in any degree, essentially, at a site, the system assumes that that same waste material is found proportionately throughout the entire site. This causes some practical problems at some mine sites because, even though a hazardous waste is found at a certain location, it is confined to that location; that is, it is not spread throughout the entire site.

So this amendment would direct the EPA, utilizing this hazard ranking system, to first engage in an examination to determine the extent to which the hazardous waste is throughout the entire site so that we have a more accurate representation and a more accurate picture of the degree to which the material is actually in the site.

It is my understanding that this amendment has been cleared. In fact, I am very proud to have as cosponsors of my amendment the distinguished chairman of the committee, Mr. STAFFORD, as well as the ranking member of the committee, Mr. BENTSEN.

Mr. BENTSEN. Mr. President, the current hazard ranking system does not always work to give the highest ranking score to the most dangerous site. For this reason the bill requires EPA to revise the model and use the more accurate formulation in the future.

The sponsors of this provision are also aware, however, that there are a number of sites which may be "caught in the middle" between the old and

new rules—sites which have been proposed for listing but which have not yet been listed as of the date of passage of this bill will still be judged under the existing criteria. Indeed, under the reported bill, the new rules, whenever they may be finalized, will not apply to sites already on the proposed list.

This is not to say, however, that the Administrator should not exercise prudent discretion in determining when to order the commencement of an RIFS for a mining site proposed for listing but not yet listed, or what the content of an order would be. The Administrator may choose, for instance, in the example of a mine tailings pond for which he believes the hazard ranking system score is much higher than the actual degree of risk to the public health, to await the outcome of the HRS revision before proceeding with an RIFS.

Mr. STAFFORD. Mr. President, the chairman of the committee seldom opposes an amendment which he cosponsors. We have examined this amendment in the course of its production and had a part in it. We believe it is a meritorious amendment. For the majority, we are prepared to accept it.

Mr. LAUTENBERG. Mr. President, on the minority side, I agree with the chairman.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 639) was agreed to.

Mr. STAFFORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 640

Mr. LAUTENBERG. Mr. President, I am pleased to offer an amendment for my colleagues, Senator MITCHELL and Senator BRADLEY, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], on behalf of Mr. MITCHELL, Mr. LAUTENBERG, Mr. BRADLEY, Mr. BAUCUS, Mr. LEAHY, Mr. MOYNIHAN, Mr. SPECTER, and Mr. HEINZ, proposes an amendment numbered 640.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment reads as follows:

On page 161, after line 14, add the following new title:

TITLE IV—INDOOR AIR QUALITY RESEARCH

SEC. 401. SHORT TITLE.—This title may be cided as the "Indoor Air Quality Research Act of 1985".

SEC. 402. FINDINGS.—The Congress finds that—

(1) indoor air exposures account for a significant portion of total human exposures to hazardous pollutants and contaminants in the environment;

(2) various scientific studies have suggested that indoor air pollution, including exposure to naturally occurring chemical elements such as radon, poses a significant public health and environmental risk;

(3) high levels of radon have been measured within structures throughout the country and within the Reading Prong;

(4) existing Federal indoor air quality research programs are fragmented and underfunded;

(5) the Environmental Protection Agency's programs on indoor air quality and radon have been hindered by a lack of clear statutory authority for conducting research on indoor air quality; and

(6) an adequate information base concerning potential indoor air quality problems, including exposure to radon, does not currently exist and should be developed by the Federal Government.

SEC. 403. INDOOR AIR QUALITY RESEARCH PROGRAM.—

(a) DESIGN OF PROGRAM.—The Administrator of the Environmental Protection Agency shall establish a research program with respect to indoor air quality, including radon. Such program shall be designed to—

(1) gather data and information on all aspects of indoor air quality in order to contribute to the understanding of health problems associated with the existence of air pollutants in the indoor environment;

(2) coordinating Federal, State, local, and private research and development efforts relating to the improvement of indoor air quality; and

(3) access appropriate Federal government actions to mitigate the environmental and health risks associated with indoor air quality problems.

(b) PROGRAM REQUIREMENTS.—The research program required under this section shall include—

(1) research and development concerning the identification, characterization, and monitoring of the sources and levels of indoor air pollution, including radon, which includes research and development relating to——

(A) the measurement of various pollutant concentrations and their strengths and sources,

(B) high-risk building types, and

(C) instruments for indoor air quality data collection;

(2) research relating to the effects of indoor air pollution and radon on human health;

(3) research and development relating to control technologies of other mitigation measures to prevent or abate indoor air pollution (including the development, evaulation, and testing of individual and generic control devices and systems);

(4) demonstration of methods for reducing or eliminating indoor air pollution and radon, including sealing, venting, and other methods that the Administrator determines may be effective;

(5) research, to be carried out in conjunction with the Secretary of Housing and Urban Development, for the purpose of developing—

(A) methods for assessing the potential for randon contamination of new construction, including (but not limited to) consideration of the moisture content of soil, porosity of soil, and the radon content of soil; and

"(B) design measures to avoid indoor air pollution; and

(6) the dissemination of information to assure the public availability of the findings of the activities under this section.

(c) ADVISORY COMMITTEES.—The Administrator shall establish a committee comprised of individuals representing Federal agencies concerned with various aspects of indoor air quality and an advisory group comprised of individuals representing the States, the scientific community, industry, and public interest organizations to assist him in carrying out the research program for indoor air quality.

(d) IMPLEMENTATION PLAN.—Not later than ninety days after the date of the enactment of this Act, the Administrator shall submit to the Congress a plan for implementation of the research program under this section. Such plan shall also be submitted to the EPA Science Advisory Board, which shall, within a reasonable period of time, submit its comments on such plan to Congress.

(e) INTERIM REPORT.—No later than one year after the date of this Act, the Administrator shall prepare an interim report providing—

(A) a preliminary identification of the locations and amounts of radon in structures across the United States, and

(B) guidance and information materials based on the findings of research of methods for mitigating radon.

(f) REPORT.—

(1) Not later than two years after the date of enactment of this Act, the Administrator shall, in consultation with advisory committees and groups identified in subsection (c), submit to the Congress a report assessing—

(A) the state of knowledge concerning the risks to human health associated with indoor air pollution, including naturally occurring chemical elements such as radon;

(B) the locations and amounts of indoor air pollutants, including radon, in residential, commercial, and other structures throughout the country;

(C) the existing standards for indoor air pollutants, including radon, suggested by Federal or State governments or scientific organizations and the risk to human health associated with such standards;

(D) the research needs and relative priority of these needs;

(E) the potential effectiveness of possible government actions necessary to mitigate the environmental and health risks associated with indoor air quality problems, including radon, in existing and in future structures,

and making such recommendations as may be appropriate.

(2) In developing such report, the Administrator shall consult with the National Academy of Sciences on the scientific issues regarding the quality of indoor air and the risks to human health associated with indoor air pollution.

(g) CONSTRUCTION OF SECTION.—Nothing in this section shall be construed to authorize the Administrator to carry out any regulatory program or any activity other than research, development, and the related reporting, information dissemination, and coordination activities specified in this section.

Nothing in this section shall be construed to limit the authority of the Administrator or of any other agency or instrumentality of the United States under any other authority of law.

(h) AUTHORIZATIONS.—There are authorized to be appropriated to carry out the activities under this section not to exceed $3,000,000 for each of the fiscal years 1986 and 1987.

Mr. LAUTENBERG. Mr. President, I am pleased to offer this amendment with my colleagues, Senator MITCHELL and Senator BRADLEY, to provide for an indoor air quality research program within the EPA. Our amendment combines elements of two bills, S. 1198, the Indoor Air Quality Research Act, which I sponsored with Senators MITCHELL and STAFFORD, and S. 1593, the Radon Assessment and Reduction Act, which I introduced with Senator BRADLEY in July.

Our amendment addresses an issue of growing concern in New Jersey and the Nation, indoor air pollution and radon exposure. We have made great strides in monitoring and protecting the air we breathe outdoors through the Clean Air Act. While this work is far from complete, and we need to strengthen and more fully implement the Clean Air Act to regulate emissions into the atmosphere, we have barely begun to address indoor air pollution.

Almost no work has been done to assess the quality of the air we breathe indoors, in our homes and at work. The limited amount of study conducted on specific contaminants indicates that indoor air pollution may present health hazards previously unimagined. There is a tremendous amount that we need to learn about the sources, health effects, and means of mitigating indoor air pollutants.

An indoor air pollutant of immediate and serious concern is radon. Naturally occurring radon gas is released into the atmosphere from rocks and soils, and dissipates without resulting in health hazards. However, when radon enters buildings through basements and spaces in foundations, with restricted ventilation, it concentrates, reaching levels which can have dire health consequences for those exposed.

The colorless, odorless, radioactive decay products, known as radon daughters, can be inhaled directly, or adhere to other particles we inhale, such as dust and smoke. Once in the lungs, radioactive particles are emitted and damage lung tissues. The health effects of exposure to radon are well documented. We know that long-term, high-level radon exposure causes lung cancer.

The Environmental Protection Agency has estimated that 5,000 to 20,000 lung cancer deaths per year in the United States may be attributable to radon exposure. There are approximately 100,000 annual lung cancer deaths. This means that up to a fifth of the Nation's lung cancer deaths annually may be precipitated by radon exposure. Because of the long latency period of radon-induced lung cancer, and because emphasis on increased insulation of homes heightened only in the 1970's, an increase in the incidence of lung cancer due to radon exposure can be expected in the next 5 to 10 years. Yet no comprehensive effort is underway to assess the extent of the radon problem, and how to deal with it.

Mr. President, accidentally, we have recently discovered that an extensive radon belt exists in the mid-Atlantic region, crossing through eastern Pennsylvania and parts of New Jersey and New York. It is frightening how this radon belt came to light. A worker at a nuclear powerplant in eastern Pennsylvania set off a radiation monitor when he was entering the plant. Investigators, seeking to determine the source of his exposure, detected radon levels in his home that were far higher than any ever found in the United States. Because of high radon levels in his home, this man and his family were receiving radiation equivalent to having 455,000 chest x rays in a single year.

While this may be a unique situation, the number of homes that may be contaminated with radon is too large to continue to ignore. New Jersey environmental officials have estimated that 250,000 homes and businesses may be affected in New Jersey alone.

Indoor air pollution is not a local or regional concern. Radon contamination is a serious problem throughout our country, from Maine to Colorado. The Congress should act to address this health hazard and other health hazards posed by indoor air pollutants.

Despite concern at EPA, it has yet to establish an adequate program of research on indoor air pollution, citing a lack of statutory authority to conduct such studies. Our amendment would provide that authority, and direct the Agency to implement work in this important area.

The amendment mandates that the EPA Administrator establish a comprehensive research program to assess and collect data on health risks associated with indoor air pollutants, methods for measuring indoor air pollutants, and control technologies and mitigation measures. The EPA is also charged with demonstrating mitigation measures, a task it has already undertaken in 18 homes in Pennsylvania. Together with the Secretary of Housing and Urban Development, EPA would research new construction methods for preventing indoor air and radon contamination.

In addition, the Administration of EPA is to serve as the coordinating member of interagency efforts in this area, and establish a blue ribbon advisory committee, composed of members of the scientific community, the States, and other parties.

The Administrator, after consultation with the advisory committee, is required to report within 2 years to Congress a summary of the state of knowledge of the indoor air pollution and radon problem, the need for further study, and possible mitigation measures. Also included in this report would be an assessment of the extent of the hazard on a national basis.

The Administrator is also charged with issuing an interim report within 1 year to provide a preliminary identification of locations and amounts of radon in structures across the United States. The Agency must also issue guidance and information materials based on methods for mitigating radon.

Mr. President, our amendment provides $3 million in fiscal years 1986 and 1987 for EPA to conduct this research. This complements recent action by the Senate Committee on Appropriations, which recently adopted an amendment I offered to the fiscal year 1986 HUD-independent agencies bill providing $2 million to EPA for this purpose.

The very serious nature of the hazards of indoor air pollution demand that we embark on a comprehensive, national program to research the hazards of indoor air pollution.

In the meantime, citizens should take all available steps to check for radon in their homes, and reduce their exposure to it if unhealthy concentrations are detected. Mitigation measures include sealing of cracks and spaces in foundations, installation of ventilation devices, and installation of an impermeable layer between the foundation and the soil. Currently, no Federal assistance is available to help mitigate radon hazard. However, in response to my inquiries, the Federal Emergency Management Agency has indicated that States can apply for disaster relief assistance through the Disaster Relief Act if the eligibility criteria of the act are met. FEMA assistance can include grants and loans for temporary housing and installation of venting and sealing measures.

Mr. President, I ask unanimous consent that a letter from the general counsel of FEMA to me addressing these issues be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LAUTENBERG. Mr. President, this letter confirms that radon can be addressed by the Agency through the Disaster Relief Act. It is my hope that States and localities will, with the aid of the interim report issued by EPA, be aggressive in identifying and miti-

51-059 O-86-40 (Pt. 17)

gating radon exposure in radon hotspots, and applying for disaster assistance if they are unable to meet the needs of their citizens.

Mr. President, I urge my colleagues to support this amendment.

The letter follows:

EXHIBIT 1

FEDERAL EMERGENCY MANAGEMENT AGENCY,
Washington, DC, September 12, 1985.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: Your staff has requested our legal interpretation as to whether the Disaster Relief Act of 1974, as amended, included authority which would be applicable in responding to the release of radon gases.

The Disaster Relief Act could be used by the President to respond to a disaster caused by radon. It could constitute a disaster or emergency under our legal interpretation of "other catastrophe" in Section 102 of the Act.

The Governor of the affected state would have to determine that the disaster or emergency was beyond local and State capabilities and that Federal assistance under the authority of the Disaster Relief Act (Public Law 93-288) was needed. For an "emergency" declaration, the President would have to determine that Federal emergency assistance was necessary ". . . to *supplement* State and local efforts to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster." For a "major disaster" declaration there would have to be ". . . *damage* of sufficient severity and magnitude to warrant major disaster assistance under the Act." (emphasis added) A Governor requesting major disaster assistance under PL 93-288 would have to take appropriate action under State law and direct execution of the State emergency plan. The Governor also would have to make a commitment of State and local obligations and expenditures for alleviating the damage, loss, hardship or suffering resulting from the disaster.

At this point we do not have a sufficient body of knowledge as to the nature of the health threat, the extent of the problem and a recommended solution, to determine if response under the Disaster Relief Act would be an appropriate Federal action.

Sincerely,

GEORGE JETT,
General Counsel.

Mr. MITCHELL. Mr. President, Senators LAUTENBERG, BRADLEY, BAUCUS, LEAHY, MOYNIHAN, SPECTER, HEINZ, and I are pleased to offer an amendment to establish in the Environmental Protection Agency a program of research on hazardous contaminants in the indoor air and exposure to radon gas.

I have discussed this amendment with the distinguished Senator from Vermont [Senator STAFFORD]. Senator STAFFORD, Senator LAUTENBERG, and I introduced this important legislation as S. 1198 in May of this year.

Since enactment of the Clean Air Act 15 years ago, we have made great progress in the protection of air quality and the control of air pollution. The Clean Air Act has focused on the quality of air outdoors. The majority of Americans, however, spend most of the day indoors. We have done little to assess the kinds of pollutants that may exist indoors or to determine the health effects of exposure to such pollutants.

The limited information we have today results from research into specific pollutants such as formaldehyde, asbestos, and radon gas. EPA has identified a range of health effects from these and other pollutants, including lung cancer, respiratory illness, and skin and eye irritation. A recent report by the EPA Science Advisory Board concluded that exposure to toxic air pollutants may be as great indoors as it is outdoors.

Among the most serious indoor air pollutants is radon gas. Radon is a naturally occurring element found in soils and granite rock. The EPA estimates that exposure to radon may result in between 5,000 to 20,000 lung cancer deaths per year throughout the country. Radon gas is a serious problem in Maine, as well as other parts of the country.

Despite clear evidence of the serious health effects of indoor air pollution, the EPA has done little to develop a comprehensive and coordinated program of research to address the problem. In testimony to the Environment and Public Works Committee this spring, the Agency proposed to discontinue in fiscal year 1986 work on indoor air quality and radon which is currently underway. EPA termed this work a "low budget priority."

EPA announced last week tentative plans to conduct a national survey of radon. I am pleased that EPA has, at last, acknowledged the seriousness of the radon problem. This proposed survey, however, falls far short of the balanced and complete program of research on indoor air and radon which is needed. Further, we have no assurance that EPA will not slide back to its old position that radon and indoor air pollution is a low priority.

The amendment before us today has three major objectives. First, the EPA Administrator is to establish a research program to analyze data, coordinate the related activities of other agencies, and assess possible approaches to control indoor air pollution and radon problems.

Second, EPA is to submit to Congress within 2 years a report summarizing knowledge about this problem, needed further research, and potential actions to mitigate health effects. An interim report, focusing specifically on radon, is required within 1 year.

Finally, funding of $3 million is authorized to be appropriated for the EPA for the 1986 and 1987 fiscal years.

I want to stress that this legislation does not authorize the EPA Administrator to carry out any regulatory program or any activity other than research and development.

A comprehensive approach to assessing the nature of the problem, such as my amendment proposes, is a modest but important first step in dealing with the problem before it reaches unmanageable proportions.

Mr. President, I am very pleased to report that this legislation has received substantial support since its introduction earlier this year.

Last month, the Committee on Environment and Public Works held a field hearing on this important issue in my home State of Maine. Witnesses testifying at this hearing encouraged prompt action to adopt this legislation.

In addition, 14 of my colleagues have cosponsored S. 1198. And, several national organizations, including the National Lung Association, have endorsed this legislation.

Finally, the Senate Appropriations Committee has provided $2 million for research on indoor air quality in the fiscal year 1986 budget for the Environmental Protection Agency. The amendment before us will provide the EPA with clear legislative authority and direction for use of these funds.

Mr. President, I hope my colleagues will join me in supporting this important legislation.

Mr. BAUCUS. Mr. President, this amendment would authorize EPA to conduct research into ongoing problems dealing with indoor air quality, and in particular, radon pollution.

We have not been doing enough in this area to develop control technologies or other mitigation measures to prevent or abate radon pollution.

This amendment will clearly set forth EPA's responsibilities in this area.

In 1979, hazardous radiation was discovered in Butte, MT. At that time, I asked the General Accounting Office to prepare a report concerning the Butte situation.

The GAO report indicated that there was a lack of coordination among Federal agencies working on these problems. There was no central depository of information showing how similar problems had been approached in the past and what techniques have been successful in alleviating hazardous substance problems.

Since the Butte situation arose, EPA has conducted research into naturally occurring radon gas hazards in Butte and other areas throughout the country. But, this approach has not been coordinated. This amendment will require EPA to identify the scope of the problem. Then EPA will be charged with finding ways to reduce the risk to people with houses located in potentially hazardous areas.

This amendment is long overdue. The threat of hazardous radon gas is

not unique to Butte, MT. It occurs all over the United States.

This amendment would take a critically important step toward ending this threat to public health.

I commend my colleagues, Senators MITCHELL, LAUTENBERG, and BRADLEY for their leadership on this important issue. I ask for its concurrence and adoption as part of the reauthorization of Superfund.

Mr. BRADLEY. Mr. President, it is with great pleasure that I rise in support of this amendment which will establish a clear statutory authority for EPA to conduct a research program on indoor air quality. This amendment has been developed jointly by Senator MITCHELL, Senator LAUTENBERG, and me to meet serious environmental problems by my State which may soon become apparent in many other areas.

A problem of particular concern in my home State of New Jersey has been that of radon gas contamination of indoor air. Radon is a naturally occuring, radioactive gas which is produced from the decay of radium. Radon in the outdoor environment does not usually exist at high enough concentrations to be a health hazard. However, it has been known to enter into homes by first, diffusing through the soil and then seeping through cracks, drains, or other openings in the basement, A serious situation exists if the radon then accumulates in the home thereby increasing the risk to residents of lung cancer due to long-term exposure.

EPA has performed studies which show that areas of the country with high radium levels in the soil are particularly prone to elevated indoor radon levels. The Reading Prong, which extends from Pennsylvania, through New Jersey and into New York is such an area. Unfortunately, we don't yet know now many of these regions exist throughout the country. One measure of the severity of the problem is that between 5,000 and 20,000 out of the 120,000 annual lung cancer deaths in the United States are caused by radon.

Mr. President, It is important to note that a targeted research program will be highly effective in mitigating many existing problems and avoiding future ones. As I have described the manner in which radon can enter a home it is obvious that the rate of such entry is influenced by many factors. Some of these are the radon content of the soil, the porosity and moisture content of the soil, as well as the construction of the home itself. Technologies for reducing indoor radon levels exist and include methods ranging from soil removal to increased venting of the home. Let me emphasize that it is much more expensive to correct an existing radon problem than it is to build a house or office building in such a way as to avoid possible future problems. I am extremely pleased that our amendment directs, EPA, in cooperation with the Department of Housing and Urban Development, to develop preventative measures.

EPA will develop with HUD techniques to assess whether land with radon present is likely to contaminate new construction on that site. In addition, the agencies will work together to develop building design measures to avoid indoor pollution in general. Such action will be valuable both to builders and future homeowners to ensure a safe living environment at the lowest possible cost.

Mr. President, it is absurd that we as a nation pride ourselves in reducing to the greatest extent possible potential health hazards and yet have no coherent research program to deal with this deadly, yet manageable contaminant. Each year that we delay an additional 5,000 to 20,000 Americans die needlessly. I ask my colleagues to join with us and support this most worthwhile endeavor which will result in immediate, cost-effective relief for the many Americans presently suffering the consequences of radon contamination.

Mr. STAFFORD. Mr. President, we know of the concern of the able Senator from New Jersey, Mr. LAUTENBERG, in the matter of radon gas in households. We know of the concern of our colleague, Senator MITCHELL, who has conducted a hearing for the committee in Maine on this same subject, and we know of Mr. BRADLEY's concern, the other able Senator from New Jersey. We have examined the amendment offered by Mr. LAUTENBERG for himself, Mr. MITCHELL, and Mr. BRADLEY, and we believe it to be a meritorious amendment. For the majority, we are prepared to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 640) was agreed to.

Mr. STAFFORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I am pleased that the Senate is taking up the Superfund bill today. This year the Senate has already approved a reauthorization of the Safe Drinking Water Act and the Clean Water Act. With the passage of Superfund, the Senate will have acted on three critically important pieces of environmental legislation.

The Superfund Program—while faced with early difficulties—has become an ever improving cleanup program. Successful implementation of the Superfund Program is one of EPA's highest priorities—and Lee Thomas deserves much credit for the progress that has been made to date. Lee Thomas has led the way in stabilizing imminent threats of uncontrolled hazardous waste sites through Superfund removal actions and by using Superfund remedial authorities to effect longer term site cleanups.

EPA has initiated the cleanup process at hundreds of national priority list sites. It should be noted that the U.S. Army Corps of Engineers is involved in Superfund through managing remedial site design, the U.S. Geological Survey is involved through their provision of technical expertise on ground water and the Federal Emergency Management Administration is involved through its relocation activities. While EPA and other agencies have done a good job in getting the Superfund Program off the ground, certain improvements are needed to enhance future cleanup actions.

There are possibly 20,000 hazardous waste sites located in the United States. Many of these sites are small but some are large enough to be significant environmental problems. The Superfund Program must be geared up in a responsible manner in order that cleanups can proceed at a faster pace with less cost to the Government and to the private sector. While the pace of cleanup actions needs to be increased—accelerating the program pace too much, too soon, could also reduce drastically the level of State participation in the Superfund Program. Congress and EPA must not push the fund beyond its limits.

One area of the Superfund effort that could be improved is the current settlement policy. I strongly feel that EPA and the private sector could be doing more to bring about settlements in a more timely and equitable manner. I do not believe that we need to have Superfund forever, but it seems reasonable to believe that Superfund will be with us through the end of this century. In that case, now is our chance to provide some leadership and direction to EPA.

Many observers have noted that it is unfair for Congress to leave entirely to EPA the task of creating a sensible policy out of the conflicting themes that exist in Superfund and out of very confused and skimpy legislative direction. Congress now has a new opportunity for formulating legislative language that would allow EPA to move in new and different directions. One of the most important things we can do in that regard is to streamline the settlement process. I trust we can accomplish this task.

I look forward to completing the floor debate on Superfund and I trust that the House and Senate can conference this bill in a timely manner so we can get right on with the problem at

hand—cleaning up waste sites in the United States. That is our only and real goal.

Mr. STAFFORD. Mr. President, while I still have the floor, noting that at 2:30, in 3 minutes, the Senate, I believe, is going back on the immigration bill, I would say that we have no more amendments which we can dispose of in the 3-minute period. But I hope that Senators and staff members who may be listening could anticipate, assuming the immigration bill is finally disposed of this afternoon, that whatever time exists between the end of consideration of the immigration bill and about 6 o'clock will be available to us for Superfund, and there are other amendments which would not involve lengthy debate that we would like to dispose of during the remainder of the afternoon whenever we get back on this bill.

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

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

IMMIGRATION REFORM AND CONTROL ACT OF 1985

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1200, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 1200) to amend the Immigration and Nationality Act to effectively control the unauthorized immigration to the United States, and for other purposes.

The Senate continued with the consideration of the bill.

AMENDMENT NO. 641

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 641.

Mr. SIMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 125, after line 23, add the following new title:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. TERMINATION DATE FOR CERTAIN AGRICULTURAL PROVISIONS.—

(a)(1) The provisions of section 125 of this Act and amendments made by such section shall terminate 90 calendar days after receipt of the report described in Sec. 124(c) of this Act unless there is enacted within 90 calendar days a joint resolution stating in substance that Congress approves the continued applicability of the provisions of section 125 and amendments made by such section.

(2) Any joint resolution referred to in paragraph (1) of this subsection shall be considered in the Senate in accordance with subsection (c).

(b) EXPEDITED PROCEDURES IN THE HOUSE OF REPRESENTATIVES.—For the purpose of expediting the consideration and adoption of joint resolutions under subsection (a), a motion to proceed to the consideration of any such joint resolution after it has been reported appropriate committee shall be treated as highly privileged in the House of Representatives.

(c) EXPEDITED PROCEDURES IN THE SENATE.—For purposes of subsection (a), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

(2) Paragraphs (3) and (4) of this subsection are enacted—

(A) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of joint resolutions referred to in subsection (a), and supersede other rules of the Senate only to the extent that such paragraphs are inconsistent therewith and;

(B) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner as in the case of any other rule of the Senate.

(3)(A) If the committee of the Senate to which has been referred a joint resolution relating to the report described in subsection (a) has not reported such joint resolution at the end of ten calendar days after its introduction, not counting any day which is excluded under paragraph (1) of this subsection, it is in order to move either to discharge the committee from further consideration of the joint resolution or to discharge the committee from further consideration of any other joint resolution introduced with respect to the same report which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a joint resolution with respect to the same report.

(B) A motion to discharge under subparagraph (A) of this paragraph may be made only by a Senator favoring the joint resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the joint resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(4)(A) A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged. 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 joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to 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 joint resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the 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 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 joint resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a joint resolution is in order in the Senate.

Mr. SIMON. Mr. President, this is a fairly simple amendment which sunsets the amendment of our friend and colleague from California after 3 years. At the end of 3 years, this bill right now calls for the end of employer sanctions; it calls for the Commission to report; and it makes sense to me that we sunset these provisions along with the report of the Commission like we do at the end of employer sanctions.

Frankly, what is involved here for decision, one which has been a close decision for this body, is where we go on this whole question of agricultural workers.

Senator KENNEDY and I and many others have fears about what we are doing. My colleague from California believes that it is in the best interest of this country and it will not suggest the problems that we suggest.

But no one knows. So it makes sense that we say if we are going to go ahead, let us put a 3-year time limit on the Wilson agricultural provisions, let us take a look at the program then. Then, at the end of this 3-year time limit, we call for a privilege congressional motion. We have a 90-day window in which this legislative body can act. We at least will not indefinitely put in jeopardy American agricultural workers and those who come in from other countries as guestworkers.

I would simply remind you, Mr. President, that what the amendment of the Senator from California now provides is 350,000 workers at any one time may come in to the United States. We do not know whether that means 500,000, 600,000, 700,000. The bracero program in 1964, the last year of its operation, had a total of 200,000.

So we are talking about a significant expansion of our agriculture program which will be even greater than bracero program.

That program was terminated because of the abuses.

I would point out that Secretary of Labor James Mitchell, serving under a Republican administration, in 1959 had a study of the bracero program which said this:

Studies of the Department of Labor have shown the wage rates paid to domestic workers by farmers who use Mexicans are generally lower than those paid by nonusers for comparable work in the same area. This indicates that employers of foreign labor frequently do not make the same effort as other employers in competing for domestic farm workers.

Mr. President, I think it is fairly clear that we are going to face a problem here. My friend from California, for whom I have great respect, does not agree with that. Why not, then, do the same thing we do with employer sanctions? Why not have a termination at the end of 3 years? Congress can then look at it.

That is also the time, as I indicated earlier, when the commission will report. I think it is a logical step. I would urge my colleagues in this body to accept this amendment.

Mr. KENNEDY. Mr. President, as I understand it, we have a time limitation agreement, do we not?

The PRESIDING OFFICER. The Senator is correct. There is 1 hour's time, equally divided.

Mr. KENNEDY. Will the Senator from Illinois yield me 7 minutes?

Mr. SIMON. Yes, Mr. President.

Mr. KENNEDY. Mr. President, I support the Simon amendment. It seems to me it would be a wise policy decision to accept the Simon amendment. A great deal of thought and attention went into the fashioning and the shaping of this legislation. The issue of foreign temporary workers has been debated over the period of the last 5½ days. The thrust of this legislation deals with legalization and employer sanctions, and already provides for generous H-2 provisions for agricultural growers.

There have been a number of issues and questions raised during the course of the hearings on this bill, during the markup in the full committee, and here, on the floor, about the impact of employer sanctions, whether they could be used in a discriminatory way. As one who has followed immigration legislation over a long period of time, I pointed out to the Senate that whenever we have had provisions in the law that could be used in a discriminatory way in the area of immigration, they have been. That is the history of the American statutes on immigration. It is tragic, but it is true, and we have learned that from history.

So, after a good deal of consideration, the chairman of the Subcommittee on Immigration and the floor manager of the bill was finally prepared to accept the sunsetting of employer sanctions should there be a discovery by the General Accounting Office that there was widespread discrimination because of their implementation. We would revisit that particular issue after a 3-year period. That has been accepted now by the Senate.

There were those who believed that it would not be used in a discriminatory way; there were others who believed it had the potential. So I think the Senate wisely made the decision to say, well, we shall revisit that issue after a 3-year period; we shall understand from the actual implementation whether the worst fears had been realized or whether they were exaggerated.

That, I think, was a very responsible position. Now we have had a very heated debate and discussion on what the impact would be of providing 350,000 additional foreign farm workers to come in and work on 3 percent of the farms of this country. We have all the attendant fears of, one, displacing American workers with the unemployment that we have at the present time among agricultural workers—agricultural workers who work in the perishable food industry. I, quite frankly, think, that given the past record on the bracero issue, that is going to happen under this Wilson amendment. I fear that it will.

There are those who say that it will not because of the protections that are included in the Wilson amendment. But that amendment will have a profound impact, Mr. President, could have a profound impact on hundreds of thousands of Americans who are working today and their families. But the Simon amendment says, why not follow the same approach we used in the area of employer sanctions to determine whether or not the worst fears of creating a new bracero program will be realized as the result of a 3-year experimentation.

It seems to me, Mr. President, to be a responsible, sound position, which those who are concerned about the whole question of undocumented aliens coming into this country and threatening the marketplace for American jobs think that we ought to consider and act favorably on.

The distinguished chairman of the Subcommittee on Immigration has outlined in very considerable detail the steps which are included in this legislation to respond to what I think are the legitimate concerns of growers—the expedited procedures that have been outlined and the other steps which have been included earlier in the RECORD.

I certainly hope and urge that this body would accept the Simon amendment. We are all reminded today of the very important communication that we have received, all of us, from the National Committee for S. 1200, which includes former President Jerry Ford and a very distinguished group of Republicans and Democrats alike, who have been concerned with this issue for some period of time. I ask unanimous consent that that be printed in the RECORD.

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

Hon. EDWARD M. KENNEDY,
Senate Office Building, Washington, DC.

DEAR SENATOR: Senator ALAN K. SIMPSON is again sponsoring an immigration reform bill in the Senate. S. 1200 would substantially overhaul and strengthen our country's outdated immigration law. S. 1200 has the support of the President and incorporates the recommendations of the three preceding administrations.

You know that immigration into the United States is an urgent issue; poll after poll shows that it is high on the list of things Americans care about. Most polls also show Americans opposed to unlimited immigration and in favor of permitting only legal immigrants to work here. S. 1200 responds to this desire by making it against the law to knowingly hire illegal aliens.

Once again, however, an array of special interest organizations will be trying to obstruct this urgently needed reform. We urge you to listen instead to our newly-unemployed, our poor, our youth, our own disadvantaged minorities—people who can't get work because the jobs are taken—and give your full support to Senator SIMPSON and this effort to reform immigration law.

NATIONAL COMMITTEE FOR S. 1200—(THE IMMIGRATION REFORM AND CONTROL ACT OF 1985)

Gov. Richard D. Lamm, chairman.

President Gerald R. Ford, cochairman.

The Honorable Leonard S. Woodcock, cochairman.

The Reverend Theodore Hesburgh, cochairman.

The Honorable Shirley Temple Black, former U.S. Ambassador.

Walter D. Huddleston, former U.S. Senator.

The Honorable Robert L. Yost, former U.S. Ambassador.

Robert C. McNamara, former Secretary of Defense and president of World Bank.

The Honorable Thomas C. Mann, former U.S. Ambassador.

Frederic C. Hamilton, chairman, Hamilton Bros. Oil Co.

John K. Waters, general, U.S. Army (Ret.).

Richard W. Hanselman, chairman, Genesco, Inc.

Maxwell D. Taylor, general, U.S. Army (Ret.)

The Honorable Marshall Green, former U.S. Ambassador.

The Honorable Adolph W. Schmidt, former U.S. Ambassador.

Kingsley Davis, senior research fellow, Hoover Institution.

T. Willard Fair, the Urban League, Miami, Florida.

John H. Tanton, chairman, Federation for American Immigration Reform.

Theodore H. White, author.

James E. Davis, chairman, Winn Dixie Stores.

Dr. Sidney Hook, senior fellow, Hoover Institution and emeritus, professor of philosophy, New York University.

William E. Colby, former Director, C.I.A.

Gen. Leonard F. Chapman, Jr., former Commissioner, I.N.S.

Anna G. Chennault, author, Asian scholar.

Richard C. Brockert, president, United Telegraph Workers, AFL-CIO.

John V. Lindsay, former mayor, New York City.

Warren E. Buffett, chairman of the board and CEO, Bershire Hathaway Inc.

Lester R. Brown, president, Worldwatch Institute.

A.C. Wedemeyer, general, United States Army (Ret.).

Malcolm R. Lovell, Jr., the Hudson Institute and George Washington University.

W.D. Best, Brotherhood of Railroad Signalmen.

Helen W. Milliken, former first lady of Michigan.

William French Smith, former attorney General of the U.S.

The Honorable Joseph V. Corcoran, State senator, Indiana.

Richard Salvatierra, columnist, retired U.S. Foreign Service officer.

Fred L. Hartley, chairman, Unocal Corp.

Griffin B. Bell, former Attorney General of the U.S.

Frank Drozak, president, Seafarers International Union of North America, AFL-CIO.

Cyrus Vance, former Secretary of State.

Charlton Heston, actor.

Paul Ehrlich, bing professor of population study, Standford University.

The Honorable Robert McClory, former U.S. Congressman and ranking member of the Judiciary Committee.

Francis G. Knight, Director, U.S. Passport Office (Ret.).

The Honorable Shelby Cullom Davis, former U.S. Ambassador and chairman, Heritage Foundation.

Russel W. Peterson, chairman, Global Tomorrow Coalition.

Stuart Northrup, chairman, Huffy Corp.

Clifton C. Garvin, Jr., chairman, Exxon Corp.

Mr. KENNEDY. The basic thrust of their mailgram is that we ought to resist special interest amendments on this bill. Quite frankly, no matter how you skin it, with the acceptance of the Wilson amendment, we are accepting a special interest amendment. And that is for the growers.

This body has been charged with trying to do something about illegal immigration and the flood of migrants coming to this country in ways which threaten the jobs of Americans and we ought to be about that and not, I believe, be accepting a pig in a poke, so to speak. That is the opportunity to add 350,000 more foreign workers in agricultural America when we have the significant unemployment that we have at the present time.

I hope that this body will be willing to accept this amendment that is being proposed by the Senator from Illinois. We shall be back again in 3 years addressing immigration issues. This is consistent with that. It will be the responsibility of the Judiciary Committee and other interested Senators to address both the findings of the agricultural commission which has been included in this legislation, as well as the GAO reports on the question of discrimination. So it is entirely appropriate that this body address that issue again.

Under the procedures included in the Simon amendment, we will give the assurance that we will get an up-or-down vote so the majority of the Members can exercise their will.

There will be an opportunity for protracted delay or for unreasonable action on the floor of the Senate. This is a sensible amendment, it is responsible, and I believe it is absolutely essential if we are going to insure that this bill is truly an immigration bill and not just a welfare bill for growers.

I reserve the remainder of my time.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WILSON. Mr. President, I yield myself such time as I shall require.

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

The Senator from California.

Mr. WILSON. Mr. President, what is being offered now is a deliberate attempt to scuttle a new program literally within hours after Congress has enacted it. It is offered in the guise of a fair revisitation after a fair period of time. The analogy has been made, Mr. President, to another provision of S. 1200, the Kennedy provision, that requires not a sunset but a reexamination of employer sanctions after a 3-year trial period to determine whether or not, in the experience of the General Accounting Office after their examination, there has been discrimination against U.S. citizens as a result of the application of employer sanctions.

Mr. President, let me say not at all parenthetically that that is a wise provision, because I fear there may well be discrimination. But that serious reservation about the Immigration Reform Act has nothing whatever to do with the seasonal worker program—nothing—and no one can pretend that it does. But if you are in fact trying to make that analogy, the analogy then should be to a provision which Mr. SIMON has not offered. It would be one which does not sunset the seasonal worker program, but, rather, requires that it be considered again after a 3-year period. Then as in the case of the Kennedy provision, it would require affirmative action to end the program, if that be the wisdom of Congress at that time.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. WILSON. The Senator will yield on the Senator's time at the conclusion of his remarks.

Now, Mr. President, let me respond to the rhetorical question offered by my friend from Illinois in his effort to try to tie this to, and make the false analogy of, employer sanctions. What he is saying is, since there will not be employer sanctions, why should there be a seasonal worker program?

Why? I should think it would be obvious after so many days, so many hours of debate, that the reason it is necessary is precisely to avoid the very situation we now have. We do not have employer sanctions at the present time. We do have foreign workers, in the fields and orchards of the United States, but they are there illegally.

Mr. President, nothing is going to change the need that growers have for the harvest of perishable commodities, not in 3 years, not in 300. But the fact is what we are talking about is another need that will not change. Nothing is going to change the need for these workers, who are willing to risk a great deal to come in, in the dead of night, fearing danger, as wisely they should, fearing the extortionate practices of the "coyotes," as experience has taught them they must, in order to work.

Now, is it right or is it fair, Mr. President, that these people, who are simply seeking to earn an honest living, should be compelled to do so illegally?

Should they be so frightened of their apprehension by the Immigration and Naturalization Service that they refuse even to use the housing provided for them by growers for fear of being raided by the INS? Should they be compelled instead, to avoid that, to literally go to earth, to live in holes in the earth like animals in order to avoid being caught and deported?

Mr. President, nothing in 3-years' time will change the need of growers to supplement domestic labor, nothing in 3-years' time will change the need of workers for protections they never had under the bracero program and that they do not have now.

Mr. SIMON speaks of the report of George Mitchell, Secretary of Labor in a Republican administration, commenting on the bracero program. This amendment was designed to remedy the deficiencies of the bracero program. There were no worker protections under the bracero program. There were no employer obligations. Is that where we wish to return?

This is not a bracero program—that much is clear. And since the specific point in the Mitchell report that has excited my friend from Illinois was a finding that braceros tended to contribute to an adverse-effect wage, well, let me remind him that this legislation strictly prohibits an adverse-effect wage. Or to take it out of the jargon and put it in understandable English, it means that growers cannot pay a wage to any worker, foreign seasonal worker, under this program which would tend to depress wages below the prevailing wage rate being paid to domestic workers, and that clearly is above the minimum wage. How far above the minimum wage? Well, one example I have learned recently is that date harvesters in the Coachella Valley are making $26,000 to $27,000 a

year. They earn it. No one begrudges it to them. Nor do they begrude them the status of being legal.

Now, if my friend from Illinois had offered something similar, if he had said that 3 years after receiving the report that is required by S. 1200 from the Temporary Agricultural Worker Commission, I say to him we do not really need his reminder because the law specifically provides exactly what is going to happen. Not only in S. 1200 relating to H-2 and relating to the transitional program, but in the amendment which I offered, which the Senate enacted yesterday, there is a similar requirement for seasonal workers, and specifically the Commission is required to consider and report to the Congress whether or not they have established a proper length of time and proper mechanism for the recruitment of domestic workers before importation of such foreign workers. I am quoting from the language of the amendment. They are further, quoting from the language of the amendment, required to report to us whether current labor standards offer adequate protection for domestic and foreign agricultural workers, whether or not the availability of sufficient, able, willing, and qualified domestic workers will meet the needs of agricultural employers.

That is what the amendment provides, that amendment which this amendment would seek to undo. Congress is going to get a report. Congress can then, on the basis of the information adduced by the Commission and laid before us, make a reasoned judgment. Incidentally, although I do not think this was the intention of the proponent of the amendment, what he is asking us to do is not after 3 years but after 2, when, as a practical matter, the basis for our experience would be a single year's experience.

Now, I can think of no greater travesty than to automatically sunset a program for which clear need has been demonstrated after 1-year's experience, not on the basis of a review of adequate experience but automatically; not in the way that Congress is being asked to review employer sanctions for evidence of discrimination and then take affirmative action to correct the program if necessary, but automatically without thought, without care, for the fact that it will return those workers, once again made illegal, to their holes, reduce them to the status of animals, hiding from the INS.

My God Almighty, is that what the Senate of the United States calls a deliberate process? I would call it a disgrace.

Mr. President, good intentions are not enough. We have taken a great deal of time, and quite properly so, to consider complex legislation. There has been a great deal of misinformation offered. If not deliberately to confuse, at least it has been offered all through the debate on this legislation. We have been told that this program will end the H-2 program, and of course it clearly offers only an alternative, a choice for growers. We have been told that the cap on seasonal workers, which apparently will never be sufficient to satisfy those who fear this provision and want no program, is also a cap on H-2, and that is also untrue.

Mr. President, there will be no change in the need for these workers. There will be no change in the need for protections that workers are not now afforded. There will be no change in the requirement that the Senate act deliberately if it is to act responsibly. But what we are asked to do instead is to now approve an automatic sunset that could be overturned only by a joint resolution of this body. Do not tell me that an expedited motion is a great protection. It is not. We are asking for a procedure that will involve the affirmative action of both Houses of Congress and the President's signature be required to overturn an automatic sunset of this provision after inadequate experience when all the evidence at the present time points to the need and to the continued need.

Mr. President, I think we have given this subject not too much time but the time that it requires. I think we should give this well-intentioned, perhaps, amendment what it deserves, and that is flat rejection.

(Mr. DANFORTH assumed the chair.)

Mr. GORTON. Will the Senator yield some of his time to me?

Mr. WILSON. The Senator will be delighted to yield to my distinguished colleague from the State of Washington such time as he desires.

Mr. GORTON. Mr. President, I rise to oppose this amendment by the distinguished Senator from Illinois and join with my friend and colleague, the Senator from California.

On Thursday last, the merits of the policy embodied in the amendment which this amendment seeks to limit were debated at length and defeated by a very narrow margin.

Those of us who felt that we were right from the point of view of policy and in dealing with an urgent need of a number of our productive constituents were not satisfied with that vote. We made certain changes in the amendment and brought it up again on Monday and yesterday. For that reason, I suppose it would be appropriate for us to complain about the Senator from Illinois asking for another revisiting to this particular issue about which he feels strongly.

I do feel, however, that the dynamics and the changes which took place between Thursday and Tuesday did so because Members more carefully considered the merits of our proposal and that as consideration has lengthened, more and more of them will come to our views on it.

Therefore, I urge my colleagues to defeat this amendment by an even larger number than they approved yesterday's proposal by the Senator from California. We are still dealing with precisely the same problem.

Three years from now, the need for harvest labor in fruits and other fresh produce will not be any less than it is today. I suppose it is possible that some magic, new machine might be invested which would do the job automatically and easily and without any significant amount of labor, but it is unlikely that that will take place.

This amendment does not seek to sunset the entire Immigration Reform and Control Act in 3 years, which would of course result in a reconsideration of this issue, but only one part of it, with considerably less than 3 years of experience, as the Senator from California has pointed out.

I believe that the political process has worked well in this debate. It is quite clear that if the growers had their way, the amendment with which we were dealing yesterday and are dealing with today would have been written quite differently—without a cap, perhaps without a number of the other limitations it contains. But the objections of the Senator from Illinois and the Senator from California, not to mention the Senator from Wyoming, have been met to the maximum possible extent in a numerical employment which is relatively low, much lower than the number of illegal immigrants now engaged in this kind of business, and in a series of protections for people who will be permitted to come into the United States and engage in these harvest activities when that permission is granted— a set of requirements or restrictions which will greatly increase the quality of their working conditions and the method of their treatment, and, of even greater importance, the requirement that this program is subsidiary to the rights and opportunities of citizens of the United States who may wish to engage in this activity, either permanently or on a temporary basis.

It seems to me that we have crafted a thoughtful and reasonable approach to a very real problem.

Mr. President, it does continue to puzzle me, I must say, that Members of this body from States unaffected directly by this amendment are so adamant: why it is that a relatively large group of highly productive American farmers should be documented as special interest, by implication an illegitimate special interest, whose needs, necessities, and contributions to their country not only can safely be ignored

but also ought to be ignored. We have not normally characterized the other groups which have shown interests in this, on one side or another, to represent illegitimate special interests, whatever interests they represent.

In one sense, of course, they are all special. They are particular groups of Americans who are not the whole of all Americans. So, in that sense, is the group of growers we represent. They are, however, an admirable group of people who work hard, most of whom are small farmers, most of whom own their own farms, who grow crops which are greatly appreciated by Americans and often are exported to other countries to help our balance of payments, who offer employment opportunities, who are willing to do so under far more severe controls than are effectively applied today. They are a constructive group of people. They have made a reasonable request.

Their needs will not dissappear in the course of the next 3 years, and there is no justification for changing yesterday's vote and for limiting them to a period of time vastly inadequate for them to change their way of life, vastly inadequate for them to deal with the very real problems they have.

This bill, the primary author of which is the distinguished Senator from Wyoming, contains very important American policies of immigration, of naturalization, of who shall live here, of who shall work in the United States.

It is vital that we proceed with the debate. I wish we could conclude that debate and pass this bill without the consideration of any extraneous amendments whatsoever. We may or may not succeed in doing that. But the issue raised here is one that is vitally and intimately connected with the substance of the bill itself.

In adopting the amendment yesterday, we have already accomplished something which I am firmly convinced improves the scope and the justice of the entire bill. I believe firmly that it is needed. It is moderate in its programmatic aspects. It should be a part of an immigration bill, and we should reject this attempt simply to reverse yesterday's decision and get on with the final passage of legislation, which is greatly needed by the people of the United States.

Mr. WILSON and Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I appreciate the chance to comment on the amendment of the Senator from California. I tried to engage in a debate on this amendment on three different occasions and was unable to do so.

I want to ask the Senator——

Mr. WILSON. I will be happy to yield.

Mr. KENNEDY. I understand that I have the floor.

Mr. WILSON. I merely wish to make the offer.

Mr. KENNEDY. I ask, on my time, for a brief response from the Senator from California.

Before asking the question, I make this point: When it came to employer's sanctions, I tried to persuade the chairman of the Immigration Subcommittee to completely sunset employers' sanctions and then revisit that issue on the floor of the Senate, under expedited produced. On that issue I would have been delighted if we had followed the same procedure for dealing with employers' sanctions because of the danger of discrimination that has been included in the Simon proposal. But that was not acceptable, and so we had to settle on a modified sunset provision.

I ask the Senator if he would be willing to accept an approach on this issue the way we did it with regard to employers' sanctions, so that we would definitely revisit this issue in a 3-year period.

Mr. WILSON. I would be happy to do so. In fact, I was going to ask the Senator from Illinios whether or not he would be interested in offering a substitute to that effect, because what we are talking about is nothing more than what the amendment now provides.

Mr. KENNEDY. We will have an opportunity if the Senator wants to visit with the Senator from Illinois on some form of a substitute. Does the Senator want to describe briefly, if he could do so on his time so the manager will have a reasonable period to comment on it, to say what the Senator would be prepared to offer?

Mr. WILSON. To do essentially what my amendment requires now which is to respond to the stated requests for a report and if in fact on the basis of the report there is need for elimination, need for revision, then Congress has that basis before it and can act but not an automatic sunset.

Mr. KENNEDY. I do not have the Senator's amendment in front of me but as I recall that judgment or determination was going to be made by the Attorney General. Am I not correct?

Mr. WILSON. No; the report by the Commission on Temporary Workers is made to Congress.

Mr. KENNEDY. That is correct. But under the Senator's amendment there are no expedited parliamentary procedures and after the report comes in the Attorney General makes the decision whereby that number will be increased or decreased, if I remember the amendment correctly. Am I not correct?

Mr. WILSON. With respect to the cap, that is the sole discretion of the Attorney General. But let me answer the Senator's question because the Commission that is created by S. 1200 is one whose duties were added to by the amendment that we enacted yesterday, and it enacts virtually parallel provisions so that those requirements which are now visited with respect to the H-2 Program would apply to the Seasonal Worker Program as well. That makes some sense because in fact they are parallel; they are at least alternatives with respect to temporary agricultural workers.

Mr. KENNEDY. If the Senator would respond, is he saying now that rather than giving that particular authority to the Attorney General he would give that authority to an expedited procedure and for the Congress to make that judgment?

Mr. WILSON. The report——

Mr. KENNEDY. If he will answer that question, I will be glad to state it again. It could be answered yes or no.

Mr. WILSON. Go ahead, state it again, and I will try to begin again in response.

Mr. KENNEDY. Let me ask the question. Under the amendment which was accepted with regard to employer sanctions, the ultimate judgment and decision, if a pattern of discrimination developed, would be made by Congress under an expedited procedure. That was my amendment with regard to employer sanctions. Is the Senator from California willing to follow that same procedure with regard to the Wilson amendment? Yes or no.

Mr. WILSON. No.

Mr. KENNEDY. Then I wish I saved myself the time. That answers the question. That is why it is essential that we have the Simon amendment.

Mr. President, the fact of the matter remains, in response to my good friend from Washington about these being small family farmers and they should not be discriminated against, well, they are not being discriminated against under the existing provisions of the bill as drafted by the Senator from Wyoming. He has included in this bill an expedited H-2 procedure, a fast track for applications in terms of perishable agricultural products. They are all in there. They are all in here after a long series of hearings and examination of this issue. They are being provided for.

Let me just make a final comment about whether this is a Bracero Program or not. It is a Bracero Program and the Senators from California and Washington may not want to admit it and say that it is not but, it is. If it looks like a duck, walks like a duck, and quacks like a duck, it is a duck.

Mr. President, under the Bracero Program—which was bad enough—there was nonetheless the requirement for domestic recruitment as a prerequisite to approval of application for farmworkers. They had to go on out and find if there are American

workers before they go and contract for foreign workers. Under bracero they did. But not under WILSON's amendment.

Two, must the Department of Labor certify there is a shortage of U.S. workers; that is, there is a shortage of U.S. workers to perform that job? Was there such a requirement under bracero? Yes. Is there a requirement under Wilson, no.

Under the Bracero Program was the Department of Labor asked to certify that there will be no adverse effects on U.S. working conditions?

Make no mistake abut it, we are talking about American jobs for American families. You can try to talk about it another way but that is what we are talking about.

That is why this protection was put in the Bracero Program, and even with that requirement, it did not work. But is that kind of provision under Wilson, no.

The Wilson program provides generally that employee wages and working conditions shall not adversely affect U.S. working conditions, but no requirements are set out and no certification requirement is mandated and effectively no enforcement of that particular provision. I will include the rest of the comparisons in the RECORD.

I ask unanimous consent that an analysis prepared by the Farmworker Justice Fund be printed at this point in the RECORD.

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

COMPARISON OF THE LABOR PROTECTIONS UNDER THE BRACERO PROGRAM AND THE WILSON GUESTWORKER PROPOSAL

[Note.—Even the infamous Bracero program provided substantial protections for workers (on paper). These protections were included in the authorizing legislation, Public Law 82–78 ("P.L. 78"), the United States-Mexico Migrant Labor Agreement of 1951 ("MLA") or in the Standard Work Contract ("SWC")]

Protections	Bracero	Wilson	Comment
Domestic Recruitment			
1. Is domestic recruitment a prerequisite to approval of an application for foreign workers?.	Yes (§ 503(3), PL–78)	No	Under the Wilson proprosal the grower is not required to attempt to recruit U.S. workers until after his application for foreign workers is approved.
2. Must the Department of Labor certify that there is a shortage of U.S. workers?.	Yes (§ 503(1), PL–78)	No	There is not provision for certification by DOL or any other government agency as to availability of U.S. workers.
3. Must DOL be asked to certify that there will be no adverse effect on U.S. working conditions?.	Yes (§ 503(2), PL–78)	No	The Wilson program provides generally that employers offer wages and working conditions that will not adversely affect U.S. working conditions. But no specific requirements are set out and no certification requirement is mandated.
4. Are U.S. workers guaranteed terms at least comparable to those provided to foreign workers?.	Yes (§ 503(3), PL–78)	No	There is no provision ensuring that growers will not offer better terms to favored foreign workers.
5. Must available U.S. workers be hired after the season has begun?.	Yes (Art. 9, MLA)	No	There is no provision giving preference to U.S. workers.
6. Is there a prohibition against the use of foreign workers as strike breakers?.	Yes (Art. 22, MLA)	Yes	
7. Is there a prohibition against the use of foreign workers by growers who also employ undocumented workers?.	Yes (§ 505, PL–78)	No	
Foreign Recruitment			
8. Is foreign recuritment governed by an intergovernmental agreement?.	Yes (§ 501, PL–78)	No	
9. Are foreign workers guaranteed subsistence expenses while traveling to worksite?.	Yes (§ 501(4), PL–78)	No	
10. Are foreign workers free to accept employment with any grower who has obtained approval to use foreign labor?.	Yes (§ 501(5), PL–78)	Yes	Under the Bracero program, the workers signed contracts with the employer of their choice at the border. Thereafter they are obligated to work for that employer. Under the Wilson proposal the workers would enter without any employment contract or commitment.
Employment Standards			
11. Are the foreign workers guaranteed a written contract?	Yes (SWC)	No	As noted, the Standard Work Contract (incorporated by reference into the United States-Mexico Agreement) was required of all employers.
12. Are the foreign workers guaranteed employment for a minimum period?.	Yes (Art. 16, MLA)	No	
13. Is the grower's compliance with the employment contract guaranteed by the U.S. government?.	Yes (Art. 32, MLA)	No	
14. Is DOL authorized to set a special minimum wage, above the prevailing rate, if necessary to avoid adverse wage effects?.	Yes(Art. 15, MLA)	Yes	
15. Are the foreign workers guaranteed employer-provided housing?	Yes (Art. 2, SWC)	No	Under the Wilson proposal the grower may give the workers a daily housing allowance, with which they would have to try to locate their own housing.
16. Are foreign workers guaranteed occupational injury insurance?	Yes (Art. 3, SWC)	Yes	
17. Are foreign workers guaranteed that tools and equipment will be provided without charge?.	Yes (Art. 5, SWC)	No	
18. Are foreign workers guaranteed that meals will be provided at cost?.	Yes (Art. 6, SWC)	No	
19. Does the program include specified enforcement procedures to prosecute violations?.	Yes (Art. 30, MLA)	Yes	All enforement is through the Attorney General. Wilson workers are ineligible for federal legal services.
20. Are employer required to pay the costs associated with obtaining the documents necessary for the aliens' admission?.	Yes (Art. 20, SWC)	Maybe	Employers must pay a percentage of wages into a trust fund for administration of the program.
21. Is there express recognition of the aliens' right to organize and bargain?.	Yes (Art. 21, MLA)	No	
22. Does the government representing the foreign workers have a right to refuse to let workers labor in regions where there may be discrimination against foreign nationals?.	Yes (Art. 8, MLA)	No	

CONCLUSION

The Wilson amendment differs from the old Bracero program chiefly in the legal protections it does not offer to the workers involved. The sponsor would have us believe that these protections are unnecessary. But, many of the same farm enterprises which were involved in scandalous exploitation of workers under the Bracero program will be eligible to participate in the Wilson program. Absent these legal protections, the workers will have to rely on the good will and honest business practices of their employers.

Evidence presented to Congress two years ago to support passage of the Migrant and Seasonal Agricultural Worker Protection Act ("AWPA"), shows that such reliance will be misplaced when it comes to many farm employers. The Farmworker Justice Fund, Texas Rural Legal Aid and the Migrant Legal Action Program presented more than 100 recent examples of serious labor violations by growers, associations and large agribusiness operations. The Committee on Education and Labor, which reported the AWPA, concluded that: "Evidence received by the Committee confirms that many migrant and seasonal agricultural workers remain today, as in the past, the most abused of all workers in the United States." [H. Rep. No. 97-885, at 2.]

In such circumstances, adoption of the Wilson program would be irresponsible and unconscionable.

Mr. KENNEDY. Mr. President, that is what we are talking about. It can have a serious impact on the employment hundreds of thousands of American workers who in most instances are in the poorest sector of our economy, where you have significant unemployment already, and depressed wages. Americans are the ones who are going to lose jobs.

And with regard to the needs of the growers, the Senator from Wyoming has spelled out in this legislation how their interests have already been protected, rather generously I think.

So I think this amendment is essential. I think it is necessary. I think it is reasonable, and I would hope that it would be accepted.

I withhold the remainder of my time.

Mr. SIMON. Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator from Illinois has 11 minutes; the opposition has 8 minutes.

Mr. SIMON. Mr. President, I yield 7 minutes to the Senator from Wyoming.

Mr. METZENBAUM. Mr. President, would the Senator from Illinois be good enough to reserve the Senator from Ohio some time? We have 11 minutes; take 7.

Mr. SIMPSON. Mr. President, I would require less than 7 minutes. If I will be notified by the opponents of the amendment when I use 5 minutes, I will yield back the remainder.

Mr. SIMON. All right.

Mr. SIMPSON. Mr. President, I knew we would revisit that issue with some spirit and I have been sitting it out because there comes a point in all legislating when you take your lumps; you take your lumps and move on to something new. That is the way it is and should be. But in the U.S. Senate I have to change all my former ideas with 13 years of legislating in Wyoming because in this place nothing ever dies.

There is a form of eternal life here with every amendment and every bill and it is eternal because downtown are eternal people and they will always be with us in whatever administration and whatever role. They are known as special interests, and they will never change and they are good and they are bad and they are ugly. They are like human beings. In fact they are human beings, and so enough of that.

But I say to you that this amendment I believe strikes a reasonable balance. I support the amendment. It strikes a reasonable balance between the interests of producers of perishable commodities and those concerned with a large-scale guest worker program which has always been my concern. I have shared that with the Senator from California. There is no question about that.

The Simon amendment does allow these persons to be here at any given time and provides for extraordinary or unusual circumstances, and leads us back to a point where we use the agricultural commission under S. 1200 which is good. Do not miss what that is. That is an excellent proposal of 12 persons appointed by the Speaker of the House, the President pro tempore, the Secretary of Agriculture, and the Secretary of Labor. They are going to recommend things, and among the things they will recommend are what we do with temporary workers in the United States.

The composition of the Commission will be fair and let me quote from S. 1200:

SEC. 124. COMMISSION ON *TEMPORARY* AGRICULTURAL WORKER PROGRAMS.

(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—(1) There is established a commission (hereinafter in this section referred to as the "Commission") to be composed of 12 members—

(A) two to be appointed by the Attorney General,

(B) two to be appointed by the Secretary of Labor,

(C) two to be appointed by the Secretary of Agriculture.

(D) three to be appointed by the Speaker of the House of Representatives, and

(E) three members to be appointed by the President pro tempore of the Senate.

(2) In appointing individuals as members, the Attorney General, the Secretaries of Labor and Agriculture, the Speaker, and the President pro tempore shall assure that members include some individuals who are representative of represent labor organizations for agricultural workers and some individuals who are representative of represent agricultural employers of nondomestic workers. Appointments to the Commission shall be made in a manner that provides for balanced representation of the various interests in the matters considered by the Commission.

I expect to have some influence in the members appointed by the President pro tempore. It will be a balanced Commission.

So, here we are with this proposal and please understand and see what it is that has attended the immigration reform bill since its first attempts. This bill will not pass the Senate by the margin it did in the past because of the various persons who seek some kind of perfection. It is interesting how we expect perfection in our legislation but we do not expect perfection in our lives, and it is more interesting when it is Congress that should be perfecting itself. It is a good way to get it off yourself and just say, "I am in turmoil here; something should be perfect, so why should not something be perfect if 535 guys get to mess around in it?" It will never be that way. I can assure you.

Because the extraordinary thing you will watch on the final rollcall vote is that those who have amended and amended and amended will vote against the measure. That will become very evident to you as you come to see the final rollcall vote. They are saying, "We want to help you perfect your bill." And I can say that that kind of assistance is about like having the Boston Strangler massage your neck.

(Laughter.)

Now, that is where we are with this particular measure right now. I think the Senator from California will vote for this bill if this proposal of his stays in it. That may cause 10 others to jump ship. Someone will say, "I liked your bill until they put that amendment on and now I cannot support it any more." That is the way this works. That is where we are with regard to this.

And, as the Heinz amendment remains the pending business, people will get more creative and more skilled and more innovative, as they think of ways to do this or that to be assured that they can finally vote for it, and they regretfully then decide that they they cannot. I have been there in 20 years of legislating and that is where this one is slowly going.

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. SIMPSON. I yield myself 1 more minute.

The Senate of the United States does have a responsibility. It is a very clear one and we have met it twice. And it is to do something about illegal immigration and try to preserve our heritage of legal immigration, and that is what the bill is about. That responsibility will be met only when you address the issue because, by doing nothing in these times with this issue, you will find that this country will pay a dear price. It does not have anything to do with xenophobia or racism or ill-spiritedness or mean-spiritedness. The first duty of a sovereign nation is to control its borders. We do not. We ought to be about our business.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM. I ask that the Senator from Illinois yield me 2½ minutes.

Mr. SIMON. I yeild 2½ minutes to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, the Wilson amendment does exactly what everyone of us in this body says publicly we will not do. It deprives Americans of an opportunity to work.

There has been a lot of talk around here about importing products. And when we import products we say we are taking jobs away from Americans and, indeed, that is true. But the Wilson amendment makes it possible to import people to take away the jobs of Americans.

I have only one description for the amendment: I think it is un-American; I think it is anti-American.

I have difficulty in comprehending how anybody can stand on the floor of the Senate—I do not understand how 51 people voted for this amendment—to make it possible for jobs of Americans to be taken away from them so that somebody may come from another country to take those positions so they could earn a living to support their family.

I think the Wilson amendment has taken a reasonable bill and has done exactly what the Senator from Wyoming has indicated, and that is it has changed it in such a way that many of us who had supported it up until this point find it impossible to support with the Wilson amendment. In fact, I believe, with the Wilson amendment in it, it should be defeated.

Now, the Senator from Illinois has come along with a proposal. His proposal would say, "Let it only last for a period of 3 years until the Commission report." I think that is in the area of compromise. I think it does have a reasonable approach to it. With it, I could see myself voting for the bill; without it, I think I and others would find this bill goes beyond the point of where it can merit our support.

I would just like to address myself to one other item, and that is the argument is made that this is needed in order to harvest the crops. I would point out that the bill provides that the definition of seasonal agricultural services includes planting as well as production. That goes a long way beyond the question of harvesting of the crops.

I believe that the Simon amendment provides a reasonable solution. It does not make a bad amendment a good amendment, but it makes it tolerable, and we know that it would come to a conclusion at a point certain in time.

The PRESIDING OFFICER. The Senator's 2½ minutes have expired.

Mr. METZENBAUM. I yield the floor.

Mr. WILSON. Mr. President, how much time remains?

The PRESIDING OFFICER. Two and a half minutes for the Senator from Illinois and 8 minutes for the Senator from California.

Mr. WILSON. Mr. President, I yield myself 4 minutes.

Mr. President, first of all, Senator KENNEDY is, to be charitable, flatly inaccurate in his characterization of this bill. He has ignored not only the history but the plain text of the amendment. The protections that are afforded workers in this include housing or a housing allowance. They include insurance. They include a legal requirement that no adverse wage be paid and, indeed, adverse wages are not.

I am not going to spend more time on it because he is just wrong. I do not understand how anyone can stand on this floor and make bald misstatements.

Now, to my friend from Illinois, I said I was going to make him an offer, and I intend to do so. I certainly was not prepared to accept what the Senator from Massachusetts was offering as presumably equal treatment. But what I will say is that if the Senator from Illinois is interested in an action that would provide for the report that comes back to Congress under the amendment from the Commission on Temporary Agricultural Workers, and if that Commission recommends change and he wishes an expedited procedure on that, then I would be delighted to work with him on that.

What I am not willing to do, for obvious reasons—reasons that relate to fairness and that relate to the kind of misstatements that I have heard on this floor—I am not willing to say we will have either an automatic sunset or that we will put the question with the burden of proof on the proponents of this program when, in fact, my expectation is that the recommendations that come back with the report from the Commission will be for some minor adjustment, but for continuation of a seasonal worker program.

Now, if the Senator from Illinois wishes to engage in a substitute that would promote fairness and take cognizance of the fact that the need for this legislation will continue to exist—whether the number is right or wrong, we will not know until we have had some experience; or if it is determined by the Commission in its report a need for some change, we will not know until then—but if he wants to say that there shall be an expedited procedure for congressional review and action upon recommendations of the Commission, then I have no problem accepting that. But that is a very, very different matter from what is being offered here.

Mr. SIMON. Will the Senator yield.

Mr. WILSON. Yes; within our 4 minutes.

Mr. SIMON. I appreciate the offer, but, frankly, it is pretty weak soup. I am going to take a lot of water in that soup, but I do not want soup that is almost all water.

The reality is that the Commission is going to be stacked 9 to 3 against our position, as I read the legislation and look at that Commission. So that I am unwilling to accept that.

It just seems to me that a 3-year sunset, waiting for that Commission, and a commission that is stacked in your favor, is still weighing things in your direction. I think the minimum we ought to be asking for is a 3-year sunset.

If that goes down, if this body thinks that is not desirable, I will abide by the judgment of this body. But I am not willing to dilute the soup more than it already is.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. WILSON. Mr. President, I yield myself an additional 2 minutes.

Mr. President, the Commission is not one of my making. It was the work of the sponsor of the legislation, the Senator from Wyoming. I have not made the same analysis of the composition of the Commission as has the Senator from Illinois. I do not reach the same conclusion.

I will simply say that what the Senator from Illinois has offered is patently unfair. It is not based on evidence, nor is it intended that in 3 years that action shall be based on evidence. The sunset is automatic. This is not a process of deliberation. It is a process of execution.

And all that the Senator will achieve from it I am sure he will not wish to achieve when it happens. If in fact it were to happen because he will be asking those workers so desperate for work who are willing to come and risk danger to themselves and their families to continue to live in the night, to go back to the holes, to be denied the dignity of living out in the open doing honest work however hard that work is. That is all that the Senator will achieve. The Senator will have a reversion to the status quo that we have today. We do not have employer sanctions. We do have illegal workers. It is a sick situation, one that is within the power of Congress to cure. But the Senator's automatic sunset would return us to that dismal state of affairs.

Mr. President, I move to table the pending amendment of the Senator from Illinois, or I will at the conclusion of his time.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Until all time has been yielded back or the time has expired, the tabling motion is not in order.

The Senator from Illinois.

Mr. SIMON. Mr. President, I will be brief. No. 1, on the commission, to the credit of my colleague from Wyoming, he has put in there that members of the commission shall represent labor organizations for agricultural workers, two appointed by the Attorney General, two by the Secretary of Labor, two by the Secretary of Agriculture, three by the Speaker of the House, and three by the President of the Senate. That, my friends, I think stack that commission in favor of what the Senator from California wants.

Second, the reality is that while the Senator can talk about people earning $26,000 as farm workers from other countries, that is not typical. We have 13.5 percent unemployment among agricultural workers in this program. When we get to this point 3 years from now—it is 3 years, not 2 years—if we get to that point 3 years from now and the program is working well, it is clear that the growers of this country have enough political clout that they are not going to have any trouble getting that program extended. What we do call for is an automatic review. That is not asking too much on a program that comes in here and is going to say 350,000 foreign workers at any one time which can mean 500,000, 700,000. We do not know.

The PRESIDING OFFICER. All time of the Senator from Illinois has expired.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes.

Mr. WILSON. Mr. President, the concern I have heard expressed for jobs is one that I share. I will tell you that if we are to have no legal seasonal worker program, it will not only eliminate many of their jobs, but it will make it impossible for the growers of perishable commodities to harvest in a timely fashion. We will see tens of thousands of jobs disappear in my State alone—I suspect hundreds of thousands is a correct figure across the Nation—not just in the fields but in the entire chain of this distribution from the fields to the ultimate consumer, in the packing sheds, in the freezing plants, in the truck yards, in the retail and the wholesale markets. All of those in the entire chain of distribution and marketing will see their jobs disappear as in fact these farms can no longer make it such as it can will probably go offshore. That should be of concern to the Senator from Ohio.

But let me say the Senator from Illinois I think means well but is guilty of a misstatement when he says all it requires is an automatic review. It requires an automatic review without consideration. It is an automatic sunset unless there is a stay of execution and the burden of proof to stop this is upon the action of both Houses of Congress and the President of the United States.

Mr. President, need will continue, the need for the workers will continue, the workers' need for protection will continue, and the jobs of those who depend upon timely harvest will continue to need to be protected. American consumers will continue to want fresh fruits and vegetables. One of the ways we are affecting the balance of payments favorably is by the export of perishable commodities. The basic merits of this legislation I think have been abundantly debated in the preceding days. For that reason, I move to table the pending amendment of the Senator from Illinois.

The PRESIDING OFFICER. All time of the Senator from California has expired.

Mr. WILSON. I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California to lay on the table the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from New York [Mr. MOYNIHAN], the Senator from Arkansas [Mr. PRYOR], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that, if present and voting, the Senator from New York [Mr. MOYNIHAN] would vote "nay."

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

The result was announced—yeas 40, nays 56, as follows:

Rollcall Vote No. 188 Leg.]

YEAS—40

Abdnor	Gorton	McConnell
Armstrong	Gramm	Murkowski
Boren	Hatch	Nickles
Boschwitz	Hatfield	Quayle
Cochran	Hawkins	Rudman
D'Amato	Hecht	Stevens
DeConcini	Heflin	Symms
Denton	Helms	Thurmond
Dole	Hollings	Trible
Domenici	Humphrey	Wallop
Evans	Laxalt	Warner
Garn	Lugar	Wilson
Goldwater	Mattingly	
Gore	McClure	

NAYS—56

Andrews	Ford	Metzenbaum
Baucus	Glenn	Mitchell
Bentsen	Grassley	Nunn
Biden	Harkin	Packwood
Bingaman	Hart	Pell
Bradley	Heinz	Pressler
Bumpers	Inouye	Proxmire
Burdick	Johnston	Riegle
Byrd	Kassebaum	Rockefeller
Chafee	Kasten	Roth
Chiles	Kennedy	Sarbanes
Cohen	Kerry	Sasser
Cranston	Lautenberg	Simon
Danforth	Leahy	Simpson
Dixon	Levin	Specter
Dodd	Long	Stafford
Durenberger	Mathias	Weicker
Eagleton	Matsunaga	Zorinsky
Exon	Melcher	

NOT VOTING—4

East	Pryor
Moynihan	Stennis

So the motion to lay on the table was rejected.

(Later the following occurred:)

Mr. PACKWOOD. Mr. President, I am going to propound a unanimous-consent request to have my vote rerecorded on the last vote. I have checked it with the minority leader and majority leader. I have just come back from the White House. It had been my intention to vote for the amendment. I did not realize it was a motion to table. So I voted, indicating that I wished to table it. I did not know. Had I known it was a motion to table, I would have voted no. I ask unanimous consent to have my vote recorded that way.

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

Mr. PACKWOOD. It will not change the outcome. I have just checked with the minority leader and he had said just make sure to mention that I had checked with him.

(The above tally has been corrected to reflect the foregoing order.)

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

Mr. SYMMS. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator has suggested the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I make the point of order that a quorum is present, based on the previous vote.

The PRESIDING OFFICER. The Chair has no authority to count.

Mr. KENNEDY. Based upon the previous vote.

The PRESIDING OFFICER. The Chair has no authority.

The assistant legislative clerk continued the call of the roll.

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

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

The question is on agreeing to the motion to table the motion to reconsider.

The motion to table agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 641) was agreed to.

AMENDMENT NO. 623

(Purpose: Heinz Amendment No. 623 (to Amendment No. 622), of a perfecting nature, to express the sense of the Senate regarding the separation of Social Security Trust Funds from the Unified Federal Budget)

The PRESIDING OFFICER. The question recurs on amendment No. 623, offered by the Senator from Pennsylvania [Mr. HEINZ]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

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

The PRESIDING OFFICER. The clerk will call the role to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER [Mr. WEICKER]. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I ask the Chair if we are now on the Heinz Social Security amendment. Is that the pending business?

The PRESIDING OFFICER. That is correct. That is the pending business.

Mr. RIEGLE. Mr. President, I rise as a cosponsor of the amendment that is offered by the Senator from Pennsylvania. I want to comment briefly on it because I feel very strongly that it is

important for us to move ahead and take the Social Security items out of the unified budget and do so in advance of 1993 when otherwise this would occur.

I want to address a question, if I may, to my colleague from Pennsylvania, because I think we are really not taking quite the step here we should by having this in the form of a sense-of-the-Senate resolution. Because a sense-of-the-Senate resolution really does not change anything, as he well knows, and so I am wondering if he would be of a mind to modify his amendment to give it the force of law rather than to offer it as a sense-of-the-Senate resolution which basically really does not do the job for us. I am happy to yield for a response.

Mr. HEINZ. I thank the Senator for yielding.

Mr. President, as I pointed out to my colleagues on Monday, there was a very specific reason that I offered this as a sense-of-the-Senate resolution. As I pointed out on Monday, and I recognize that only a few of our colleagues were present on Monday, with no votes having been scheduled, we had before us a bill that is neither a Finance Committee bill nor a Ways and Means Committee bill. It is a Judiciary Committee bill in both bodies, and I had seriously considered offering a legislative amendment to this legislation.

I felt that nothing would be gained by that in terms of being able to actually change the law.

I am under no illusions that a Finance Committee amendment has ever prevailed in the House Judiciary Committee in the history of the relationships between our two bodies.

Second, I am under no illusions, while I hope and expect we will once again pass this bill, that there is going to be anything other than a very lengthy consideration, if indeed the House passes a companion measure of the Simpson bill in conference between the House and Senate should they ever get there. As we all know, they had probably the world's longest conference last year.

So I, as a practical matter, did not view this as a really legitimate legislative opportunity to achieve a legislative goal.

The second reason that I felt it would be advisable to have a sense-of-the Senate resolution, which I have offered, is that there are a number of ways which we have never debated on how to handle not just the jurisdiction of the Finance Committee—that is protected no matter what we do—but how it will be handled vis-a-vis consideration or not by the Budget Committee.

Frankly, there is a big turf war right behind this amendment between the Budget Committee and everybody else, and since there are a number of options that I have not had a chance to talk to other similarly minded colleagues about in terms of the best way to handle it, such as, for example, if we were to pass legislation effective in 1985, there would be under certain circumstances a $16.8-billion hole in the Finance Committee and in the congressional reconciliation process that I am not sure we all fully considered how to deal with.

So, as a first step, seeing that we could accomplish as a practical matter no more than we will be able to accomplish on this vote, and, second, seeing some other issues that I think the supporters and cosponsors of this approach need to consider jointly, I felt that this was the best alternative.

Mr. RIEGLE. I thank my colleague and, as he knows, I am supportive in this effort in that I am a cosponsor of the amendment. I just want to take it a step further. It would be my feeling that the House, I think, is supporting, by a very substantial bipartisan majority at this stage of the game, taking the step. I do not think the jurisdictional problem will necessarily get in our way. Any vehicle that we choose to try to attach something to later on down the line—debt limit, or whatever—I think presents hazards unique to that particular vehicle, as there are hazards to this one, as he mentioned.

But it seems to me that we ought to track S. 1600 and we ought to put it right straight on the table. If we are going to vote on it, it seems to me we ought to vote on the real thing and not something that really is much less than that.

So I would like to—if we are going to debate it now, bring the issue forward, and have an up-or-down vote—I would like to strongly urge that we vote on this in a legislative form. See if we have the votes. If we do, send it to conference. If there is a conference report that comes back, I think this probably would be acceptable to the House. I would like to try and see. If it is not, there is no guarantee it might be on another bill.

If my recollection is right, when S. 1600 was referred, it was not referred to the Finance Committee. I think it was referred to Budget and to Governmental Affairs, if I am not mistaken.

Mr. HEINZ. The Senator is correct.

Mr. RIEGLE. So it seems to me, the Senator is protected in the sense that a second-degree amendment is in place, so no one else can offer a perfecting amendment. But I would like to urge, as a person who is a cosponsor with him and wants to accomplish the same purpose, to modify his amendment. The Senator has the freedom that none of the rest of us have and that is, he could ask unanimous consent to modify the amendment and give it legislative force. And I would like to strongly urge that he do that. Because I think that is what people are waiting for, an awful lot of the people in the country that support this effort, that you and I and others want to move ahead. I think as long as we are going to go through the exercise and take the time, we ought to make it real rather than a sense-of-the-Senate resolution which is, when people look at it, not real. The purpose is good, but the substance is missing.

Mr. HEINZ. Will the Senator yield?

Mr. RIEGLE. Yes, I am happy to yield.

Mr. HEINZ. I think the Senator makes a lot of cogent points. As I say, I carefully considered that alternative. It seems to me—and this is the conclusion I had come to earlier in my thinking on the way to handle this amendment—that the appropriate vehicle for this entire issue is reconciliation, because reconciliation goes to the Budget Committee. Indeed, the House of Representatives is, as I understand it, amending through the reconciliation process in the Ways and Means Committee the moving up of the date at which we will take Social Security and set it aside from the unified budget.

In terms of the practicality of the situation, let me suggest this: I think there are a lot of our colleagues who want to either express themselves or vote on the issue. I would really like to hurry up and vote on the issue.

Let me say, it will take 15 or 20 minutes to vote on this issue. It has been debated on Monday and it will be debated some today. The sooner we vote on it, the sooner it will be in order for the Senator from Michigan or me, or any other of our colleagues, if they want, to offer S. 1600 or some other version of it. I certainly would support S. 1600. It is my bill. I am not going to back off from that or some similar version of it.

But I think we could really move the business of the Senate ahead if we first voted on this and then we can vote on S. 1600 or some similar version of that, if that is the Senator's or anybody else's desire.

Mr. RIEGLE. I hear what the Senator is saying. If the second-degree slot were open, I would offer S. 1600 as an amendment, because I think that is what we ought to vote on.

But let me tell you what my concern is. My concern is, I do not want to mislead anybody. And I think there is some danger here that, if we act on a sense-of-the-Senate resolution, there is likely to be the impression created that we have really done something and done something that has the force of law or that, in fact, is going to change things. And a sense-of-the-Senate resolution will not do that.

So I guess I am a little concerned. I do not want to send a false signal out to people, who really are concerned about this issue, that we have taken a

step when, in fact, we can use the same amount of time, simply change the language, put it in statutory form, and let us see where the Senate stands.

I hope the Senate would decide by a majority vote to support that. But that is real. That has teeth in it. It has meaning and it does not mislead anybody.

Mr. HEINZ. As the Senator knows, there is no intent on my part to mislead anybody on this. I made it very clear what the intent of this is. I also believe that it is advantageous for us all to get the Senate on record as quickly as possible. I do not know what would happen with our colleagues in terms of allowing us to proceed to a vote if we were to take up a substantive amendment. I know some of the Budget Committee people are going to be very upset about it. And they are going to be upset one of these days when we are going to do this.

But I think the sooner we get on record here as to what the will of the Senate is, frankly, the more realistic those people who, for one reason or the other, do not believe that Social Security should be separated as it used to be from the unified budget, the sooner those people are going to be realistic.

As the Chinese proverb says, "The journey of a thousand miles begins with a single step." What I am really proposing to all of us is, let us take the step and maybe right after that, we can take a leap. Well, let us take that first step.

Mr. RIEGLE. I will just conclude as follows. I have drafted the language that would be required if we were to put this in legislative form. I would urge you to think about this. We are not at the point yet where we are about to vote. But I would like to ask the Senator to consider, before this vote comes, the possibility of making that change which no one else could make. It has to be the sponsor of the amendment to make that change.

Mr. HEINZ. Let me say, I really want to get a vote on this the way it is written. I think the Senator makes a fine suggestion, but one I am not able to accommodate at this time. My view is, let us vote on this. If we want to move to substantive legislation, then let us have another vote.

Mr. RIEGLE. Well, I wish I could persuade the Senator and it is my view, he is certainly, at the moment, unpersuaded.

But I would hope that we would do this with the force of law. I think it is too easy for people to think if you just take the step with a sense-of-the-Senate resolution that we have really done something concrete when, in fact, that will not be the case.

I would much rather this issue not become more confused and the Senators who may be ambivalent about it not have a chance to appear to vote for something that is corrective when in fact it is not. I think I would rather put the hard vote out right at the beginning, that is direct, forthright, changes the law, and let everybody bite into that vote with their eyes open, yes or no. I hope that there are sufficient votes to pass it to take it out of the budget. But to go down any kind of side road or indirect effort here that will not have that effect, I think really is not the best route. So I hope at least the Senator would think about it before we conclude the debate.

Mr. HEINZ. If the Senator will yield, let me respond to him in this way: I would be perfectly willing to do as the Senator suggests, but with one further stipulation, and that is that it be linked to a unanimous-consent request to limit debate.

Mr. RIEGLE. The Senator has no problem with me on that. I am not interested in any debate of any more than a reasonable minimum so that those that want to be heard could be heard. But I certainly would be quite prepared to enter into that kind of an agreement with the Senator.

I would hope, within a relatively short period of time, we could settle the issue. But I would be supportive of the suggestion he has made.

Mr. HEINZ. I thank the Senator.

Mr. LONG. Will the Senator yield for a question?

Mr. HEINZ. The Senator from Michigan has the floor.

Mr. RIEGLE. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, I wish to address myself to the subject. I first would like to ask a question of the Senator from Pennsylvania about his amendment. Does this amendment seek to separate from the unified budget disability insurance as well as the Social Security insurance?

Mr. HEINZ. The Senator is correct.

Mr. LONG. Would the amendment separate out Medicare as well?

Mr. HEINZ. The Senator is correct.

Mr. LONG. So my understanding is the amendment would cover about $270 billion of Government spending.

Mr. HEINZ. Very possibly.

Mr. LONG. In the current fiscal year, about $174 billion Social Security old-age and survivor benefits, $20 billion of disability, $49 billion of Medicare, about $23 billion of supplemental benefits.

Mr. HEINZ. It would not cover every element of the Social Security Act. It would cover the trust fund, what we in the vernacular refer to as the trust fund, DI, SSI, and OASI. It would not cover supplemental medical insurance. The Senator is correct.

Mr. LONG. I thank the Senator. That is what I wanted to know—how far the amendment goes. I will address myself to the amendment.

Mr. President, it seems to me that if the Senator favors this type of approach, it really ought to start with consideration in the Finance Committee, of which the Senator is a very valued member, because that committee does have responsibility over Social Security. I think that the Finance Committee ought to be accorded the opportunity to recommend to the Senate whatever it thinks about this measure. It might want to hold hearings.

But in any event, the committee should recommend to the Senate what its thinking is and what the answer should be. Furthermore, this is an important matter as far as the Budget Committee is concerned, and I think the Budget Committee should be entitled to consider the matter and make its recommendation before we decide.

The thought that concerns me about this, Mr. President, is that it is a serious matter when we separate this much from the budget. My understanding is that in the current fiscal year, about $270 billion of spending is involved out of a total budget of almost a $1 trillion of spending. That amounts to more than 27 percent of Government spending. If the Budget Committee is not to consider this in arriving at its recommendations for spending and tax totals and for changes in spending and taxes, then the Budget Committee will not be performing what was supposed to be its responsibility; that is, to consider the overall levels of Federal spending, its impact on public and private debt and the impact on the economy in general.

If the Budget Committee is not to consider the sum total of our fiscal situation, then I see no real point in having the Budget Committee or the budget process. What is the point of it if it is not going to try to recommend to us a level of taxing and a level of spending which would be fiscally responsible and would meet fiscal and monetary problems generally? To separate the Social Security funds out, which represent more than a quarter of this Government's overall spending, and an even higher portion of taxing, in my judgment would mean that the budget process would be an act in frustration from that point forward.

I have not been a great enthusiast of the budget process. I have many times expressed my frustration that the budget process has not been able to achieve its objective; that is, to move us toward a balanced budget, and to bring fiscal responsibility to this Government. But if it is not able to do what we intended for it when it does have the right to look at all expenditures and all taxes and other sources of revenue, then I see no hope of it doing the job if we are going to sepa-

rate out what amounts to roughly one-quarter of all the taxing and one-quarter of all the spending, including some of the things that we are trying diligently to control and bring within reason. For example, we on the Finance Committee had no desire to cut back on spending for Medicare. Yet as a matter of responsibility because the Budget Committee called upon us to do that, the Senate Finance Committee has met, and as of last night, we recommended, an $11.8 billion reduction in spending in Medicare over the next 3-year period seeking to carry out our part of our responsibility toward bringing spending more into line with the revenue that we raise.

I have been disappointed that the Budget Committee did not see fit to join me. I feel they should lead the charge against divesting themselves of this responsibility, because in my judgment if that committee cannot look at all Government spending and all Government revenues, then the task of trying to recommend what we ought to do with regard to what is left would, I believe, be a very frustrating one, and it sets the stage for separating out other things—such things as Superfund, the airport and highway trust funds, or Railroad Retirement. Following the same principle, they could be separated from the budget.

Either we have a process which has the potential of controlling spending and bringing spending into line with revenues, or else we do not. In my judgment, Mr. President, if this amendment is agreed to, it will commit the Senate to do the kind of thing which the Senator would seek to do only as a sense-of-the-Senate proposal. The Senator has made it clear to us that he does not mean to sell it just as some idle wish or hope—he expects that the Senate would seek to follow through and to make the Senate keep the commitment that the Senator would initiate in this instance.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I was only able to hear the conclusion of the remarks of my colleague from Louisiana. But I want to commend him for the remarks which he has just made. There is no more serious problem facing us in the country today than the budget deficits. I have had the feeling throughout this week as I listened to the discussion not only of this matter but of many others that we are in this city living in a dream world. We seem to believe that we can continue to run huge budgetary deficits without ultimately having to pay the price in terms of devastation to the entire economy.

Mr. President, I will vote against the proposal believing that insofar as we had hoped to achieve something by the budget process and have not been able to do it up to this point, that the potential of doing it hereafter will be so greatly reduced that from my point of view those working in the budget field will be engaging in an act of frustration. Therefore, Mr. President, when the vote comes I expect to vote against the proposed sense-of-the-Senate resolution.

We are soon, and within the same 30-day period, going to be celebrating two milestones in this country: One we have already crossed, we have become a net debtor nation in terms of our trade balance for the first time in many, many years. We will shortly be reaching the $2 trillion national debt mark. I have just been trying to figure out what that means in terms of its impact on the economy. I can tell you, for example, that it means that in my State all of the individual income taxes paid by all the citizens of my State will only pay the interest on the national debt for probably a little over a week. I think that is a figure some people can understand. I just have had an opportunity to go across my State talking with business leaders, talking with farmers, talking with small business people, and talking with those who worked in our factories or who have previously worked in our factories.

I can tell you that the economic conditions are grave indeed. We have concerned ourselves in the past in this body with the possible default on the debt of the underdeveloped nations to our banking institutions and what that would mean. Yet we have not awakened to what will happen if we have a collapse of the credit system for agricultural credit in this country. There is over $214 billion now owed by our farmers.

Some $71 billion is owed by those leveraged at 70 percent and more. An equal amount is owed by those who are leveraged between 40 and 70 percent.

There are deep economic problems in the export sector of this country, which, if allowed to continue, will sap the economic strength of this country forever. We are losing great export industries, basic production industries of this country, every week because of the failure to export our products. As long as the dollar is overvalued to the extent that it is, of course, all of us in this body understand that relationship to the size of the national deficit.

Those who think we can simply bring those great businesses back into existence once the value of the dollar falls back to its rightful place are dreaming. We cannot destroy those companies that go away and then 10 years later recreate them in terms of the research that will have to go on, in terms of product development, in terms of keeping the skilled labor, tools, capital, machinery, and the rest. They will be forever gone.

Yet it seems to me that too many in this city are going along under the false impression that we have some sort of recovery in the country, that there is not an illness in our economy that is daily sapping more and more of our strength.

It is a frustrating experience to see lack of action. We had high hopes before the August recess that something could have been done. A very responsible proposal came from this particular body, the leadership of this body. I would say that I want to commend the majority leader in particular for making that attempt, the deficit reduction package that would have had more than $70 billion in savings, which would have enabled us to not hold any hearings on the budget, even entitlements being off limits. It had additional benefits in it that would not burden the American taxpayer, the import fee on oil, for example. It would have been a great help to the economy and would have stimulated economic activity.

I am very distressed that while many of us hoped that the Speaker of the House and the President of the United States would sometime get together on economic policy, the first time they came together with unanimity was to kill a very responsible proposal.

So I am concerned, Mr. President. I wonder how long are we going to wait. Do any of us seriously believe that we can continue to run the kind of budget deficits we have now without sapping the strength of this economy? Do any of us really believe that? Yet, what have we done when it comes down to taking real action that will do something about it, that will get our income and our outflow back in balance?

Do any of in this body seriously believe that the standard of living and the economic opportunity for our children and our grandchildren can be maintained when we allow this country to fall into debtor nation status in terms of our trade balance?

Yet we really go on as if nothing has happened.

Now we have a proposal in the midst of what should be our grappling to do something about the budget deficits. We are going to have to soon vote on this floor on a $2 trillion national debt limit. Let me say right now that is something this Senator will not vote for, not until we have enacted significant additional reductions in deficits, at least along the lines of those previously presented by the Senate itself, very responsible proposals that have been presented in the past and which were rejected both at the White House and on the other side of the Capitol, or until we can find some mechanism that will force us to ratchet down the spending and bring it in line with the revenues that are available.

In the midst of all of that discussion and what should be our first priority in this body, getting the economy back in line, somehow removing that cancer that is eating away at the heart of the American economy, we have a proposal to take off budget something like one-third of all expenditures, potentially, in this country, to take it off budget, to pretend that it does not exist, that we will no longer be able to scrutinize all levels of spending. I realize there is a gray area in the language of this proposal. It does not exactly spell out whether or not Medicare and Social Security could be included in reconciliation any more. It leaves that up in the air. It leaves that question to be resolved in the future.

But by saying that we should remove from the unified budget all of these programs—Social Security, Medicare, and the rest—to sort of take them off the table and hide them under the tablecloth someplace where we cannot really see what is going on with them, so that they will not be in the headlines anymore, so that there will not be scrutiny focused upon them anymore, is clearly an attempt to reduce the financial scrutiny by Congress and the American people of almost one-third of the spending of this Government.

I do not think that even those who think at this moment that they are for this proposal would be for it if they would think of the long-term consequences.

I believe in the integrity of the Social Security trust fund. Things have been done in the past that should not have been done that overburdened that trust fund and have at times interfered with health and security.

It is because I am concerned about its security and its soundness and the need for it to be there when those who are working now reach retirement age, and those who depend upon it already should be able to continue to be able to depend upon it, that I oppose this proposal.

I heard someone the other day say this proposal could have some popularity because the senior citizens of the country might be misled into thinking that if Congress were to take it out of the budget, take it off the table, sweep it under the tablecloth where it will not be looked at so much in the future, that it might somehow benefit them. I do not believe that is true. I think in the long run, it is not going to be in the interest of the senior citizens, not be in the interest of the security and soundness of the Social Security fund itself. It is going to be contrary to those long-range interests.

What is its impact upon budgetary responsibilities which we must bear in this Chamber? How in the world can we say that we have enhanced the scrutiny of the budget, that we have enhanced financial restraint by removing from the unified budget approximately one-third of all the spending?

Someone said to me the other day that this is a train that is moving that has great political appeal. All I can say is that it is an irresponsible train. This Senator does not want to be on board when irresponsibility is the goal and the aim.

If we are going to remove from the reconciliation process and the budgetary process one-third of all the spending, then let us finish the job. I have doubts that this amendment will be brought to a vote. I think we should talk about it for a few days. If we are irresponsible enough to bring it to a vote, we ought to finish the job.

I have an amendment drawn to remove defense, remove education, and remove agriculture. Let us just dismantle all of it. Let us take all the spending and all the budget off the table and hide it under the tablecloth so the American people will not know what is going on. If we are going to be irresponsible, let us not be halfway irresponsible. Let us be so irresponsible that everybody will know that the U.S. Senate is not serious about this budget process. Let us take one-third of all the spending and hide it from the scrutiny of the committees appropriately designated in this Congress to look at it.

I urge my colleagues to do a lot of thinking before they get on board this irresponsible train that will head us in the wrong direction at the very time that we need to be taking responsible action to deal with the budgetary financial crisis of this country and the cancer that is eating away at the health of our economy.

I hope that this will not be brought to a vote. I hope that my colleagues will do a lot more thinking about it before they ever cast a vote to remove from the unified budget any significant portion of spending in this country.

I say that again while renewing my commitment to the security of the Social Security system, to the sanctity of it as a separate trust fund, to protect it against any improper use or draining of any of its funds away from those who paid into it and those who are entitled to its benefits. But let us not take off the table, let us not take away from scrutiny, an important part of the budget of this country at the very time in which the entire Nation is still waiting for us to take responsible action to get the budget deficits under control.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Oklahoma for permitting me to have the floor.

VISIT TO SENATE BY DELEGATION FROM THE NATIONAL PEOPLE'S CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. DOLE. Mr. President, we have with us today some very special guests, that I would like to introduce to the Senate—a delegation of six Members of the National People's Congress of the People's Republic of China.

The leader of the delegation is the distinguished vice chairman of the standing committee of the National People's Congress, His Excellency Wang Renzhong.

It is a double pleasure for me to introduce this distinguished group to the Senate. I am always pleased, of course, to welcome parliamentary visitors from friendly and important nations, and certainly the People's Republic of China ranks among our most important friends.

But there is a second, more personal, reason I am pleased to welcome Vice Chairman Wang and his colleagues. As the Members of the Senate know, I led a delegation of seven Senators to China last month, at the invitation of the National People's Congress. Vice Chairman Wang served as our official host on that occasion. So it is fitting that I begin today, and over the next several days, to repay a part of the hospitality that the Vice Chairman and all the other Chinese leaders we met showed to us during our trip.

I believe the distinguished minority leader wishes to say a few words, after which we will recess for a few minutes so that the Members of the Senate may have a chance to greet our guests personally.

Mr. BYRD. Mr. President, I join with the distinguished majority leader in welcoming as our guests these visitors from the People's Republic of China. I, as Senator DOLE, had the occasion to visit the People's Republic of China in 1980, when I was majority leader. At that time, I went as an invitee of these gentlemen. We are happy today to have them visit the U.S. Senate and we look forward to our continuing visits and discussions with them throughout the rest of the day and tomorrow.

I thank the distinguished majority leader for yielding and I yield the floor back to him.

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the names and the official titles of each of our distinguished guests and, in addition, members of the supporting staff. There are probably about 10 to 11 members of supporting staff.

Again let me indicate our personal pleasure and our thanks to our distinguished visitors for the many courtesies extended to us when we were in the People's Republic of China just 3 weeks ago.

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

DELEGATION FROM THE NATIONAL PEOPLE'S CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA

Head of delegation: H.E. Mr. Wang Renzhong, Vice Chairman, Standing Committee, National People's Congress, People's Republic of China and Chairman, Financial and Economic Committee, N.P.C.

Deputy heads: Mr. Wang Habin, Secretary-General, Standing Committee N.P.C.; Chairman, Commission of Legislative Affairs, Standing Committee N.P.C.; and Mr. Huan Xiang, Member of the Standing Committee, N.P.C.; Vice Chairman, Foreign Affairs Committee, N.P.C.

Members: Mr. K.H. Ting, Member of the Standing Committee, N.P.C., President of China Christian Council; Mr. Liu Nianzhi, Member of the Standing Committee, N.P.C., Vice-Chairman, All-China Federation of Industry and Commerce; and Dr. Lin Lanying (Ms) Deputy to the National People's Congress Vice-Chairman, China Association for Science and Technology.

Supporting staff; Mr. Shi Guobo, Director, Foreign Affairs Department, General Office, Standing Committee, N.P.C.; Mr. Cao Zhiqing, Secretary to H.E. Mr. Wang Renzhong; Mr. Zhao Xixin, Counsellor, American and Oceanian Affairs Department, Foreign Ministry; Mr. Yin Zuojin, Deputy Director, Foreign Affairs Department, General Office, Standing Committee, N.P.C.; Mr. Zhang Xiaobu, Deputy Division Chief, Foreign Affairs Department, General Office, Standing Committee, N.P.C.; Mr. Zhang Zai, Minister, Embassy of P.R.C. in U.S.A.: Mr. Jiang Chenzong Counselor of Embassy of P.R.C. in U.S.A.; Mr. Zhang Yuanyuan, Deputy Division Chief, Translation Department, Foreign Ministry English Interpreter; Mr. Zen Zhanshen, Medical Doctor; and Mr. Wang Fuqing, Security Officer.

Senate staff; Ms. Jan Paulk, Director of Interparliamentary Services and Ms. Yvonne Hopkins, Assistant Director of Interparliamentary Services.

Department of State: John Linn, Interpreter.

Department of Defense: LTC Robert S. Bludworth, U.S. Army Senate Liaison Office; LTC Morris Boyd, U.S. Army Senate Liaison Office; SSG Bartolome Vigo, U.S. Army; SSG Peter McBride, U.S. Army; and Sgt. Douglas Meyer, U.S. Army.

RECESS

Mr. DOLE. I ask unanimous consent that we may stand in recess for 3 minutes so we may properly greet our guests.

[Applause, Senators rising.]

There being no objection, the Senate, at 5:13 p.m., recessed until 5:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DENTON].

IMMIGRATION REFORM AND CONTROL ACT OF 1985

The Senate continued with consideration of the bill.

Mr. BUMPERS. Mr. President, first, I want to echo what some of my colleagues, especially Senator RIEGLE, have said about the pending amendment. I regret that we are bringing up a sense-of-the-Senate resolution and not allowing the Senate to vote on a substantive provision. What we have here is a nonbinding resolution. I have been guilty of it, but I sometimes wonder why we debate nonbinding Senate resolutions here.

If the Members of this body really believe that the Social Security trust fund, at least the OASI fund or maybe the OASDI fund, should be removed from the unified budget, that is what we ought to vote on. What we are doing with this resolution is saying that our hearts are in the right place but we are not going to do anything real about it.

I think almost everybody in America, elderly and young alike, would like to see the Social Security trust fund taken out of the unified budget. But this resolution that we are about to vote on—and I intend to vote for it—does nothing.

Why are we not offering a legislative amendment that accomplishes what we all say we want to accomplish? Why was an amendment in the second degree offered simultaneously with the amendment in the first degree to prevent another Senator from offering an amendment to legislatively mandate the removal of the Social Security trust fund from the unified budget? I frankly do not understand why this parliamentary maneuver was used. I certainly am not impugning anybody's motives, but I do not understand why we had to carefully fill up the amendment tree with two nonbinding resolutions that would prevent either Senator RIEGLE or me or some other Senator from offering a legislative mandate on this issue.

This Social Security issue is not germane to the immigration bill. I do not like the idea of burdening the immigration bill with an amendment dealing with Social Security, but I do know one thing; this nonbinding resolution was not offered in lieu of a legislative mandate for lack of support in this body. In my opinion, if a legislative mandate is offered, it will pass unless the leadership takes strong exception to it. The President has now announced his support for removing the Social Security trust fund from the unified budget.

It was a tragedy when Lyndon Johnson tried to tell the American people that we could fight the Vietnam war and not pay for it. He said, "Yes, you can have both guns and butter." He could make this appear to be true by putting Social Security in the unified budget. And so what did that do? At that time, the Social Security trust fund was taking in a lot more money than it was paying out. It was running a healthy surplus. By putting the Social Security trust fund—with its surplus—in the unified budget, he made it appear that we were financing the Vietnam war. The people of this country were confused about this then and they may still be confused about it. Of course, the trust fund couldn't be tapped to finance the war but including these surpluses in the unified budget made it look like we were really paying for the war, rather than borrowing the trust fund surpluses to do so.

Now, Lyndon Johnson was from this side of the aisle: I say this to point out that even though he was a good Democrat, he made a mistake in my opinion in putting Social Security into the unified budget.

The second reason he did it is because he promised the American people a balanced budget and there was no earthly way to make the budget appear to be balanced except by putting a healthy Social Security trust fund, with its surpluses, in the unified budget. In 1967, it looked well, we had a balanced budget, and that is the last "balanced budget" we have had in this country.

The Social Security Act is very broad. It is more than just OSI. It is more than just monthly checks to 35 million people on Social Security. It is more than Medicare. There are all kinds of programs covered by the Social Security Act. I personally would prefer just taking the OASI and perhaps OASDI out of the unified budget.

Why should we do this? Why is the American Association of Retired People, the largest organization of elderly Americans in America, in support of doing this? Why do they want the Social Security trust fund removed from the unified budget? Well, my guess is that they do not want the funds people are paying into the Social Security trust fund to appear like it is available for any other purpose. It isn't available to fund anything else. But every time the Social Security fund runs a surplus, it looks to some people like these funds might be used for other purposes than Social Security. This undermines confidence in the sanctity of these trust funds.

I have paid the maximum Social Security contribution all my life and hope there will be something left in the fund when I reach retirement age. I have never paid a dime into the Social Security trust fund to be used for any other purpose and no one else does either. I paid into it because I thought it was a good program that requires people to save for their old age.

It is a travesty, it is deceitful, and it is misleading to leave that trust fund hidden in a unified budget so that young people can't see that it's running a healthy surplus. President Reagan has told young people that they may receive full benefits when they turn 65. They have believed this and worried about it. If we were not going to take Social Security out of

the unified budget for any other reason, we ought to take it out so that young people, who are just now entering the work force, can see the fund standing on its own, self-supporting, on a daily basis and see whether or not it is healthy.

I am going to tell you a deep-seated suspicion I have and it is only a suspicion. But the suspicion is that there are some Members of this body who do not want to take Social Security out of the unified budget because instead of having roughly a $215 billion deficit this year, we would have closer to a $225 billion deficit. They do not want the American people to know what the real budget deficit is—a deficit that is disguised by the surpluses being run by the Social Security trust fund. Everybody knows we are, in effect, using whatever surplus there is in the Social Security Trust Fund to cut the deficit figure.

In addition, there are Senators who say that if you take the Social Security trust fund out of the budget and you drive the deficit figure up to its true level, there will be more pressure in the Senate to cut spending or raise taxes. I do know that it will force the public to face up to the true nature of the deficit.

So you have a coalition supporting these two positions in the Senate. Collectively, there may be enough Senators to keep this amendment from passing. I think it will pass. But what we should do here is do something real, not just pass a resolution. Unfortunately, we are prevented from doing so by a first- and second-degree amendment being offered simultaneously.

Mr. BOREN. Will the Senator yield?

Mr. BUMPERS. I will be happy to yield.

Mr. BOREN. The Senator from Arkansas just talked about the pressures to make cuts in some of these social programs. If we were to move these items off budget, including Medicare—it is my understanding we would not include Medicare in this proposal to move if off budget?

Mr. BUMPERS. Well, since there is no amendment before us which makes clear what would be taken out of the budget and what would be left in, I can't answer the Senator. As the Senator knows, you have hospital insurance, you have disability insurance, and you have unemployment compensation covered by the Social Security Act.

Mr. BOREN. If we were to take all of those off, not just retirement benefits, I presume that they would no longer be able to be a part of the budget reconciliation process?

Mr. BUMPERS. That is a question to which I do not know the answer. Insofar as I know, that is one of the $64 questions here. In my opinion, the Social Security trust fund certainly should be taken out and maybe the disability insurance fund as well. None of those things ought to be subjected to the reconciliation process.

Mr. BOREN. So it would make it impossible then for us. We made some savings in the area of Medicare, and of course we face the potential problems down the road if we do not make some additional adjustments in the Medicare Program, as we both know.

I just do not understand—I ask the Senator from Arkansas to explain—how in the world it is going to encourage us to take the action needed in order to make the Medicare Program sound and get the budget deficits down if we take that off the table. I presume that if we took defense out of the unified budget, it would lessen our ability to cut defense spending or if we took agriculture, education—I mentioned the possibility that I might finish the job. If we take a third of the items off budget, that I might finish the job and take the other two-thirds off. I just wonder how this is going to help us. I am completely in agreement with the Senator from Arkansas that I support the sanctity of the trust fund. I do not want to see us unfairly on the backs of the retired balance the budget in that fashion. But I am concerned that we remove from scrutiny in the budget process, the reconciliation process, everything that might go along with it, including Medicare, because I think that might make it more difficult for us to have the political courage to take some of the steps necessary to get that system in sound shape.

Mr. BUMPERS. Mr. President, let me answer that this way. There is an old saying "that truth will set you free." Truth will also sometimes get you in a lot of trouble. But in this particular case it seems to me that if we want to be honest with the American people and with ourselves, we can set those trust funds aside and there would be nothing in that action that would keep us from legislating whatever we have to legislate to improve the soundness of any of those funds.

For example, Medicare is subject to the reconciliation process. As a matter of practical politics, OASI is not. Is that a fair statement?

Mr. BOREN. I think that is correct.

Mr. BUMPERS. That is my own judgment of the political realities.

In the reconciliation process for Medicare, we are doing a number of things, not the least of which is freezing physicians' fees. I ask the Senator from Oklahoma: If Medicare were a separate trust fund, not a part of the unified budget, what would prohibit Congress from taking this very same action regarding physicians' fees and therefore improving the fiscal health of the Medicare system?

Mr. BOREN. I should think it would be much less likely that we would do that, because you would not get credit for reducing the deficit—and there is great pressure to reduce the deficit—and then I think it is the same thing. If we were to take defense out of the budget and would say we are going to save money wherever we can, and we get no credit for reducing the deficit when we did it, I think the driving force for getting the deficit down in the example cited—I think it is much more likely in our taking that action which has the end benefit of helping the Medicare system.

This is why I said earlier that before we go beyond the retirement funds themselves, we should consider this carefully, because I am concerned about the soundness of Medicare. I am concerned because I have compassion and sympathy for those who must depend upon their Medicare benefits. I am not sure that they are going to be benefited in the long run if we do not have as much pressure exerted on us to make that system sound.

Mr. BUMPERS. How many people does the Senator think know that the surplus funds of the Social Security System make the deficit look smaller than it is?

Second, how many people does the Senator think would approve of this?

Mr. BOREN. I do not think that portion of it is a very advisable thing. I think the budget deficit should be given publicly as the current budget. Current services should not be able to include the help from the Social Security fund to unrealistically reduce the deficit. On the other hand, I am concerned that we not go off limits in the process of reducing spending in part of the budget.

As the Senator knows, we have revolving funds to pay back on agricultural loans, when a loan is made. Yet, that is part of the unified budget process. I worry that we might be exempting from scrutiny areas where we could have saving. Perhaps there is a sincere difference of opinion.

Mr. BUMPERS. I appreciate the Senator's candor and his concern about this issue. But is there not an element of deceitfulness about including the Social Security trust fund surpluses in the budget? Would it really be more difficult to deal with the viability of the Medicare system if we keep it hidden in the unified budget?

Mr. BOREN. I say to the Senator that I guess we have a different view of when we hide something. I think we are much more likely to hide something from public view and hide its problems when we take something out of the unified budget. I think that all elements of spending should be in the unified budget. Then the American people get a clear idea.

I am concerned about taking almost a third of what we commonly refer to as the entitlement programs out of the

unified budget. I think that comes close to hiding it from the scrutiny of the American people, and I am concerned about that.

I will do everything possible to strengthen the sanctity of the Social Security System and of those trust funds and to keep them from being dipped into for purposes for which they are not intended. I think the citizens have legitimate concerns.

I am disappointed that this administration has yet to appoint a permanent director and custodian for those funds. That is something about which they should be concerned. But I think there are other things we should be considering; and I hope that before any Member of this body introduces a legislative approach on this matter, we might think through very carefully the manner in which that legislation should apply.

Mr. BUMPERS. I would like to ask another question of the Senator: The chief actuary for the Social Security Administration says that there can be a surplus in the Social Security trust fund by 1994 of $639 billion. My question is this: If that turns out to be correct, does the Senator think we should use that money in any way to balance the budget? Does he think we should use the money to make the Social Security trust fund more sound and leave it where it is to meet future obligations? Or, No. 3, does he think we should cut the payroll tax to the Social Security trust fund to reduce these surpluses?

Mr. BOREN. I say to the Senator that I do not think it should be raided to provide for other elements of the budget, for spending for other programs.

When I was Governor of Oklahoma, I faced—as I am sure the Senator did when he was Governor of Arkansas—the temptation on the part of those who wanted to increase current spending and wanted to raid funds that had helthy balances at that time. They were shortsighted, because they did not look down the road 15 or 20 years to the ultimate obligations those funds would have to meet.

So, of course, I would oppose any dipping into of those funds for any purposes other than the purposes for which the payments were made originally.

Mr. BUMPERS. I do not mind telling the Senator that I think that those surplus funds in 1994 should never be used to balance the budget or to reduce the deficits. Those funds come from Social Security payroll taxes, paid for the exclusive use of funding the program. They are not and should not be used, directly or indirectly, for any other purpose.

The Social Security law says that this money is going to be paid into the fund for a specific purpose and that is to take care of our elderly. But, if we had a $639 billion surplus in the trust fund now, it would appear that we have a $430 billion surplus instead of a $220 billion deficit. That is what is deceptive about keeping Social Security in the budget.

I respectfully disagree with the Senator from Oklahoma on this issue, because I think including Social Security in the unified budget conceals the true size of the mammoth Government deficits and undermines confidence in the Social Security system itself.

One of the most exhilarating events of my life was when I spent an hour with Harry Truman. I was Governor of my State at the time. He said:

> Don't ever hesitate to tell the people the truth. They can handle it.

Thomas Jefferson said the same thing a long time before Harry Truman said it. The truth is that we are using surpluses in the Social Security trust fund to hide the true size of the deficits.

We can't use these funds to pay for any program other than Social Security, and we shouldn't make it appear in any way that we can.

Mr. BOREN. Mr. President, will the Senator yield?

Mr. BUMPERS. I yield.

Mr. BOREN. Surely, the Senator does not mean to imply that we are taking money out of the Social Security trust fund and using that money to, say, fund the defense program or something else. We are not actually transferring any funds out of the Social Security trust fund.

Mr. BUMPERS. I understand that. But it is all in a gigantic pot in the budget document. It is all in the budget. I understand that we keep a separate account of the Social Security trust fund, but it is not clear in the budget that we do.

Mr. BOREN. We have not moved any of that money out of that trust fund. It is all there.

Mr. BUMPERS. If the Social Security trust fund takes in $10 billion more in 1986 than it pays out, that $10 billion will be reflected in the bottom line on the deficit. If the deficit really is $220 billion, $220 billion will never show up anyplace in the budget; $210 billion will be the deficit figure because, in reaching the bottom line total, the surplus in the Social Security is included.

Mr. BOREN. I agree with what the Senator from Arkansas has just said on that point. So far as the bookkeeping is concerned, in terms of shielding the public from the full amount of the deficit, I am in agreement with him. I think we should say the real deficit, which is minus, setting aside the amount in surplus in trust funds, and it would be an add-on of so much. When we report in the press what the real deficit is, it should be done in that way.

But I am concerned about us taking Medicare and others and not making them subject to any kind of a budgetary process and full scrutiny. I still think, though, it is one thing to say that it changes the amount of the total reflected deficits. It is another thing to say that the integrity of the fund is being violated anyway by, say, taking $10 billion and transferring that out of the Social Security trust fund and moving it over here to pay for the defense program or to pay for mass transit or something else.

I do not think that is happening. I certainly do not think we should ever allow that to happen.

Mr. BUMPERS. What happens to that money?

Mr. BOREN. It is in the trust fund. It is accounted for.

Mr. BUMPERS. But it is a bookkeeping entry. The money looks like it is being used to reduce the deficit. Would the Senator not agree with that?

Mr. BOREN. The money is not being used. I think you would say that the figures are being moved on a page of paper but the trust fund and the accounting of the trust fund is separately maintained. It is there. That is the reason you say the trust fund is so much of the surplus. If indeed taking all the current operating surplus out of the trust fund this year and using it to fund something else, there would not be any surplus left.

Mr. BUMPERS. That is the effect of what we are doing here. It is true that there is a separate accounting of the Social Security Program. We know exactly how much is coming into the trust fund and how much is going out. But anytime there is more coming in than going out, we show that as credit on the deficit and it reduces the deficit figure by that amount. Does the Senator agree with that?

Mr. BOREN. It reduces the deficit as popularly reported. I do not think it should be popularly reported that way. I think it should be clear that is in the trust fund and that money has not been transferred to reduce our current account shortfall. It is there. It is in the trust fund. Because it is in the trust fund and has not been moved or spent to reduce the cost of any other program, it is very reasonable. I think the Senator is right on his one statement, that it should not be then used to mislead the public into underestimating the actual size of the current services deficit.

Mr. BUMPERS. Let me make one other point. We are always debating here the financial health of this fund. The American people do not understand this debate. I mentioned a moment ago the young workers in this country believe that the financing of Social Security is questionable and

that benefits may not be paid fully when they turn 65.

If you had a trust fund separated from the budget for all the world to see, and you could see that the trust fund was in some difficulty I am sure we'll take prompt action to fix it. If someone came before the Senate, and moved that we give Social Security recipients a 10-percent cost-of-living increase, we'd say, "Look, you do that and you are going to run the Social Security trust fund into the red." Do you think that would be a legitimate point? I think it would be. Yet now Social Security is hidden in the budget. When you increase benefits, you do not have a clear idea how that will affect the fund. The Finance Committee may know. But 230 million Americans do not know.

I just think this is like truth in lending. You should have the interest rate right out there hitting you in the face so you know exactly what interest rate you are going to pay. I think we must prove that the Social Security trust fund is a sacred trust fund. Including it in the budget deceives and confuses the American people.

To summarize my argument, I ask why did we put Social Security in the trust fund? Why was it put in the budget in the first place? Why was it put in the budget? To balance the budget? No one said that he was putting the Social Security trust funds in the budget so it would be easier to keep track of the program or so it would be easier for the American people to understand it. We know why it was put in the unified budget. Historians know why it was put in. It is no secret. It was put in to make it appear that we were financing the Vietnam war, so it would appear that we would not have to raise taxes to finance the war, so people would not turn against the war. Incidentally, if we had financed the war, maybe there would have been less delay in reaching a remarkable consensus in this country about that war.

That is a separate historical vignette. But I have never known anyone to say they thought anything good ever came out of this trust fund being hidden in the unified budget.

I do not want to do something precipitous here. None of the amendments I have seen would mandate that this action be taken tomorrow.

I believe that Alcoholics Anonymous has a good idea, that is if you are going to join you have to admit you are an alcoholic. I think the Catholics have a good idea in saying you should go to confession. I think it is therapeutic.

I think it also is therapeutic for the Senate to stand on its feet and face up to the deficits. We can do this by taking Social Security out of the unified budget.

So, Mr. President, returning to whence I came, I intend to vote for this amendment for the same reason that I voted for the budget resolution. It is the only thing here to vote on, but it is certainly not what I want to vote on. I am hoping the House of Representatives will send us legislation on this subject. I am hoping the House of Representatives will send us a bill that does what we all say we want to do here. Then we will have a real debate here about whether we are going to honor what is the overwhelming sentiment in this country about Social Security and the deficit. Then we can resolve this once and for all.

Mr. President, I yield the floor.

Mr. BOREN. Mr. President, I have great respect for the Senator from Arkansas, as he well knows, and I can count on one hand the number of times in which I found myself in disagreement with him on any major issue because I think he is one of the most able Members of this body, certainly one of the most sincere, and I have very, very great regard for him. But I must disagree with him at least in part in this matter.

I think it is misleading to think that or to allow anyone in this country to think that we have been in the process of transferring funds out of the Social Security Trust Funds to pay for other items in Government. The fact is that by law, by law, any surplus in the Social Security trust fund must be invested in interest-earning Government securities. That is the law. That is the statute. You can check and find the cite. The law is not being violated, money is not being transferred out of the Social Security trust fund instead of being invested in Government securities and being spent for other purposes. It just is not happening and if anyone started to try to do it this Senator would be one of the very first on this floor to oppose it to try to protect the sanctity of the Social Security trust fund from being raided in that manner. It would be absolutely wrong.

I also would have no objection whatsoever if the amount of the deficit as popularly reported in the press would reflect the greater number so that the surplus in the Social Security trust fund could not be used to mask in any way or reduce the magnitude of the current services deficit.

I think the Senator from Arkansas is right on that point that we should look at the full amount of the deficit, that we should not fool ourselves into thinking that the current services deficit is any lower than it really is.

But I think we are in a situation in this country in which we have an economic emergency in which we must confront the actions that we take on the floor of the Senate with one thought in mind and that is we are making any kind of procedural change, and this is a procedural change. It is a bookkeeping change. It could ultimately result in the change in the Budget Act in the reconciliation process. It is the kind of technical change that is not going to be widely understood one way or another out across the countryside in this country.

But we should ask ourselves this question because we know the forces at work within this body, within the Senate, and within the House of Representatives. We know the forces that are at work with this administration or any administration, the pressures that are applied to the White House and to the executive branch. There are obviously tremendous pressures at work within our system that bring us and pull us toward greater and greater budgetary deficits. There are pressures to spend more and tax less.

There is not a Member of this body who has been in politics long enough to work his or her way up the ladder to be elected to the Senate that does not know that it is certainly always more popular to say, yes, when someone comes with some worthy idea or project that they want funded than it is to say, no. By the same token there is no one here that does not understand that when it comes to making someone pay the taxes to pay the bill that it is much more popular to say, "No, I am not going to tax you and make you pay the bill."

The road to political success in many ways is paved with actions that add up to fiscal irresponsibility and budgetary irresponsibility. That is well known by all of us, but sadly it is wrecking the country.

I talked to an economist the other day and I gave him my hypothesis that this country could not go on with the kind of deficits we have now very much longer without a serious crack developing in some key sector of this economy that might impact the banking system to the point that it would cause a national economic crisis. I do not know how much longer we can go on. I mentioned agriculture as one sector, I could mention energy as another, basic manufacturing as another. How long can we go on with a severe economic depression in the basic commodities of this country, the basic productive commodities, without it spilling over to the rest of the economy?

I asked this very eminent economist whether or not he thought we could have a debacle, if we could go over a cliff, if we could have a basic disruption of our financial system. He said:

> No, Senator, I don't think that is going to happen. I think the more likely scenario is that 25 years from now, after a process of slow erosion in our standard of living, we are going to wake up much like the British and find that we are no longer one of the preeminent nations of the world economically in terms of our own standard of living. We will have had a trade imbalance for so long, we will have lived beyond

our means for so long that ultimately our children and grandchildren will have that kind of reduced economic opportunity and we will no longer have that place among the role of nations that we enjoy today.

I have thought about that a lot. And maybe he is right. Maybe that is the more likely scenario. But the question is not are we going to have some kind of chaotic problem that reaches a crisis proportion because of our failure to deal with the underlying budget deficits, trade deficits, the other structural problems in our economy—the lack of improvement in our educational system to improve levels for economic productivity, our low rate of savings—the question is not are we going to have problems as a result, the question is are we going to experience the kind of slow erosion that he described, will 25 years from now lead us into second-class nationhood in terms of our economic strength or are we going to have a more serious crisis sooner?

Either way, it is not a very acceptable or reassuring alternative. In some ways, I am not sure that the scenario spelled out by the economist is not worse for this country. The kind of slow erosion that takes place is the kind of problem that eats away at the fiber of this country that we do not really deal with. It is the kind of thing we push off until the next day.

This Congress and our Government and our system are notorious for acting only when a crisis comes. And if it is a slow erosion that eats away the strength of this country rather than a crisis, we are less likely to deal with it. And perhaps it is that kind of decline in the standard of living and strength in the security of our country that our children and grandchildren will have to live with because it is more of a certainty if it is a day-by-day erosion that we will have to deal with rather than some sort of cataclysmic crisis that we are forced to face as a democratic institution.

Now I say that in all seriousness, because I think that, since the problem confronting us is of such a great magnitude and since we have been so irresponsible in both political parties and in both the Congress and the executive branch, not only in this administration but previously as well, in dealing with the financial problems of this country and shoving things under the rug and putting off solving the problem until tomorrow, we must weigh any action we take on this proposal or any other by asking the question: Is it going to set in motion forces and pressures which make it more likely or less likely that we will take the action we need to take to bring spending under control, to bring financial soundness back to our country and to get the deficit reduced?

In my mind, I think back to the question I was asked, for example, about the physician fees and other actions we have taken—several billion dollars has been saved out of the Medicare Program—some of those changes I voted for and some I have not. I tried to be sensitive. I tried to be compassionate to those that are dependent upon the system. At the same time, I have to save them. The only way it is going to help anyone is to have it and have it financially sound enough that it survives.

As to the question of whether or not we should take this sort of action, will it enhance the likelihood that we will make the changes and make the savings to shore up the system and further reduce the overall budgetary deficits of this country to take all of these programs out of the reconciliation process, to take them out of the budget process as we know it? My assessment of that is that it will not. That it will make it less likely that we deal in a responsible way with the problems in those systems, will make it less likely that we will make the savings that are necessary to shore up the financial soundness of those programs on which so many of our fellow citizens depend, and on which those who are now drawing them someday hope that they will have the opportunity to place some degree of reliance.

So I think we have to think long and hard about how we take this action. If this were a sense-of-the-Senate resolution that simply said, "in reporting what the actual current services deficit is, we should no longer be able to subtract the surplus in the Social Security trust fund in order to report to the American people the true amount of the deficit," I would support that. But if it is to be interpreted as a proposal to remove from scrutiny, to remove from the budget process, to take approximately one-third of all the spending in this country out of the budget, sweep it under the table, hide it away, no longer have it out where it can be seen by everyone on the part of the budgetary process, treat it in a way which will make it less likely for us to take the actions that we need to shore up the system, then I do not think that is a very responsible thing for us to do.

I know it is politically popular in the short term. I know there may be some people that would misunderstand why I am going to vote even against this sense-of-the-Senate resolution. I agree with the Senator from Arkansas, it has no impact. It is not binding. It is not going to change one thing. It is not going to change the bookkeeping system. It is simply an expression and has the same weight as the speeches just made by the Senator from Arkansas and Senator from Oklahoma. Neither one of our speeches, or the speeches made earlier by the Senator from Pennsylvania and the Senator from Louisiana, none of them have the force of law. Neither will this expression of the sense-of-the-Senate.

So I suppose you could say that perhaps I should not be so alarmed about it since it is not going to have any effect one way or the other. I am alarmed because I think it might set in motion forces that would eventually bring us to statutorily take action that might be unwise.

I hope that those who feel so strongly about the sanctity of the Social Security trust fund, as does the Senator from Arkansas and as does this Senator from Oklahoma, and those who also feel very strongly about truth in budgeting, who want to alert the people of this country to the grave dangers posed by the deficit—I certainly am one of those Senators and I think the Senator from Arkansas as well—I hope that those who share in common those two beliefs would think long and hard about the proper mechanism for making any changes in the way in which we now approach the budget. And I hope, sincerely, the principle by which we will make these judgments and by which we would draft any latter legislative proposal, the goal would be for us to take an action which will not only preserve the sanctity of the truth fund, but one which will also set in motion the maximum amount of political force possible to cause us to take those actions that will be responsible to hold down total Government spending and to protect the security and economic soundness of those trust funds in the long range. Only then will we truly be doing a favor to our senior citizens. Only then will we be truly meeting our responsibilities, our very grave responsibilities, at this particular time in terms of the condition of the American economy, to the fellow citizens who sent us here.

Mr. BUMPERS. Mr. President, I do not want to belabor this issue. I assume that we are ready to vote unless there are other Senators who wish to speak on this.

I want to make two or three final observations. No. 1, when there is a surplus in the trust fund—and the Senator from Oklahoma is absolutely correct about this—it is a separate fund and a separate accounting is made of it. But if there is a $10 billion surplus in the Social Security fund, do you know what happens to it? The U.S. Government borrows it to finance the deficits.

The Treasury Department does not go out and sell evidence of indebtedness to the public. Nobody else has a shot at that money. The Federal Government borrows it, issues an evidence of indebtedness to the Social Security trust fund, it takes that money and finances general Government programs. If the Government is paying a 10-percent interest rate—incidentally the U.S. Government gets a bargain-base-

ment rate on money it borrows from the Social Security trust fund—the Government pays that interest to the Social Security fund. Assuming the interest rate is 10 percent on that $10 billion, the $1 billion in interest it pays to the Social Security trust fund is just transferred from the Federal Treasury over to the Social Security trust fund. Yet, in the budget process, it looks like this transaction is a wash. But, we have two figures: gross interest payment on the national debt, and net interest payments by the Government. Gross interest payments this year are $181 billion. Net interest payments are only about $130 billion. There is roughly a $50 billion difference between gross and net interest on payments.

Do you know why there is a difference? The gross interest payments include the total amount the Federal Government pays in interest, which includes the billions of dollars in interest payments to trust funds I just mentioned. Net interest is the amount the Federal Government takes in from the Farmers Home Administration loans, Small Business Administration loans, and other kinds of loans that the Government is collecting interest on. This includes interest payments the Social Security fund is being paid by the Treasury. We collect $50 billion. We pay out $180 billion. So the net interest that we are paying is $130 billion but we are really paying much more than this to finance the deficits.

So we are not only making it appear that the surplus trust funds are available to reduce the deficit, we are taking interest payments out of one pocket, and putting it in another, making it look like we are paying less in interest to finance the deficit. You talk about robbing Peter to pay Paul. The public is not deciding what the interest rates paid to borrow surplus Social Security funds ought to be. Uncle Sugar decides and they pay the Social Security trust fund whatever the T-bill rate is.

Finally, the Social Security tax is about 8 percent on employers and 8 percent on employees. It is a regressive tax. There is no one on the Finance Committee who does not understand the difference between progressive and regressive tax rates. In this country even President Reagan has said he believes in a progressive tax rate. We ought to have a progressive tax system to finance the operations of the Government, but here we are relying, in effect, on a regressive tax system to avoid using our progressive tax system.

So I think we ought to remove Social Security from the budget, so I will not belabor all the points I have already made.

Are we ready to vote or are we holding the floor for some reason? Are we ready to vote?

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

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

Mrs. HAWKINS. Mr. President, I have listened with interest and understanding to the concerns of my colleagues expressed today that this resolution, while admirable, carries no legislative authority. I would like to address those concerns by announcing that I plan to offer substantive language to the debt limit legislation which will change the law and remove Social Security from the unified budget immediately.

I introduced the first bill in the Senate this year to separate Social Security and I am convinced that this matter should now be voted on by the full Senate. Let me remind my colleagues that the Senate has already approved the separation when we passed the Social Security Amendments of 1983. It is already in the law to be removed. My amendment will simply make the separation effective immediately.

I appreciate the efforts of my distinguished colleague from Pennsylvania and his resolve on this important and timely issue. I invite all of my colleagues to join with me in offering an amendment to the debt ceiling to remove Social Security from the unified budget—which will send a message to Americans that the Social Security trust funds are independent, solvent, and not subject to the budgetary whims of Congress.

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 messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

At 4:58 p.m., a message from the House Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1078. An act to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 148. An act to designate certain public lands in the State of Michigan was wilderness, and for other purposes; and

H.R. 2032. An act to amend the Securities Exchange Act of 1934 to provide improved protection for investors in the government securities market, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 185. Concurrent resolution expressing the sense of the Congress in support of the efforts of the organizers of and participants in the Farm Aid Concert to be held in Champaign, Illinois, to bring the current crisis in American agriculture to the attention of the American people.

MEASURES REFERRED

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

H.R. 148. An act to designate certain public lands in the State of Michigan as wilderness, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 2032. An act to amend the Securities Exchange Act of 1934 to provide improved protection for investors in the government securities market, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 185. Concurrent resolution expressing the sense of the Congress in support of the efforts of the organizers of and participants in the Farm Aid Concert to be held in Champaign, Illinois, to bring the current crisis in American agriculture to the attention of the American people; to the Committee on Agriculture, Nutrition, and Forestry.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Finance:

George D. Gould, of New York, to be Under Secertary of the Treasury; and

Charles O. Sethness, of Massachusetts, to be an Assistant Secretary of the Treasury.

(The above nominations were reported from the Committee on Finance with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. SPECTER (for himself, Mr. DOLE, Mr. COHEN, Mr. DIXON, Mr. HEFLIN, Mr. HEINZ, Mr. KENNEDY, Mr. MURKOWSKI, Mr. BYRD, and Mr. D'AMATO):

S. 1655. A bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for private enforcement of the unfair competition statute in the event of unfair foreign competition, and to amend title 28 of the United States Code to provide for private enforcement of the Customs fraud statute; to the Committee on the Judiciary.

By Mr. SYMMS:

S. 1656. A bill to amend the Internal Revenue Code of 1954 to allow an amortization deduction for bus operating rights based on a 60-month period; to the Committee on Finance.

By Mr. ROTH (by request):

S. 1657. A bill to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government; to the Committee on Governmental Affairs.

By Mr. ROTH (for himself and Mr. COCHRAN) (by request):

S. 1658. A bill to amend the Debt Collection Act to permit the Attorney General to retain private counsel for the litigation of select debt collection cases; to the Committee on Governmental Affairs.

By Mr. ROTH (for himself and Mr. BIDEN):

S. 1659. A bill to provide for the termination of ocean dumping of sewage sludge, to establish user fees under the Ocean Dumping Permit Program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DENTON (for himself, Mr. THURMOND, Mr. ABDNOR, Mr. BOREN, Mr. COCHRAN, Mr. DECONCINI, Mr. EAST, Mr. FORD, Mr. GRAMM, Mrs. HAWKINS, Mr. HEFLIN, Mr. HELMS, Mr. LAXALT, Mr. MATTINGLY, Mr. MCCLURE, Mr. NICKLES, Mr. SYMMS, and Mr. EXON):

S. 1660. A bill to grant a Federal charter to the Confederate Memorial Association; to the Committee on the Judiciary.

By Mr. HATCH:

S.J. Res. 202. Joint resolution designating November 1985 as "American Liver Foundation National Liver Awareness Month"; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself, Mr. INOUYE, and Mr. COCHRAN):

S.J. Res. 203. Joint resolution designating November 6, 1985, as "Ignacy Jan Paderewski Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI:

S. Res. 223. A resolution to express the sense of the Senate regarding automobile carriers; to the Committee on Finance.

By Mr. GORE:

S. Con. Res. 66. A concurrent resolution expressing the sense of the Congress that procurement of the new U.S. weather radar system, NEXRAD, continue on schedule and according to the established minimum requirements agreed to by the National Weather Service, the Federal Aviation Administration, and the Department of Defense; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. DOLE, Mr. COHEN, Mr. DIXON, Mr. HEFLIN, Mr. HEINZ, Mr. KENNEDY, Mr. MURKOWSKI, Mr. BYRD, and Mr. D'AMATO):

S. 1655. A bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for private enforcement of the unfair competition statute in the event of unfair foreign competition, and to amend title 28 of the United States Code to provide for private enforcement of the Customs fraud statute; to the Committee on the Judiciary.

(The remarks of Mr. SPECTER and the text of the legislation appear earlier in today's RECORD.)

By Mr. SYMMS:

S. 1656. A bill to amend the Internal Revenue Code of 1954 to allow an amortization deduction for bus operating rights based on a 60-month period; to the Committee on Finance.

AMORTIZATION OF BUS OPERATING RIGHTS

● Mr. SYMMS. Mr. President, today I am introducing legislation to provide tax treatment for bus route operating rights comparable to rules enacted in 1981 for truck route operating rights. This change is needed because of deregulation of intercity buses, enacted in 1982.

Identical legislation was introduced in the House and Senate during the 98th Congress. Hearings were held on the bill in both the House Ways and Means Committee and the Senate Finance Committee. Unfortunately there was not sufficient time to act on the legislation prior to adjournment in spite of its merits.

The issue for buses is identical to that facing the trucking industry following trucking deregulation in 1980. From 1935 to 1980 the Interstate Commerce Commission granted a limited number of certificates of operating authority to motor carriers. Persons wishing to enter the motor carrier business or expand the motor carrier business often would purchase operating authorities from an existing trucking company. Substantial amounts were paid. The operating rights provided a substantial part of a carrier's asset structure, and a source of loan collateral.

Because of trucking deregulation, provided by the Motor Carrier Act of 1980, truck route operating rights issued by the ICC became virtually worthless. The tax rules applicable to loss of value of a Government license because of deregulation were not entirely clear in 1981. As a result, in 1981 Congress approved legislation allowing trucking companies to deduct over a 5-year period their basis in the operating rights.

The bill I am introducing today provides the same treatment for bus operating rights. In 1982, the President signed into law the Bus Regulatory Reform Act of 1982, which deregulated intercity buses. This important deregulation bill allows intercity bus companies to enter routes, expand routes, drop routes, and change routes without Federal barriers. Prior to bus deregulation, bus operators were required to acquire route operating rights prior to providing service on a particular route. Issuance of bus operating authorities was highly restricted. As with motor carrier operating rights, bus operating rights were bought and sold for significant sums, used as collateral for loans, and constituted an important part of the capital costs of the company.

The Bus Regulatory Reform Act changed that. By allowing virtually free entry of bus companies into routes of their choice, the existing route operating rights became virtually worthless.

The bill I am introducing today applies to owners of bus operating rights as of November 19, 1982—or persons who acquired the rights after that date as a result of a binding contract in effect on November 19, 1982—the date bus deregulation was signed into law by the president. It allows the owner of the operating rights to deduct ratably over 60 months its adjusted basis in the bus operating authority. The bill requires proper adjustment to the carrier's basis in the operating authority. The bill also contains provisions assuring comparable treatment for noncorporate carriers, comparable to provisions applicable to motor carriers contained in the Technical Corrections Act of 1982.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1656

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

SECTION 1. DEDUCTION FOR BUS OPERATING AUTHORITY.

(a) GENERAL RULE.—For purposes of chapter 1 of the Internal Revenue Code of 1954, in computing the taxable income of a taxpayer who, on November 19, 1982, held one or more bus operating authorities, an amount equal to the aggregate adjusted basis of all bus operating authorities held by

the taxpayer on November 19, 1982, or acquired subsequent thereto pursuant to a binding contract in effect on November 19, 1982, shall be allowed as a deduction ratably over a period of 60 months. Such 60-month period shall begin with the later of the month of November 1982 or the month in which acquired, or, if later, at the election of the taxpayer, the first month of the taxpayer's first taxable year beginning after November 19, 1982.

(b) DEFINITION OF BUS OPERATING AUTHORITY.—For purposes of this section, the term "bus operating authority" means—

(1) a certificate or permit held by a motor common or contract carrier of passengers and issued pursuant to subchapter II of chapter 109 of title 49 of the United States Code, and

(2) a certificate or permit held by a motor carrier authorizing the transportation of passengers, as a common carrier, over regular routes in intrastate commerce, and issued by the appropriate State agency.

* * * * *

(d) SPECIAL RULES.—

(1) ADJUSTED BASIS.—For purposes of the Internal Revenue Code of 1954, proper adjustments shall be made in the adjusted basis of any bus operating authority for the amounts allowable as a deduction under this section.

(2) CERTAIN STOCK ACQUISITIONS.—

(A) IN GENERAL.—Under regulations prescribed by the Secretary of the Treasury or his delegate, and at the election of the holder of the authority, in any case in which a corporation—

(i) on or before November 19, 1982 (or after such date pursuant to a binding contract in effect on such date), acquired stock in a corporation which held, directly or indirectly, any bus operating authority at the time of such acquisition, and

(ii) would have been able to allocate to the basis of such authority that portion of the acquiring corporation's cost basis in such stock attributable to such authority if the acquiring corporation had received such authority in the liquidation of the acquired corporation immediately following such acquisition and such allocation would have been proper under section 334(b)(2) of such Code,

the holder of the authority may, for purposes of this section, allocate a portion of the basis of the acquiring corporation in the stock of the acquired corporation to the basis of such authority in such manner as the Secretary may prescribe in such regulations. The preceding sentence shall not apply if an election under section 338 of such Code is in effect with respect to the corporation described in clause (i):

(B) TREATMENT OF CERTAIN NONCORPORATE TAXPAYERS.—Under regulations prescribed by the Secretary of the Treasury or his delegate, and at the election of the holder of the authority, in any case in which—

(i) a noncorporate taxpayer or group of noncorporate taxpayers on or before November 19, 1982, acquired in one purchase stock in a corporation which held, directly or indirectly, any bus operating authority at the time of such acquisition, and

(ii) the acquisition referred to in clause (i) would have satisfied the requirements of subparagraph (A) if the stock had been acquired by a corporation,

then, for purposes of subparagraphs (A) and (C), the noncorporate taxpayer or group of noncorporate taxpayers referred to in clause (i) shall be treated as a corporation. The preceding sentence shall apply only if such noncorporate taxpayer (or group of noncorportate taxpayers) on November 19, 1982, held stock constituting control (within the meaning of section 368(c) of the Internal Revenue Code of 1954) of the corporation holding (directly or indirectly) the bus operating authority.

(C) ADJUSTMENT TO BASIS.—Under regulations prescribed by the Secretary of the Treasury or his delegate, proper adjustment shall be made to the basis of the stock or other assets in the manner provided by such regulations to take into account any allocation under subparagraph (A).

(3) SECTION 381 OF THE INTERNAL REVENUE CODE OF 1954 TO APPLY.—For purposes of section 381 of the Internal Revenue Code of 1954, any item described in this section shall be treated as an item described in subsection (c) of such section 381.

(e) EFFECTIVE DATE.—The provisions of this section shall apply to taxable years ending after November 18, 1982.●

By Mr. ROTH (by request):

S. 1657. A bill to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government; to the Committee on Governmental Affairs.

REORGANIZATION ACT AMENDMENTS

● Mr. ROTH. Mr. President, I am introducing, by request, proposed legislation entitled the "Reorganization Act Amendments of 1985." This bill extends through December 31, 1988, the President's authority to submit to Congress reorganization plans making organization changes in the executive branch. The authority, which expired in April 1981, was renewed last year for only 2 months and expired again on December 31, 1984.

Since 1939, every President except one has been authorized to submit reorganization plans to Congress for review and approval. This reorganization authority provides an expedited process for consideration by the Congress of reorganization plans submitted by the President. During periods when this reorganization authority is not in effect, the President is required to follow the traditional legislative process in order to make even minor changes in entities or functions which have been established by legislation.

The last time a President had reorganization authority for an extended time was the 3-year period provided by the Reorganization Act of 1977, which was later extended a year but finally expired in April 1981. Under this authority, President Carter submitted 10 reorganization plans, all of which were accepted by Congress. Late last year the Congress amended the 1977 act to grant the President a 2-month extension of the reorganization authority until December 31, 1984. The President submitted no new reorganization plans during this brief period.

The 1984 amendments, however, made several changes to the congressional process established by the 1977 act, the most notable being the requirement for a joint resolution of approval in order for a plan to go into effect. The 1977 act provided for a one-House veto of proposed plans, a procedure invalidated by the Chadha decision.

The 1984 amendments also extended the time allowed for consideration of a reorganization plan from 60 to 90 days and prohibited the President, through a reorganization plan, from either renaming an executive department or creating a new agency outside of an already existing executive department or independent agency. In addition, the President was required to include in the message accompanying each plan a section providing the Congress essential information on when and how the plan would be implemented.

Thus, the Congress has set the stage for enactment of a simple extension of the reorganization authority provided by the bill I am introducing today. The legislation is part of the administration's management legislation initiatives that the President submitted to the Congress on July 31, 1985.

President Reagan, like his predecessors, recognizes the importance of this time-tested management tool in bringing about desirable organization change in the executive branch. Extending the reorganization authority for 4 years will facilitate this administration's ongoing effort to reduce cost and improve the efficiency of the Federal Government.

I urge that the Senate give this proposal its prompt and favorable consideration.●

By Mr. ROTH (for himself and Mr. COCHRAN) (by request):

S. 1658. A bill to amend the Debt Collection Act to permit the Attorney General to retain private counsel for the litigation of select debt collection cases; to the Committee on Governmental Affairs.

DEBT COLLECTION ACT AMENDMENTS

● Mr. ROTH. Mr. President, today Senator COCHRAN and I are introducing, by request, legislation entitled the Debt Collection Act Amendments of 1985. This legislation is part of a package of eight bills which comprise the administration's antifraud enforcement initiative, designed to greatly strengthen the Federal Government's ability to detect and prosecute fraud.

An important element in the Government's campaign to prevent waste, fraud, and abuse in Federal programs is the ability to recover debts owed to the United States. The Debt Collection Act Amendments of 1985 are designed to enhance the Federal Government's efforts to collect these debts by permitting the Attorney General to retain private sector counsel to aid in the prosecution of such cases.

The amount of delinquent debt owed to the United States is staggering. The Office of Management and Budget has reported that $19.9 billion in nontax delinquent debts are owed to the United States; $6.2 billion of this amount is more than 6 years overdue. Our failure to recover these amounts on a timely basis seriously impairs the Government's chances of ever collecting. We cannot continue to permit these debts to go uncollected with annual deficits of $200 billion and a national debt of $2 trillion. We must recover every cent that is owed to the United States from those who have the ability to pay those debts.

The Congress took a major step to strengthen debt collection when it enacted the Debt Collection Act of 1982, legislation reported by the Government Affairs Committee which I chair. This legislation permitted the Federal Government to charge interest and penalties on delinquent debt, to offset the wages of Federal employees having delinquent debt, to report delinquent debtors to credit bureaus to affect credit ratings, and to contract with private collection agencies to pursue recovery. Now the administration has called for further action to enhance our ability to litigate these delinquent debt cases when all other recovery efforts have failed.

The Department of Justice is generally responsible for conducting the Government's litigation, and agencies are required to refer litigable claims of $600 or more to the Department of Justice for legal action, including Federal debt collection cases. The Department, through its U.S. attorney offices around the country, now must respond to the substantial debt caseload, but its staff and resources are limited and must be committed to the more important civil, violent criminal and narcotics trafficking cases also pending. In September 1984, more than 124,000 debt cases were pending at the Department.

The bill I am introducing today would provide outside assistance to aggressively litigate these unpaid debt cases. It would extend the resources of the Department of Justice by permitting the Attorney General to retain private sector counsel to aid in the prosecution of these cases and to contract for such services under the terms and conditions he deems necessary and appropriate, including the amount of or method for calculating the fee to be paid. It is anticipated, however, that such fee will be paid as a percentage of the amount successfully collected. Thus no appropriations are required for implementation.

To facilitate prompt implementation of the act, the Attorney General's decisions on the law firms to be retained would not be subject to judicial review in any court; and the ordinary statutes and regulations governing contract awards, including the Contract Disputes Act, would not apply to such decisions. This is intended to assure that the choice of counsel is not delayed by litigation brought by disappointed bidders.

To ensure that cases are promptly referred to private sector counsel, the Federal creditor agency would be permitted to refer cases directly to the law firm approved by the Department of Justice without having to route the case through the Department. Further, so that the Federal Government retains ultimate control and supervision over the litigation of these cases, provision is made for the withdrawal of a claim from private counsel or the termination of a contract with private counsel if the Attorney General finds such action to be in the public interest.

Finally, private counsel retained under the act would be required to report to the Department of Justice periodically on their progress and be subject to the Fair Debt Collection Practices Act. I would add that the use of private sector counsel is intended to supplement, not supplant other agency collection efforts on using private collection agencies.

Similar legislation was sponsored in the last Congress by Senator ALFONSE D'AMATO. When the Governmental Affairs Subcommittee on Energy, Nuclear Proliferation, and Government Processes considered this issue in the 98th Congress, testimony indicated that it was critical to effective debt collection that debtors know that ultimately they will be sued if they do not repay their loans. Unfortunately, many debtors today refuse to meet their debt obligations, confident that they will never be legally pursued by the Government.

This legislation, S. 1668, passed the Senate in July 1984 but no further action was taken. Senator D'AMATO introduced the same bill (S. 209) earlier this year. The Subcommittee on Energy, Nuclear Proliferation, and Government Processes will be holding a hearing on the D'Amato bill late this month at which time the bill I am introducing today will also be considered.

Mr. President, the efficient and effective management of Government is one of the primary concerns of the members of the Governmental Affairs Committee. Therefore, we welcome the administration's initiative and look forward to working together to further improve the debt collection process. I ask unanimous consent that the bill and a section-by-section analysis of it be printed in the RECORD in its entirety.

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

S. 1658

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 "Debt Collection Act Amendments of 1985."

SEC. 101. Section 3718 of Title 31, United States Code, is amended—

(1) in subsection (b), by inserting "or (e)" after "subsection (a)";

(2) by inserting the following new subsection:

"(e)(1) The Attorney General may make contracts retaining private counsel to furnish collection services, including representation in negotiation, compromise, settlement, and litigation, in the case of any claim of indebtedness owed the United States. Each such contract shall include such terms and conditions as the Attorney General considers necessary and appropriate, including a provision specifying the amount of the fee to be paid to the private counsel under such contract or the method for calculating that fee. The provisions of the Federal Property and Administrative Services Act of 1949 (FPASA), 40 U.S.C. § 471 *et seq.*, the Contract Disputes Act of 1978 (CDA), 41 U.S.C. § 601 *et seq.*, and the Federal Acquisition Regulations (FAR) shall not apply to contracts entered into between the Attorney General and private counsel pursuant to this section. In entering into such contracts retaining private counsel to furnish collection services, the Attorney General shall have discretion to determine with whom he wishes to contract. The Attorney General's decision to contract with any individual shall be unreviewable in any court or administrative body, state or federal.

"(2) The head of an executive or legislative agency may refer to a private counsel retained under paragraph (1) of this subsection claims of indebtedness owed the United States arising out of activities of that agency.

"(3) Notwithstanding sections 516, 518(b), 519, and 547(2) of Title 28, a private counsel retained under paragraph (1) of this subsection may represent the United States in litigation in connection with collection services furnished pursuant to the contract entered into with that counsel under paragraph (1) of this subsection.

"(4) A contract made with a private counsel under paragraph (1) of this subsection shall include—

"(A) a provision permitting the Attorney General to terminate the contract at any time and for any reason whatsoever, such decision to terminate being placed within the discretion of the Attorney General. The Attorney General's decision to terminate a contract with a private counsel shall not be subject to review by any court or administrative agency, state or federal;

"(B) a provision permitting the Attorney General to have any claim referred under the contract returned to the Attorney General if the Attorney General finds such action to be in the public interest;

"(C) a provision requiring the private counsel to transmit periodically to the Attorney General and the head of the executive of legislative agency referring a claim under the contract a report on the services relating to the claim rendered under the contract during the reporting period and the progress made during the reporting period in collecting the claim under the contract; and

"(D) a provision allowing the Attorney General, or his delegate, to resolve any dispute between the agency and the private counsel arising out of such contract. The Attorney General's decision with respect to such dispute shall not be subject to review by any court or administrative body, state or federal.

"(5) Notwithstanding the fourth sentence of section 803(6) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(6)), a private counsel performing collection services pursuant to a contract made under paragraph (1) of this subsection shall be considered a debt collector for the purposes of such Act."

SEC. 102. Section 3719 of Title 31, United States Codes, is amended by adding after (a)(1)(F) the following new subsection:

"(G) the number and total amount of claims referred to private lawyers under contract to furnish collection services and the total number of claims and the total amount collected."

DEBT COLLECTION ACT AMENDMENTS—SECTION-BY-SECTION ANALYSIS

This title amends the Debt Collection Act, 31 U.S.C. 3718, to permit the Attorney General to retain private counsel for the litigation of select debt collection cases.

Section 101 grants the Attorney General this new authority by adding a new subsection (e) to section 3718. Subparagraph (A) of that subsection vests the Attorney General with the authority to make contracts with private counsel to litigate debt collection cases. Such contracts shall contain such terms as the Attorney General feels are necessary, including provision for the payment of a fee. It is envisioned that the private counsel will be paid a percentage of the amount it succeeds in collecting.

The Attorney General's decision as to which law firm, or firms, to retain shall not be subject to judicial review in any court and the ordinary statutes and regulations governing contract awards, including the Contract Disputes Act, shall not apply to such decisions. This will facilitate the prompt implementation of this new authority, ensuring that the choice of counsel is not delayed by litigation brought by disappointed bidders.

Subparagraph (2) provides that the head of any agency may refer cases directly to such private counsel as the Attorney General has retained. It is envisioned that once the Attorney General has retained a particular law firm to litigate a particular class of debt cases in a certain district, the client agency may refer such cases directly to such law firm and need not route the cases through the Department of Justice.

Subparagraph (3) simply provides that notwithstanding the current statute giving the Attorney General plenary authority to represent the United States in litigation, 28 U.S.C. 516, 518(b) and 519, a private counsel may represent the United States these types of debt collection cases.

Subparagraph (4) sets forth the terms which the Attorney General may include in any such contract. Subparagraph (4)(A) permits the Attorney General to terminate a contract with any private counsel at any time and for any reason whatsoever. This decision shall not be subject to judicial review. Subparagraph (4)(B) permits the Attorney General to withdraw a claim from private counsel and litigate it directly when he finds such action to be in the public interest.

Under subparagraph (4)(C), the Attorney General may require periodic reporting by the private counsel. Finally, under subparagraph (4)(D), the Attorney General shall be authorized to resolve any dispute which may arise between the client agency and the private counsel.

Subparagraph (5) provides that a private counsel retained pursuant to this authority shall be considered a debt collector for purposes of the Fair Debt Collection Practices Act, 15 U.S.C. 1692a(6), and so shall provide the procedural protections and safeguards which that law requires.

Section 102 of the bill amends the existing reporting requirement in the Debt Collection Act to require agencies that utilize private counsel to report on the number of claims referred and the total amount collected.●

By Mr. ROTH (for himself and Mr. BIDEN):

S. 1659. A bill to provide for the termination of ocean dumping of sewage sludge, to establish user fees under the ocean dumping permit program, and for other purposes; to the Committee on Environment and Public Works.

OCEAN DUMPING AMENDMENTS

● Mr. ROTH. Mr. President, today I am introducing legislation for myself and as a cosponsor my distinguished colleague from Delaware [Mr. BIDEN]. The legislation would amend title I of the Marine Protection, Research, and Sanctuaries Act of 1972 as amended.

I feel that we must end the use of our Nation's coastal and ocean waters as sewage waste dumpsite. Even though many communities have made as serious effort to develop safe and efficient land-based disposal alternatives, I am disgusted that I must continue to argue against ocean dumping. I am here because several municipalities are still dumping sewage sludge at the 12-mile sewage sludge dumpsite in the North Atlantic.

Mr. President, on April 1, 1985, the EPA announced the denial of petitions filed by the nine municipal sludge dumpers for redesignation of the 12-mile site. The EPA requested that all municipal sludge dumpers submit schedules for achieving 100 percent phaseout of the 12-mile site, and to begin shifting their dumping operations from the 12-mile site to the deepwater municipal sewage sludge site [DMSDS], also known as the 106-mile site. All communities have complied with these EPA requests.

Mr. President, we in Delaware believe that the ocean disposal of harmful wastes should end once and for all. We must insure the preservation of our valuable marine resources. Although the intent of EPA's action is a good one and I support it wholeheartedly, I feel it does not go quick and far enough. The EPA allows communities to continue dumping of sludge until an alternative can be found to accommodate these wastes. What have these communities been doing since 1981 when we believed all dumping would cease? The EPA was sued by a dumper, lost the case, and failed to appeal a decision that was considered erroneous by many, and now, the phaseout of ocean dumping has been extended until 1987, to allow the communities time to construct ocean-dumping barges.

Mr. President, this whole issue keeps dragging out and dragging out. I do not want to see any slipping, there should be no need for that.

I urge all communities to work together and to develop policies and practices that can solve this problem, as our neighbors to the North in Pennsylvania and some parts of New Jersey have developed alternative uses for this practice. Worldwide, we are assisting developing nations to adopt technologies which exploit wastes for use as a fuel in rural areas, but nationally, we are still dumping sewage sludge in the ocean. Mr. President, we must develop initiatives that will allow these alternatives to become common practice in our Nation. My bill provides for these initiatives.

The Ocean Dumping Amendments of 1985 would prohibit the dumping of harmful sewage sludge after 18 months after the date of the enactment of the bill. In addition, no sewage sludge may be dumped after December 31, 1990, nor may any municipality that at the present time does not participate in the ocean dumping of sewage sludge be permitted to do so. The act would also establish a user fee system under the ocean-dumping law, and would prevent the use of funds authorized under any provision of Federal law to be used to finance the construction or operation of an incineration ship.

Mr. President, my bill is not a complicated or unreasonable measure. It provides an incentive to all communities to take a serious look at responsible land disposal alternatives, and to make good-faith efforts at cleaning up sewage sludges and elimination of the ocean-dumping option. We must change our ways of disposing of these wastes. We cannot continue to use the ocean as a waste dumpsite.●

● Mr. BIDEN. Mr. President, I am pleased to join my distinguished senior colleague from Delaware [Senator ROTH] in introducing a bill addressing the problem of the dumping of municipal and other wastes into the ocean for disposal.

We have been fighting this practice for several years and, quite frankly, thought we had it under control when, in 1977, Congress passed an amendment to the Marine Protection, Research and Sanctuaries Act, more commonly and easily called the Ocean Dumping Act. The amendment was supposed to halt the dumping of sewage sludge which degrades the environment or endangers human or marine life by the end of 1981.

At the time of the passage of the amendment, more than 250 communities disposed of their sewage wastes by hauling them out to sea and pushing them overboard. By 1981, over 240 of the towns and cities which used this means had switched to other practices. Unfortunately, the ones that remained were big dumpers; in fact, during the expected phaseout period, the total amount of sludge that was dumped in the ocean actually increased from 4.6 million wet tons to 7.6 million wet tons.

With the deadline to end ocean dumping approaching, the remaining communities went to court to keep the barges sailing. Unfortunately, the dumpers won the first round in court, and the Environmental Protection Agency, dropping its longstanding commitment to end ocean dumping, failed to appeal the decision. In effect, the EPA ran away from the clear congressional intention on ocean dumping, and instead allowed continued dumping and even went so far as to look for additional sites to designate for the dumpers. That is where we stand today, and why I have joined Senator ROTH in introducing this bill.

Mr. President, you will notice that the bill itself is very short and to the point. I believe it makes clear what Congress intended to see achieved by passing the 1977 amendment—the end to harmful ocean dumping.

As my senior colleague has stated, the bill addresses five issues. First, the dumping of harmful sewage sludge in the ocean would be prohibited 18 months after enactment of the bill.

Second, all sewage sludge dumping will be banned after 1990. The 4-year phase out period provides current ocean dumpers with the opportunity to carefully review their options in using other disposal methods and develop them to the extent that when the 1990 deadline approaches they will not be forced to turn to the courts again for emergency relief action.

Third, user fees would be imposed on ocean-dumping operations to recover the Federal costs related to their activities, such as the designation of sites, ensuring the compliance with permit terms, and environmental monitoring of the dumpsite.

Fourth, new ocean-dumping permits cannot be issued. Communities that do not now use ocean dumping as a means of disposal would not be allowed to start operations in the interim, before the bans on harmful sludge dumping or all sewage sludge dumping, take effect.

Finally, funds authorized under the Ocean Dumping Act cannot be used to pay for the costs of ocean-dumping operations.

I would also like to point out an additional clause which bans the use of Federal funds for the construction or operation of incinerator vessels until final rules regulating their activities are adopted. Although this would seem to make sense to my colleagues, the Maritime Administration has extended loan guarantees to a company for the construction of two ocean incineration vessels, even though there is no assurance that the designs the vessels used will prove to be acceptable under the final ocean incineration rules adopted by the EPA. This amendment makes sure that additional vessels will not be built at taxpayer expense until it becomes clearer what standards these vessels are expected to meet, or if there will be a market for their services.

Mr. President, I must make clear my disappointment that we even have a need for this bill at this time. I believe alternatives to the dumping of wastes in the vulnerable waters of our oceans should have been given serious consideration by current dumpers years ago. All but 8 of the 250 municipalities which were dumping in 1977, found practical alternatives by the end of 1981.

I find the argument that the oceans are the only place for the disposal of municipal wastes to be shortsighted and irresponsible. Shortsighted, because there should be no doubt that the oceans are not a bottomless pit which can absorb everything thrown into it. Irresponsible, because it would be impossible to correct damage that would result from continued ocean dumping.

Mr. President, near the end of the 98th Congress, I considered offering the Ocean Dumping Act Amendments of 1984, as approved unanimously by the House, as an amendment to legislation pending at that time. However, I recognized that in the crunch at the end of the session, opponents would have been able to effectively kill it by discussing its provisions at length, and instead accepted the assurances of the chairman of the Environmental Protection Subcommittee that this issue would receive a high priority during the 99th Congress.

The House appears ready, once again, to pass its version of the Ocean Dumping Act reauthorization. I am pleased by the increased attention the Senate Environment and Public Works Committee has given to this issue during this session, and I look forward to further progress toward reporting a bill to the Senate.

I hope the committee will take the bill my colleague and I have introduced into consideration as the reauthorization bill is developed, and we can move closer to the day in which the intention of Congress expressed by the 1977 amendment actually comes about.

Mr. President, I do not wish to repeat all the statements made by my colleague from Delaware. Suffice it to say that we find—all Delawareans find unacceptable, and vehemently oppose the EPA's acquiescence to the sludge dumpers over the last 3 years. We will continue to work together to get harmful sludges out of the oceans and to stop the EPA's practice for looking for the most convenient out-of-sight-out-of-mind solution to difficult problems.●

By Mr. DENTON (for himself, Mr. THURMOND, Mr. ABDNOR, Mr. BOREN, Mr. COCHRAN, Mr. DECONCINI, Mr. FORD, Mr. GRAMM, Mrs. HAWKINS, Mr. HEFLIN, Mr. HELMS, Mr. LAXALT, Mr. MATTINGLY, Mr. MCCLURE, Mr. NICKLES, Mr. SYMMS, and Mr. EXON):

S. 1660. A bill to grant a Federal charter to the Confederate Memorial Association; to the Committee on the Judiciary.

FEDERAL CHARTER TO THE CONFEDERATE MEMORIAL ASSOCIATION

● Mr. DENTON. Mr. President, I rise today to introduce legislation to grant the Confederate Memorial Association a Federal charter, thereby providing the organization with the congressional recognition it so well deserves.

Mr. President, the War Between the States represents a part of our rich heritage which should be remembered by all Americans. One organization which has worked to preserve this part of our national heritage is the Confederate Memorial Association.

The association was organized and incorporated under the laws of the District of Columbia in 1907, and functions as the umbrella organization representing all manner of Confederate historical and curatorial organizations. Organizational support comes from, among others, the Sons of Confederate Veterans, the United Daughters of the Confederacy and the Children of the Confederacy. Membership of the United Daughters of the Confederacy is 27,829 members, with 783 chapters in 31 States, and members in all 50 States; the membership of the Sons of Confederate Veterans is 8,157, with 171 camps in 22 States, and members in all 50 States; and the membership of the Children of the Confederacy is 24,311 members, with 237 chapters in 14 States, and members in all 50 States. The association is open to membership without regard to race, color, religion, regional or national origin.

The noble objectives of the association include a continuing commitment, on a national basis, to:

First, perpetuate southern culture and history, including the memory of the patriotic deeds of the men and women of the Southern States (soldiers and civilians) during the War Between the States from 1861 to 1865;

Second, maintain the Confederate Memorial Hall, the centerpiece of the

association's public purpose, and the only shrine to the Confederacy in the Nation's Capital;

Third, preserve and maintain the Confederate Memorial Hall as a public historical library and a museum gallery of historical relics and memorabilia commemorating southern history and culture;

Fourth, encourage the preservation of historic sites and the construction and preservation of buildings, halls, and monuments commemorating southern culture and history;

Fifth, preserve and promote the education of the history of the war and of southern culture and history generally;

Sixth, participate, in a spirit of cooperation and reciprocity, in programs with other societies devoted to American history, veterans' affairs, or community interest.

The Confederate Memorial Association is an organization that merits the recognition of the Congress, recognition which has previously been extended to five War Between the States era organizations recognizing individuals of northern heritage—that is, the Grand Army of the Republic; the Ladies of the Grand Army of the Republic; the Legion of Valor of the United States of America, Inc.; the National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic; and the Sons of Union Veterans of the Civil War.

Mr. President, I believe that it would be appropriate for the Congress to grant a Federal charter to this organization. Recognition of the Confederate Memorial Association will represent an important step forward in the preservation of our common American heritage and history. The bill is currently cosponsored by Members of this body and I urge my remaining colleagues to support the legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1660

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

CHARTER

SECTION 1. The Confederate Memorial Association, organized and incorporated under the laws of the District of Columbia in 1907 is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. The Confederate Memorial Association (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes for which the corporation is organized shall be those provided in its articles of incorporation and, more broadly, shall include a continuing commitment, on a national basis, to—

(1) perpetuate southern culture and history, including the memory of the patriotic deeds of the men and women of the Southern States (soldiers and civilians) during the War between the States from 1861 to 1865;

(2) maintain the Confederate Memorial Hall, the centerpiece of the corporation's public purpose, and the only shrine to the Confederacy in the Nation's Capitol;

(3) preserve and maintain the Confederate Memorial Hall as a public historical library and a museum gallery of historical relics and memorabilia commemorating southern history and culture;

(4) encourage the preservation of historic sites and the construction and preservation of buildings, halls, and monuments commemorating southern culture, and history;

(5) preserve and promote the education of the history of the war and of southern culture and history generally;

(6) participate, in a spirit of cooperation and reciprocity, in programs with other societies devoted to American history, veterans' affairs, or community interests.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as provided in the constitution and bylaws of the corporation, and terms of membership and requirements for holding office within the corporation shall not be discriminatory on the basis of race, color, religion, or national origin.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation or bylaws of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation or bylaws of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State or States wherein it is incorporated.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(71) The Confederate Memorial Association".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted hereby shall expire.●

By Mr. HATCH:

S.J. Res. 202. A joint resolution designating November 1985 as "American Liver Foundation National Liver Awareness Month"; to the Committee on the Judiciary.

AMERICAN LIVER FOUNDATION NATIONAL LIVER AWARENESS MONTH

Mr. HATCH. Mr. President, today I introduce the American Liver Foundation National Liver Awareness Month resolution.

Liver diseases are the fourth national leading cause of death in the United States between the ages of 15 and 65. Over 100 known liver diseases affect 25 million Americans and claim 50,000 lives each year. Many of the most serious liver diseases could be prevented if the public were better informed about the importance of the liver, its functions and the serious damage that can be caused by virus, environmental pollutants, drugs, alcohol, and inborn abnormalities.

Liver transplants are the only known treatment for many liver diseases, yet the lack of organ donors, especially for babies and small children, will mean that more children will die than will receive liver transplants. Generating public support for increased research to supplement funding by the National Institutes of Health can only be accomplished if the public is informed of the needs. The American Liver Foundation is the major national voluntary organization dedicated to educating the public about liver diseases, their prevention, and finding cures for the full array of these diseases that attack the young and old alike.

Congressional enactment of this resolution and a Presidential proclamation declaring November 1985 as the American Liver Foundation National Liver Awareness Month, will focus national attention on these insidious diseases that put untold suffering and an estimated $10 billion economic burden to our Nation. I am hopeful that all of my colleagues in the Senate will join me in supporting this awareness resolution.

By Mr. MURKOWSKI (for himself, Mr. INOUYE, and Mr. COCHRAN):

S.J. Res. 203. Joint resolution designating November 6, 1985, as "Ignacy Jan Paderewski Day"; to the Committee on the Judiciary.

IGNACY JAN PADEREWSKI DAY

● Mr. MURKOWSKI. Mr. President, today I am introducing a joint resolution to designate November 6, 1985 as "Ignacy Jan Paderewski Day." I join with Representative SIKORSKI in offering this joint resolution to honor the great musician and Polish patriot, Ignacy Jan Paderewski on the 125th anniversary of his birth.

Paderewski's life was marked by extraordinary success in both the arts of music and diplomacy. He first rose to international acclaim as a concert pianist, and was noted for his stirring performances. Paderewski toured throughout Europe and the United States and was considered the world's foremost pianist of his time.

The artist's accomplishments did not end with his musical career, however. He was also an active statesman whose diplomacy led to the creation of a geographic Poland after World War I. During that war he helped raise an army of 27,000 Polish citizens to fight alongside U.S. forces. Through his skillful diplomacy, Paderewski gained the support of President Woodrow Wilson who included the establishment of an independent Poland with access to the sea in his famous Fourteen Points. When the war ended, Paderewski was asked by the allies to head up Poland's first sovereign government.

Upon Paderewski's death in 1941, President Franklin Roosevelt recognized his accomplishments by allowing his remains to be temporarily buried in Arlington cemetery until Poland is once again free. He was named an honorary member of the American Legion, and was the only foreign civilian ever to receive that distinction. I urge my colleagues to join with Representative SIKORSKI, Senator COCHRAN, Senator INOUYE and me in cosponsoring this joint resolution to honor a truly exceptional man in the history of art and diplomacy.●

ADDITIONAL COSPONSORS

S. 259

At the request of Mr. DANFORTH, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 259, a bill to protect the public interest in stable relationships among communities, professional sports teams and leagues and in the successful operation of such teams in communities throughout the Nation, and for other purposes.

S. 274

At the request of Mr. DENTON, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 274, a bill to provide for the national security by allowing access to certain Federal criminal history records.

S. 727

At the request of Mr. HEINZ, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 727, a bill to clarify the application of the Public Utility Holding Company Act of 1935 to encourage cogeneration activities by gas utility holding company systems.

S. 827

At the request of Mrs. HAWKINS, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 827, a bill to amend the Public Health Service Act to provide for the compensation of children and others who have sustained vaccine-related injuries, and for other purposes.

S. 1033

At the request of Mr. KERRY, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1033, a bill to amend the Emergency Veterans' Job Training Act of 1983 to establish a veterans' career development and training program; to amend title 38, United States Code, to establish a veterans' computerized job bank program, to enhance readjustment appointments of veterans to positions of employment in the Federal Government, and for other purposes.

S. 1062

At the request of Mr. PRESSLER, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1062, a bill to amend chapter 73 of title 38, United States Code, to establish a program to require comprehensive research on, studies of, and a review of the professional literature on potential physiological and psychological health problems affecting Vietnam veterans, and to require training for Veterans' Administration personnel in counseling, screening, testing, evaluation, treatment, therapy, readjustment, and rehabilitation relating to the unique medical and psychosocial needs of Vietnam veterans, and for other purposes.

S. 1084

At the request of Mr. GOLDWATER, the names of the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from New Jersey [Mr. LAUTENBERG] 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. 1296

At the request of Mr. MATHIAS, the names of the Senator from New Mexico [Mr. DOMENICI], and the Senator from Kansas [Mr. DOLE] 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. 1509

At the request of Mr. CRANSTON, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1509, a bill to amend chapter 30 of title 38, United States Code, to provide for educational assistance under the All-Volunteer Force Educational Assistance Program for pursuit of a program of education by correspondence.

S. 1569

At the request of Mr. MITCHELL, his name was added as a cosponsor of S. 1569, a bill to amend title XVIII of the Public Health Service Act to encourage health promotion and disease prevention through the implementation

of a coordinated national nutrition monitoring system.

S. 1629

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1629, a bill to amend the Tariff Act of 1930 to treat certain agricultural products as like products for purposes of antidumping and countervailing duty investigations.

S. 1654

At the request of Mr. STEVENS, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 1654, a bill to amend title 18, United States Code, to provide for criminal forfeiture of proceeds derived from espionage activities and rewards for informants providing information leading to arrests in espionage cases.

SENATE JOINT RESOLUTION 149

At the request of Mr. DIXON, the names of the Senator from Connecticut [Mr. WEICKER], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of Senate Joint Resolution 149, a joint resolution to designate the week of September 15, 1985 through September 21, 1985, as "National Dental Hygiene Week."

SENATE JOINT RESOLUTION 158

At the request of Mr. MURKOWSKI, the names of the Senator from North Dakota [Mr. ANDREWS], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 158, a joint resolution designating October 1985 as "National Community College Month."

SENATE JOINT RESOLUTION 181

At the request of Mrs. HAWKINS, the names of the Senator from Idaho [Mr. MCCLURE] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 181, a joint resolution to designate the week beginning September 1, 1985, as "National School-Age Child Care Awareness Week."

SENATE JOINT RESOLUTION 183

At the request of Mr. BYRD, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of Senate Joint Resolution 183, a joint resolution to provide for the designation of the week of October 6 through October 12, 1985, as "Myasthenia Gravis Awareness Week."

SENATE JOINT RESOLUTION 194

At the request of Mr. METZENBAUM, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from South Dakota [Mr. ABDNOR], the Senator from Wisconsin [Mr. KASTEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Carolina [Mr. EAST], the Senator from North Carolina [Mr. HELMS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Alabama [Mr. HEFLIN], the Senator from Illinois [Mr. SIMON], the Senator from Illinois [Mr. DIXON], the Senator from Michigan [Mr. LEVIN], the Senator from Montana [Mr. MELCHER], the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. BYRD], the Senator from Montana [Mr. BAUCUS], the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from Massachusetts [Mr. KERRY], the Senator from Louisiana [Mr. LONG], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Lousiiana [Mr. JOHNSTON], the Senator from North Dakota [Mr. ANDREWS], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 194, a joint resolution to designate the week beginning October 1, 1985, as "National Buy American Week."

SENATE JOINT RESOLUTION 198

At the request of Mr. MATHIAS, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Joint Resolution 198, a joint resolution to designate the year of 1986 as the "Sesquicentennial Year of the National Library of Medicine."

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. MATTINGLY, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Concurrent Resolution 24, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

SENATE CONCURRENT RESOLUTION 66—REGARDING PROCUREMENT OF THE NEW U.S. WEATHER RADAR SYSTEM

Mr. GORE submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. CON. RES. 66

Whereas weather radar systems currently operated by civil and military agencies are based on 1950's technology, are rapidly deteriorating, are increasingly costly to maintain, are man-intensive, and do not provide an adequate level of warning;

Whereas severe weather disturbances in the United States disrupt the economy through serious impacts on transportation, agriculture, defense, and industry, and cause an average annual economic loss of $20,000,000,000 and an average annual loss of life approaching one thousand;

Whereas experimental weather radar systems using new technology have proven exceptionally valuable in detecting, monitoring, and giving early warning of severe storms, flash floods, and other life-threatening natural hazards, on a local, statewide, and national basis;

Whereas an advanced weather radar system is now being developed, using the new technology, which will reduce significantly the loss of life and properly associated with severe weather;

Whereas the Nexrad requirements of the involved Federal agencies represent a hard-won consensus of the system capabilities required to protect public safety and national security;

Whereas these requirements have formed the basis over the past five years for development of integrated prototype Nexrad radar systems by the United States private sector;

Whereas Nexrad technologies have demonstrated the capability to detect windshear, a major cause of aviation fatalities, and the deployment of Nexrad would greatly increase the safety of the flying public;

Whereas since 1979 the Nexrad procurement has been guided by the Office of Management and Budget's circular A-109, which is aimed at maximizing private sector competition and minimizing waste in large Federal procurements;

Whereas the A-109 process has led to free and open competition for Nexrad development by any company capable of meeting the system requirements at the lowest cost;

Whereas the Nexrad program to date has kept on schedule, led to enhanced interagency cooperation, and decreased estimated lifecycle costs;

Whereas further delays in procuring this next-generation weather radar system [Nexrad] will increase both costs and risks to the public safety: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that procurement of the new United States weather radar system, Nexrad, continue on schedule and according to the established minimum requirements agreed to by the National Weather Service, the Federal Aviation Administration, and the Department of Defense.

SENATE RESOLUTION 223—REGARDING AUTOMOBILE CARRIERS

Mr. MURKOWSKI submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 223

Whereas United States vehicle imports from Japan, which had previously been limited by the revised voluntary restraint program, were running at 1.85 million units a year;

Whereas with the lifting of the automobile quota, these imports are now projected to increase to at least 2.3 million units this year, or 21.5 percent of the entire United States automobile market;

Whereas the United States is by far the largest single vehicle market for Japan;

Whereas Japanese commercial interests currently control over two-thirds of the world's car carrier fleet and account for more than two-thirds of all worldwide vehicular movements;

Whereas of the total number of ships carrying vehicles from Japan to the United States, one-third are Japanese flag vessels, two-thirds are flag of convenience vessles either owned or controlled by Japanese firms, and none are United States flag vessels;

Whereas United States flag vessel operating costs are competitive with Japanese flag vessel operating costs on a voyage-by-voyage or any other comparative basis;

Whereas Japanese flag vessel costs are actually greater than those of flag of convenience ship operators;

Whereas Japan's dominance of seaborne vehicle transportation is thus not a result of a competitive advantage but is a direct result of commercial cargo preference practiced between Japanese vehicle manufacturers and the Japanese ship owners;

Whereas the Japanese Government has indicated that while all vehicle exports to the United States are transported on Japanese controlled ships, there is little the Government of Japan is willing to do to enable United States participation;

Whereas it is apparent that commercial considerations in the Japan/United States vehicle trade are secondary to the interests and policies which the Japanese Government has chosen to condone;

Whereas it is only fair that United States flag carriers be permitted to participate in this vehicle transportation industry since it is the billions of dollars paid by United States consumers that make this trade possible;

Whereas participation by United States flag carriers in this trade should be on the same terms as participation by Japanese flag carriers;

Whereas United States shipping companies stand willing to build their additional vehicle carriers in Japan so as to make their carrier operations cost competitive;

Whereas United States participation in the vehicle carrier trade would create additional jobs for United States merchant seamen;

Whereas the preference of a reasonable number of United States flag vehicle carriers and the maintenance of United States seafaring jobs is an important national security matter; and

Whereas participation by United States carriers in this vehicle trade would help to reduce the growing and troublesome trade deficit between the United States and Japan: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should immediately take action to initiate bilateral negotiations with the Japanese Government to open up the vehicle carrier trade between the United States and Japan to include participation by United States shipping firms in long-term, core vehicle transportation contracts; and

(2) the President should report to the Congress on the progress of such negotiations within 90 days after the date on which the Senate agrees to this resolution.

AMENDMENTS SUBMITTED

SUPERFUND IMPROVEMENT ACT

KASTEN (AND OTHERS) AMENDMENT NO. 635

Mr. STAFFORD (for Mr. KASTEN, for himself, Mr. DANFORTH, and Mr. HOLLINGS) proposed an amendment to amendment No. 633 proposed by Mr. STAFFORD (and Mr. BENTSEN) to the bill (S. 51) to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; as follows:

Inserting "(c)" at the end of Section 402 and adding a new subsection as follows:

"(c) The authority to offer or to provide insurance under this title shall be limited to coverage of pollution liability risks and this title does not authorize a risk retention group or purchasing group to provide coverage of any other line of insurance."

WEICKER AMENDMENT NO. 636

Mr. WEICKER proposed an amendment to the bill S. 51, supra; as follows:

S. 51 is amended by adding on page 84, before line 15, a new subsection as follows:

"(f) The Administrator of the Agency for Toxic Substances and Disease Registry shall, in consultation with the Administrator of the Environmental Protection Agency and other officials as appropriate, not later than March 1, 1986, submit to the Committee on Environmental and Public Works of the U.S. Senate and the Committee on Energy and Commerce of the U.S. House of Representatives, a report on the nature and extent of lead poisoning in children from environmental sources. Such report shall include, at a minimum, the following information:

(1) An estimate of the total number of children, arrayed according to Standard Metropolitan Statistical Area or other appropriate geographic unit, exposed to environmental sources of lead at concentrations sufficient to cause adverse health effects;

(2) An estimate of the total number of children exposed to environmental sources of lead arrayed according to source or source types;

(3) A statement of the long term consequences for public health of unabated exposures to environmental sources of lead and including but not limited to, diminution in intelligence, increases in morbidity and mortality; and

(4) Methods and alternatives available for reducing exposures of children to environmental sources of lead.

Such report shall also score and evaluate specific sites at which children are known to be exposed to environmental sources of lead due to releases, utilizing the Hazard Ranking System of the National Priorities List.

The costs of preparing and submitting the report required by this section shall be borne by the Hazardous Substances Response Fund."

SYMMS AMENDMENT NO. 637

Mr. SYMMS proposed an amendment to the bill S. 51, supra; as follows:

On page 124, line 16, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 125, line 20, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 126, line 10, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 126, line 13, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 126, line 18, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 135, line 21, strike out "$7,500,000,000" and insert in lieu thereof "$5,700,000,000".

On page 155, between lines 14 and 15, insert the following:

"(3) LIMITATION ON AMOUNTS EXPENDED DURING ANY FISCAL YEAR.—The amounts expended from the Superfund shall not exceed—

"(A) $600,000,000 during fiscal year 1986,

"(B) $900,000,000 during fiscal year 1987,

"(C) $1,200,000,000 during fiscal year 1988,

"(D) $1,500,000,000 during fiscal year 1989, and

"(E) $1,500,000,000 during fiscal year 1990.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 638

Mr. LAUTENBERG (for himself, Mr. HUMPHREY, Mr. HEINZ, Mr. MOYNIHAN, Mr. BRADLEY, Mr. BYRD, Mr. ROCKEFELLER, and Mr. STAFFORD) proposed an amendment to the bill S. 51, supra; as follows:

On page 87, after line 16, insert the following and renumber succeeding sections accordingly:

Sec. . Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new subsection:

"(d) Emergency Planning.—(1)(A) The President shall publish a list of extremely hazardous substances, taking into account the toxicity, reactivity, volatility, flammability, and usage of such substances. For the purposes of the preceding sentence, the term "toxicity" shall include any acute or chronic health effect which may result from an acute exposure to the substance. The President shall review, and modify as necessary, such list not less often than every two years. Such list shall identify each extremely hazardous substance and shall establish a quantity of each such substance which, if released at a facility, would likely pose an imminent and substantial endangerment to the public health or to the environment. Facilities that have present such a quantity of such a substance shall notify the Governor in accordance with paragraph (2)(A).

"(B) Within 30 days after enactment of the Superfund Improvement Act of 1985, the President shall publish an initial list of substances and quantities as described in subparagraph (A), which shall be the same as substances and quantities listed by the Council of the European Communities in its "Council Directive of June 24, 1982, on the Major Accident Hazards of Certain Industrial Activities, Annex III", published in the Offical Journal of the European Communities, August 5, 1982.

"(2)(A) Not later than 90 days after the date of enactment of the Superfund Improvement Act of 1985, or not later than 60 days after any revision of the list, each owner or operator of a facility (other than motor vehicles, rolling stock, or aircraft) that has present a quantity of a substance that requires notification under paragraph (1) shall notify the Governor of the State in which such facility is located that such facility is subject to the requirements of this subsection. The Governor may designate additional facilities that shall be subject to the provisions of this subsection.

"(B) Not later than 180 days after the date of enactment of the Superfund Improvement Act of 1985, the Governor of each State shall designate emergency planning districts in order to facilitate preparation and implementation of emergency plans. Where appropriate, the Governor may designate existing political subdivisions or multijurisdictional planning organiza-

tions as such districts. In emergency planning areas that involve more than one State, the Governors of each potentially affected State may designate emergency planning districts and emergency planning committees by agreement. In making such designation, the Governor shall indicate which facilities designated under subparagraph (A) are within such emergency planning district.

"(C) Not later than 210 days after such date of enactment, the Governor shall appoint members of an emergency planning committee for each emergency planning district. Each Committee shall include representatives of the public, appropriate State and local organizations, and owners and operators of facilities designated under subparagraph (A). In making such appointments, the Governor shall consider persons who would be expected to play a major role in the event of a release of an extremely hazardous substance, such as elected officials, law enforcement and firefighting personnel, public health, medical, hospital, and environmental protection personnel, civil defense personnel, transportation officials, and representatives of broadcast and print media. Interested persons may petition the Governor to modify the membership of such committee. Such committee shall appoint a chairperson and shall establish rules by which the committee shall function. Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan.

"(D) Each emergency planning committee shall complete preparation of emergency plans in accordance with this subsection not later than two years after such date of enactment. The committee shall review such plan at least annually, or as changed circumstances in the community or at any facility may require.

"(E) Each emergency planning committee shall evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and shall make recommendations with respect to additional resources that may be required, and the means for providing such additional resources.

"(F) Each emergency plan shall include (but is not limited to)—

"(i) identification of facilities designated pursuant to subparagraph (A) that are within the emergency planning district, and identification of routes likely to be used for the transportation of substances listed pursuant to subparagraph (A);

"(ii) methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances;

"(iii) designation of a community emergency coordinator and a facility emergency coordinator, who shall make determinations necessary to implement the plan;

"(iv) procedures providing reliable, effective, and timely notification by the facility emergency coordinator and the community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements under section 103(j),;

"(v) methods for determining the occurrence of a release, and the area or population likely to be affected by such release;

"(vi) evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes;

"(vii) training programs, including schedules for training of local emergency response and medical personnel; and

"(viii) methods and schedules for exercising such plan. "(G) The owner or operator of each facility designated pursuant to subparagraph (A) shall—

"(1) within 210 days after such date of enactment, notify the emergency planning committee for the emergency planning district in which such facility is located that a facility representative will participate in the emergency planning process;

"(ii) promptly inform the emergency planning committee of any relevant changes occurring at such facility as such changes occur or are expected to occur; and

"(iii) upon request from the emergency planning committee, promptly provide information to such committee necessary for developing and implementing the emergency plan.

"(H) The National Response Team shall publish guidance documents for preparation and implementation of emergency plans. Such documents shall be published not later than 150 days after such date of enactment.

"(I) The Regional Response Teams shall review and comment upon such emergency plans or other issues related to preparation, implementation, or excercise of such plan upon request of the emergency planning committee. Such review shall not delay implementation of such plans.

"(3) The President may order a facility owner or operator to comply with paragraph (2)(A) and (G) of this subsection. The United States district court for the district in which the facility is located shall have jurisdiction to enforce the order, and any person who violates or fails to obey such an order shall be liable to the United States for a civil penalty of not more than $25,000 for each day in which such violation occurs or such failure to comply continues.".

On age 58, after line 20, insert the following and renumber succeeding sections accordingly:

Sec. (a) Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting the following new subsections:

(i) MATERIAL SAFETY DATA SHEETS AND EMERGENCY INVENTORY.—(1) Each owner or operator of a facility at which a hazardous chemical is produced, used, or stored shall file a Material Safety Data Sheet and Emergency Inventory form, as published under paragraph (3) of ths subsection, not later than 180 days after enactment of the Superfund Improvement Act of 1985 for such hazardous chemical with the emergency planning committee established under section 105(d), for the area in which such facility is located and the Governor of the State in which the facility is located. In addition, the Emergency Inventory form shall be filed with the Environmental Protection Agency. If no emergency planning committee exists for the area in which a facility is located, the Governor of the State in which the facility is located shall designate appropriate area officials to receive the Material Safety Data Sheet and Emergency Inventory form. The Governor of the State in which a facility is located shall notify owners and operators of facilities required to comply with the provisions of this subsection.

"(2) Whenever a Material Safety Data Sheet is revised (as required under regulations under the Occupational Safety and Health Act of 1970) each such facility owner or operator shall file, as promptly as practicable, but not later than 90 days after such revision, the revised material safety data sheet. On an annual basis, or whenever a significant change occurs in the amount or presence of the hazardous chemical located at the facility, such owner or operator shall file a new Emergency Inventory form with the recipients designated in paragraph (1).

"(3) The President shall publish the Emergency Inventory form in the Federal Register within 90 days of the enactment of the Superfund Improvement Act of 1985. The Emergency Inventory form shall provide for an estimate of the maximum amounts of the hazardous chemical present at the facility at any time during the preceding calendar year (in ranges), a brief description of the use or storage of the hazardous chemical at such facility, and the location of the hazardous chemical at such facility.

"(4) The Material Safety Data Sheets and Emergency Inventory forms shall be made available by the emergency planning committee to the public upon request. If no emergency planning committee exists for the area in which the facility is located, the Material Safety Data Sheets and Emergency Inventory forms shall be made available to the public by the Governor of the State in which the facility is located upon request.

"(5) Nothing in this subsection shall be construed to limit the ability of any State or locality to require submission or distribution of information related to hazardous substances.

"(6) The President may establish quantities for hazardous chemicals below which no facility at which a hazardous chemical is produced, used, or stored shall be subject to the provisions of this subsection.

"(7) The President may order a facility owner or operator to comply with this subsection. The United States district court for the district in which the facility is located shall have jurisdiction to enforce the order, and any person who violates or fails to obey such an order shall be liable to the United States for a civil penalty of not more than $25,000 for each day in which such violation occurs or such failure to comply continues.

"(j) EMERGENCY NOTIFICATION.—(1) The owner or operator of any facility at which a release occurs in an amount requiring a report under subsection (a) shall immediately provide notice of such release to the community emergency coordinator for the emergency planning committees, established pursuant to subsection 105(d), for any area likely to be affected by the release and to the Governor of any State likely to be affected by the release. If an emergency plan prepared pursuant to section 105(d) does not exist, an operator shall instead provide notice to the emergency response authority of the affected jurisdictions.

"(2) Notice under paragraph (1) shall include (to the extent known at the time of the notice)—

"(A) the chemical name or identity of any hazardous substance involved in the release;

"(B) an estimate of the quantity of any such hazardous substance that was released into the environment;

"(C) the time and duration of the release;

"(D) the medium or media into which the release occurred;

"(E) the nature of the health or safety hazard posed by any substance released to the population as a whole and to sensitive populations, and the likely symptoms of exposure at different levels and types of exposure (unless such information is readily available to the emergency coordinator pursuant to the emergency plan);

"(F) proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the emergency coordinator pursuant to the emergency plan); and

"(G) the name and telephone number of the person or persons to be contacted for further information.

"(3) As soon as practicable after a release to which this subsection applies, such owner or operator shall provide a followup notice (or notices, as more information becomes available) updating the information required under paragraph (2), and including additional information with respect to—

"(A) actions taken to respond to and contain the release;

"(B) any known or anticipated acute or chronic health risks associated with the release, and

"(C) where appropriate, advice regarding medical attention necessary for exposed individuals.".

"(b) Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is further amended by adding at the end thereof the following new paragraphs:

"(35) 'hazardous chemical' means, for purposes of section 103(i), any substance which is treated as a 'hazardous chemical' pursuant to the Occupational Safety and Health Administration's hazard communication standard (codified in July 1985 to 29 CFR 1910.1200), except that the following substances shall not be treated as a 'hazardous chemical' for such purposes:

"(A) any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration;

"(B) any manufactured item that contains a hazardous chemical present as a solid which does not result in exposure to the hazardous chemical under normal conditions of use;

"(C) any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public;

"(D) any substance to the extent it is used in a laboratory, hospital, or medical facility under the direct supervision of a technically qualified individual;

"(E) any substance to the extent it is used in routine agricultural operations; and;

"(F) any substance to the extent it is regulated under the Hazardous Liquid Pipeline Safety Act of 1979 or the Natural Gas Pipeline Safety Act of 1968:

"(36) 'Material Safety Data Sheet' means a material safety data sheet developed for a hazardous chemical pursuant to the hazard communication regulations promulgated under the Occupational Safety and Health Act of 1940 (codified in July 1985 at 29 CFR 1910.1200).".

BAUCUS (AND OTHERS) AMENDMENT NO. 639

Mr. BAUCUS (for himself, Mr. STAFFORD, Mr. BENTSEN, and Mr. GLENN) proposed and amendment to the bill S. 51, supra; as follows:

Page 87, line 16, delete the closed quotations.

Page 87, after line 16, insert the following:

"(d)(1) This subsection applies to facilities—

"(A) which as of July 1, 1985, were not included on, or proposed for inclusion on, the National Priorities List; and

"(B) at which special study wastes described in sections 3001(b) (2)(B) or (3)(A) of the Solid Waste Disposal Act or any leachate from abandoned mine sites are present, including any such facility from which there has been a release of a special study waste or leachate, except that this subsection shall not apply to a facility which does not involve the presence of any such waste or leachate in any significant quantity.

"(2) Pending revision of the hazard ranking system under subsection (c), no facility to which this subsection applies may be added to the National Priorities List unless the Administrator makes the following specific findings, based on facility-specific data:

"(A) as to the status of studies by the Environmental Protection Agency on such waste under the Solid Waste Disposal Act and of regulation of such waste under subtitle C thereof;

"(B) as to the extent to which the hazard ranking system score for the facility is affected by the presence of any special study waste at, or any release from, such facility;

"(C) as to the quantity, toxicity, and concentration of hazardous substances that are constituents of any special study waste at, or release from, such facility, the extent of or potential for release of such hazardous constitutents, and the degree of risk to human health or the environment posed by the release of such hazardous constituents at such facility; *provided that*, the findings in this subparagraph shall be based on actual concentrations of hazardous substances and not on the total quantity of special study waste at such facility; and,

"(D) that based on the findings in subparagraph (C), the degree of risk to human health or the environment posed by such facility is equal to or greater than the risk posed by facilities at which no special study waste is present and which are proposed for inclusion on the National Priorities List.

A person may be subject to liability under sections 106 or 107 under this Act for any waste or release referred to in paragraph (1) of this subsection at any facility to which this subsection applies only if the specific findings required under this paragraph with respect to that facility have been made and such suit against such person supports each specific finding with appropriate facility-specific data. This paragraph shall not apply to any facility that is included on the National Priorities List pursuant to a hazard ranking system revised in accordance with subsection (c) so as to incorporate the factors identified in subparagraphs (C) and (D) of this paragraph.

"(3) Following the Administrator's completion of the applicable special waste study required under section 8002(f), (m), (n), (o), or (p) of the Solid Waste Disposal Act, and the determination required under section 3001(b)(3)(C), or, in the case of a special study described in section 3001(b)(2)(B), the authorization or regulations by Congress pursuant to section 3001(b)(2)(B)), of such Act, if a special study waste is not a hazardous waste listed under section 3001 of the Solid Waste Disposal Act, the waste stream, or one of the constituents thereof, may not be deemed to be a hazardous substance unless such waste, at the facility in question, has one of the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act.

"(4) Nothing in this subsection shall be construed to limit the authority of the Administrator to remove any facility which as of July 1, 1985, is included on the National Priorities List from such list, or not to list any facility which as of such date is proposed for inclusion on such list.

"(5) Nothing in this subsection shall be construed to limit the authority of the Administrator or the Attorney General from seeking abatement of an imminent and substantial endangerment under section 106(a).".

MITCHELL (AND OTHERS) AMENDMENT NO. 640

Mr. LAUTENBERG (for Mr. MITCHELL, for himself, Mr. LAUTENBERG, Mr. BRADLEY, Mr. BAUCUS, Mr. LEAHY, Mr. MOYNIHAN, Mr. SPECTER, and Mr. HEINZ) proposed an amendment to the bill S. 51, supra; as follows:

On page 161, after line 14, add the following new title:

TITLE IV—INDOOR AIR QUALITY RESEARCH

SEC. 401. SHORT TITLE.—This title may be cited as the "Indoor Air Quality Research Act of 1985".

SEC. 402. FINDINGS.—The Congress finds that—

(1) indoor air exposures account for a significant portion of total human exposures to hazardous pollutants and contaminants in the environment;

(2) various scientific studies have suggested that indoor air pollution, including exposure to naturally occurring chemical elements such as radon, poses a significant public health and environmental risk;

(3) high levels of radon have been measured within structures throughout the country and within the Reading Prong;

(4) existing Federal indoor air quality research programs are fragmented and underfunded;

(5) the Environmental Protection Agency's programs on indoor air quality and radon have been hindered by a lack of clear statutory authority for conducting research on indoor air quality; and

(6) an adequate information base concerning potential indoor air quality problems, including exposure to radon, does not currently exist and should be developed by the Federal Government.

SEC. 403. INDOOR AIR QUALITY RESEARCH PROGRAM.

(a) DESIGN OF PROGRAM.—The Administrator of the Environmental Protection Agency shall establish a research program with respect to indoor air quality, including radon. Such program shall be designed to—

(1) gather data and information on all aspects of indoor air quality in order to contribute to the understanding of health problems associated with the existence of air pollutants in the indoor environment;

(2) coordinate Federal, State, local, and private research and development efforts relating to the improvement of indoor air quality; and

(3) assess appropriate Federal government actions to mitigate the environmental and health risks associated with indoor air quality problems.

(b) PROGRAM REQUIREMENTS.—The research program required under this section shall include—

(1) research and development concerning the identification, characterization, and monitoring of the sources and levels of indoor air pollution, including radon, which includes research and development relating to—

51-059 O-86-41 (Pt. 17)

(A) the measurement of various pollutant concentrations and their strengths and sources,

(B) high-risk building types, and

(C) instruments for indoor air quality data collection;

(2) research relating to the effects of indoor air pollution and radon on human health;

(3) research and development relating to control technologies or other mitigation measures to prevent or abate indoor air pollution (including the development, evaluation, and testing of individual and generic control devices and systems);

(4) demonstration of methods for reducing or eliminating indoor air pollution and radon, including sealing, venting, and other methods that the Administrator determines may be effective;

(5) research, to be carried out in conjunction with the Secretary of Housing and Urban Development, for the purpose of developing—

(A) methods for assessing the potential for radon contamination of new construction, including (but not limited to) consideration of the moisture content of soil, porosity of soil, and the radon content of soil; and

"(B) design measures to avoid indoor air pollution; and

(6) the dissemination of information to assure the public availability of the findings of the activities under this section.

(c) ADVISORY COMMITTEES.—The Administrator shall establish a committee comprised of individuals representing Federal agencies concerned with various aspects of indoor air quality and an advisory group comprised of individuals representing the States, the scientific community, industry, and public interest organizations to assist him in carrying out the research program for indoor air quality.

(d) IMPLEMENTATION PLAN.—Not later than ninety days after the date of the enactment of this Act, the Administrator shall submit to the Congress a plan for implementation of the research program under this section. Such plan shall also be submitted to the EPA Science Advisory Board, which shall, within a reasonable period of time, submit its comments on such plan to Congress.

(e) INTERIM REPORT.—No later than one year after the date of this Act, the Administrator shall prepare an interim report providing—

(A) a preliminary identification of the locations and amounts of radon in structures across the United States, and

(B) guidance and information materials based on the findings of research of methods for mitigating radon.

(f) REPORT.—

(1) Not later than two years after the date of enactment of this Act, the Administrator shall, in consultation with advisory committees and groups identified in subsection (c), submit to the Congress a report assessing—

(A) the state of knowledge concerning the risks to human health associated with indoor air pollution, including naturally occurring chemical elements such as randon;

(B) the locations and amounts of indoor air pollutants, including randon, in residential, commercial, and other structures throughout the country;

(C) the existing standards for indoor air pollutants, including radon, suggested by Federal or State governments or scientific organizations and the risk to human health associated with such standards;

(D) the research needs and relative priority of these needs;

(E) the potential effectiveness of possible government actions necessary to mitigate the environmental and health risks associated with indoor air quality problems, including radon, in existing and in future structures,

and making such recommendations as may be appropriate.

(2) In developing such report, the Administrator shall consult with the National Academy of Sciences on the scientific issues regarding the quality of indoor air and the risks to human health associated with indoor air pollution.

(g) CONSTRUCTION OF SECTION.—Nothing in this section shall be construed to authorize the Administrator to carry out any regulatory program or any activity other than research, development, and the related reporting, information dissemination, and coordination activities specified in this section. Nothing in this section shall be construed to limit the authority of the Administrator or of any other agency or instrumentality of the United States under any other authority of law.

(h) AUTHORIZATIONS.—There are authorized to be appropriated to carry out the activities under this section not to exceed $3,000,000 for each of the fiscal years 1986 and 1987.

IMMIGRATION CONTROL

SIMON AMENDMENT NO. 641

Mr. SIMON proposed an amendment to the bill (S. 1200) to amend the Immigration and Nationality Act to effectively control unauthorized immigration to the United States, and for other purposes; as follows:

On page 125, after line 23, add the following new title:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. TERMINATION DATE FOR CERTAIN AGRICULTURAL PROVISIONS.—

(a)(1) The provisions of section 125 of this Act and amendments made by such section shall terminate 90 calendar days after receipt of the report described in section 124(c) of this Act unless there is enacted within 90 calendar days a joint resolution stating in substance that Congress approves the continued applicability of the provisions of section 125 and amendments made by such section.

(2) Any joint resolution referred to in paragraph (1) of this subsection shall be considered in the Senate in accordance with subsection (c).

(b) EXPEDITED PROCEDURES IN THE HOUSE OF REPRESENTATIVES.—For the purpose of expediting the consideration and adoption of joint resolutions under subsection (a), a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(c) EXPEDITED PROCEDURES IN THE SENATE.—(1) For purposes of subsection (a), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

(2) Paragraphs (3) and (4) of this subsection are enacted—

(A) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of joint resolutions referred to in subsection (a), and supersede other rules of the Senate only to the extent that such paragraphs are inconsistent therewith and;

(B) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner as in the case of any other rule of the Senate.

(3)(A) If the committee of the Senate to which has been referred a joint resolution relating to the report described in subsection (a) has not reported such joint resolution at the end of ten calendar days after its introduction, not counting any day which is excluded under paragraph (1) of this subsection, it is in order to move either to discharge the committee from further consideration of the joint resolution or to discharge the committee from further consideration of any other joint resolution introduced with respect to the same report which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a joint resolution with respect to the same report.

(B) A motion to discharge subparagraph (A) of this paragraph may be made only by a Senator favoring the joint resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the joint resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(4)(A) A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged. 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 joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to 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 joint resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resoltuion 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 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 joint resoluion, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a joint resolution is in order in the Senate.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a hearing on October 2, 1985, in Senate Russell 485, beginning at 10 a.m., on S. 1558, a bill to settle certain claims affecting the Pyramid Lake Paiute Indian Tribe of Nevada, and for other purposes. Those wishing additional information on this bill should contact Peter Taylor, staff director, John Vance, staff attorney, or Patricia Zell, staff attorney, of the committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WILSON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, September 18, between the hours of 10 a.m., and 12:30 p.m., and 3 p.m., and 5 p.m., to mark up S. 616, the farm bill.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WILSON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 18, 1985, in closed session, to receive a briefing on intelligence matters.

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

COMMITTEE ON THE JUDICIARY

Mr. WILSON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 18, 1985, in order to receive testimony concerning S. 1437, a bill to amend the Controlled Substances Act relating to "Designer Drugs."

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

COMMITTEE ON FINANCE

Mr. WILSON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, September 18, 1985, in executive session, in order to consider legislation to reduce the Federal deficit, for the fiscal years of 1986, 1987, and 1988.

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

COMMITTEE ON THE JUDICIARY

Mr. WILSON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 18, 1985, in order to receive testimony on the attached nominations.

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

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION, AND GOVERNMENT PROCESSES

Mr. WILSON. Mr. President, I ask unanimous consent that the Subcommittee on Energy, Nuclear Proliferation, and Government Processes, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, September 18, 1985, at 2 p.m., to hold a hearing on enumeration of undocumented aliens in the decennial census.

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

ADDITIONAL STATEMENTS

THE SALT II TREATY

● Mr. CHAFEE. Mr. President, today I joined with my colleagues, Senators BUMPERS, LEAHY, and HEINZ in sending a bipartisan letter to President Reagan urging continuation of the policy of interim restraint and continued support of the unratified SALT II treaty.

Today the U.S.S. *Alaska* goes to sea trials. This means that unless the United States dismantles the launchers of a Poseidon submarine or 14 minuteman III's we would surpass the SALT II subceiling of 1,200 MIRV'ed. In June of this year, the Senate by a vote of 90 to 5, passed a sense of the Senate resolution reiterating its determination to abide by the SALT limits and our policy of interim restraint.

I am, therefore, pleased to announce that as the *Alaska* readies for her trials, the U.S.S. *Sam Rayburn*—a Poseidon submarine—is in the final stages of dismantlement, assuming that the United States will not exceed existing SALT II limits.

This important decision by the President to take compensating action for the deployment of the *Alaska* is in the best interest of U.S. security and will heighten the prospect for renewed arms control negotiations in Geneva. I believe that common ground between the United States and the Soviet Union exists and must be pursued on the subject of interim restraint. Both countries have functioned within the SALT II limits with only minor infractions; we must now seek to strengthen this interim framework until a new arms agreement is achieved, a process that may well take several years.

I ask that the text of our letter to the President be printed in the RECORD.

The letter follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 18, 1985.

President RONALD W. REAGAN,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our strong support for your decision to meet with Secretary Gorbachev in Geneva in November and to urge that arms control have a high priority in your agenda for the talks. This meeting provides an important opportunity for both sides to overcome the stalemate in the Geneva negotiations, discuss fundamental U.S. concerns about Soviet compliance with arms control obligations, and consider ways to halt the erosion in existing restraints.

You and your advisers have counseled caution about expectations for the outcome of this meeting. We believe, however, that there is the potential for agreement on at least one important aspect of arms control: interim restraint policy.

We firmly agree with your declaration on June 10 that "despite the Soviet record over the last years, it remains in our interest to establish an interim framework of truly mutual restraint on strategic offensive arms as we pursue . . . the ongoing negotiations in Geneva". Your June decision to dismantle a Poseidon submarine when the USS Alaska goes to sea trials was an important initiative that enhances U.S. security interests and forms the basis to strengthen the interim restraint regime at the summit. It is clearly in our interest to keep the Soviets from exceeding the SALT II MIRV ceilings and SALT I submarine limits, which they currently are observing.

While we all remain hopeful for a new arms agreement soon, we agree with your assessment that it could well be several years before a new agreement is reached. Accordingly, it is important that the existing interim framework be strengthened to last until such an agreement can be reached. A breakdown of these limits would only accelerate the arms competition and damage U.S. security interests.

While both the U.S. and the Soviet Union have made unilateral statements at different times regarding their interim restraint policy, there has been no joint agreement on this vitally important issue. Given the similarity in the public statements made by both sides, agreement on a common position should be possible. This could also be joined by language dealing with avenues for resolving concerns about compliance with specific aspects of existing agreements.

We encourage you to pursue and seek agreement on the issue of interim restraint policy with Secretary Gorbachev in your upcoming meeting in Geneva. We wish you all the best for a successful summit.

Sincerely,

JOHN H. CHAFEE.
PATRICK LEAHY.
DALE BUMPERS.
JOHN HEINZ.●

MISSILE DEFENSES FOR NATO?

● Mr. QUAYLE. Mr. President, one of the issues in the current debate over the President's strategic defense initiative [SDI] is what it can contribute to our defense and that of our allies in the near-term. The program's critics argue that the program has nothing to offer for our allies and that in the

near-term there are no programs of interest for our security.

Such criticisms, though, are shortsighted. As former Under Secretary of the Navy and Packard Commission member R. James Woolsey argues in a recent article in Armed Forces Journal International, SDI could be critical in our efforts to prevent the worst in Europe.

Currently, the Soviet trump card in any European crisis will be to use SS-20's, SS-21's, SS-22's and SS-23's in precise, discriminate attacks against NATO's airfields, depots, and command and control centers. Many of these missiles, Woolsey points out, now are or soon will be accurate enough to destroy their targets with conventional or chemical warheads alone. Thus, the Soviets will be able to threaten NATO's key military assets without going nuclear and do so even after NATO's recent efforts to improve its active and passive defenses.

SDI could help but only if a portion of its funding is devoted to a serious effort to develop antitactical ballistic missile [ATBM] defenses. Such defenses would not violate the ABM Treaty. Indeed, the Soviets are fielding such systems in their SA-10 system and are close to deploying another in their SA-X-12.

Mr. President, as the Senate considers the value of SDI, it is critical that it understand what near-term pay-offs are possible. In the hopes that wider distribution of Mr. Woolsey's article will clarify the true opportunities SDI offers, I ask that the full text of his article be printed in the RECORD.

The article follows:.

MEMO FOR: SDI SUPPORTERS AND CRITICS
RECOMMENDATION: TRY COLLECTIVE SECURITY

(By R. James Woolsey)

The debate over the Strategic Defense Initiative—Star Wars, if you like—has deteriorated into a national and indeed an Alliance-wide version of a grouchy old married couple's favorite spat—their pastime on evenings when there's nothing on television. The first time an outsider witnesses it, such a spat may seem mildly interesting, if only for its vigor—in spite of the well-worn and oft-stated positions of the adversaries. But if such an observer, through boredom or otherwise, should chance to offer a suggestion—a compromise perhaps—he runs the severe risk that both the husband and wife will turn angrily on him. To tell the truth, they are really very comfortable with their spat. Indeed, if you must know, they often have it even on evenings when there *is* something on television. It's their favorite thing to do.

Such a couple may, indeed should, be left alone to their pursuit of happiness. But—in spite of the hazards of intervention—the more hot-tempered critics of, and the more exotic dreamers about, strategic defense deserve no such deference. Their current spat is about the number of hypothetical satellites carrying boost-phase interceptors that can, or should, dance on the head of a constellation. In general, this is all getting tedious; it has created the impression that only physicists and metaphysicians have a role in the SDI debate.

In deciding how to deal with the SDI issues, the rest of us would be well advised to start from the proposition, well explicated by Albert Wohlstetter in the current issue of *Foreign Affairs*, that the Soviets would far prefer to advance their cause with the least possible risk to themselves. Thus it is far less likely that we will be hit by a bolt-from-the-blue attack by zillions of Soviet ICBMs than by militarily-backed political blackmail, terrorism, chemical warfare, conventional attack against a NATO flank, or—if nuclear weapons should be used—limited regional use of a few such weapons against military targets. Being able to defeat, and hence to deter, these sorts of threats should have a high priority. It is important, then, that parts of the technology now being investigated for the Strategic Defense Initiative could be quite relevant to blocking some of these Soviet moves.

For example, in Europe today the Soviets are deploying a new generation of tactical ballistic missiles with ranges up to around 500 miles—all of shorter range than the famous SS-20. They can be equipped not only with nuclear but also with chemical warheads; they also either have, or in the near future will have, the accuracy to carry effective sophisticated conventional warheads—e.g., those designed to destroy runways. Thus, these tactical ballistic missiles are an important Soviet trump card in any crisis in Europe. Within minutes they can strike NATO's airfields, depots, and command and control centers even in a *non*-nuclear war, and they make possible an effective end-run around NATO's recent hard-won and long-overdue improvements in air defenses.

The Soviets are quite far along in their own work on defense against tactical ballistic missiles—their new SA-X-12 defensive missile can be so used. Tests of defensive systems against tactical ballistic missiles, if conducted properly, do not violate the ABM treaty; the latter deals explicitly with systems tested against *strategic* missiles.

This year the White House, the Department of State, and the Secretary of Defense in his *Annual Report* have all stressed that defense against non-nuclear tactical ballistic missiles is an important aspect of strategic defense. But virtually no funds have been committed to such a program. It would seem that—at a time when Western European and Congressional support for some of the more ambitious goals and exotic approaches of SDI is reluctant, at best—there would be real utility in using the SDI program to solve an important and immediate military problem for the Alliance.

European fears about SDI leading to a Fortress America could be assuaged if the US and its Allies were to make a serious effort, together, to develop tactical ballistic missile defenses for NATO. Politically, it would seem useful to try to bring under the SDI umbrella those Members of Congress and Europeans who would favor enhancing NATO's conventional defenses and who might favor defensive deployments consistent with the current provisions of the ABM treaty, but who remain skeptical about space-based leak-proof defenses of population.

An effort to develop antitactical ballistic missile defense would not make it necessary for those who are particularly keen for, and hopeful about, SDI's more ambitious and long-range objectives to renounce such hopes. Indeed, some of the same technology that would be relevant to an effective defense against the longer-range Soviet tactical ballistic missiles, particularly the SS-23s, could also be applicable in a more ambitious form to defend against SLBMs and ICBMs—e.g., airborne optical sensors and fast kinetic-energy interceptors.

Cohesion within NATO and bipartisan support for the defense program in Congress are essential for either successful modernization of our military forces or successful arms negotiations with the Soviets. Why can't those SDI supporters and critics who at least agree on this, and on the importance of improving NATO's conventional defenses, also agree on making *anti-tactical* ballistic missile defense an important part of the SDI program?

These groups may still disagree about the likely cost and feasibility, even the desirability, or more ambitious SDI deployments, but there is time enough for research, arms negotiations, or both to resolve those disputes.

In the meantime, SDI supporters need to ask themselves whether it would really compromise their ideals to use their program to deal with a serious threat to NATO that provides somewhat less technical challenge than does building a perfect space-based defense. And critics need to examine whether they are so opposed to SDI that they can't even stand to have it associated with an objective that most of them support strongly—improving NATO's conventional defenses. Both sides in the debate now have an important choice to make—they can solve a real and immediate military problem, or they can join the spat.

HENDERSONVILLE FREE PRESS

● Mr. GORE. Mr. President, 10 years ago this week, the Hendersonville Free Press published its first edition.

The Free Press was founded on the principle that a free newspaper reaching every home would best serve the needs of a growing community. For the first time, it offered businesses a way to promote their goods and services to all. Such advertising, in turn, has enabled the Free Press to continue weekly delivery for a decade.

This is Constitution Week as well as National Newspaper Week, so it seems especially fitting to salute the Hendersonville Free Press. Since the days of Benjamin Franklin and Poor Richard's Almanac, small community newspapers have formed the core of journalistic freedom in America.

Under the guidance of its founder, Norma Condra, the Hendersonville Free Press has exemplified the commitment to truth, fairness, and professionalism that makes the American newspaper such a remarkable institution.

On behalf of Tennessee and the Congress, I commend the Free Press and its entire staff for their continuing contribution to our society.●

PRIVATE ENFORCEMENT OF UNFAIR COMPETITION STATUTE

● Mr. D'AMATO. Mr. President, I am pleased to be an original cosponsor of

a bill, S. 1655, which provides for private enforcement of the Unfair Competition Statute in the event of unfair foreign competition. This needed legislation has been introduced by my distinguished colleague from Pennsylvania. This bill will create a private right of action for victims of unfair trade practices.

Mr. President, I was dismayed and shocked as I heard witnesses describe to me the illegal and unfair practices of our trading partners at the recent Joint Economic Committee hearings I chaired in New York on international trade relations. These practices include foreign nations subsidizing targeted industries, dumping their products into the U.S. marketplace, and using fraudulent methods to circumvent U.S. customs laws. The use of these methods is to the detriment of U.S. businesses as these foreign nations increasingly capture an even larger share of our market.

U.S. companies neither discourage, nor are afraid of, competition, but they must not be forced to compete against those who insist upon using illegal methods of competition. It is for these reasons that we need to strengthen our present laws. U.S. companies need a swift and viable remedy to correct these injustices.

Mr. President, I believe that this legislation will be a significant step to correct these unfair trade practices. The creation of a private right of action will allow private parties to immediate file a suit in Federal district court or the Court of International Trade and seek a speedy remedy, namely an injunction.

Mr. President, a look at our trade deficit is a constant reminder that we need the type of action that this legislation offers. I urge my colleagues to expeditiously act on this important legislation.●

MULTIFAMILY MORTGAGE PASSTHROUGH SECURITY

● Mr. D'AMATO. Mr. President, I am pleased to rise in recognition of a significant development in the secondary mortgage market. The Federal Home Loan Mortgage Corporation, Freddie Mac, recently introduced the first mortgage-backed security backed exclusively by newly originated multifamily loans.

Freddie Mac was the pioneer in the secondary market for conventional multifamily loans in 1972. Since that time, Freddie Mac has purchased almost $3 billion in multifamily loans. This latest security, however, creates the first on-going program to finance exclusively the purchase of newly originated multifamily mortgages. This approach involves no Federal subsidy, but merely taps the capital markets more effectively.

I believe most of my colleagues would agree that there is a shortage of rental housing units in this country. Freddie Mac's unique program is a major step toward alleviating this shortage and providing a greater flow of funds into the multifamily sector of the housing market at potentially lower interest rates. The mortgages backing the new multifamily security will represent a variety of multifamily dwellings, including high-rise and low-rise buildings, garden apartments, and townhouse apartments with a minimum of five units.

The first offering of the multifamily security will represent approximately $800 million in multifamily mortgages. I was especially pleased to learn that 21 percent of the $800 million represent multifamily properties in my State of New York. I also was pleased to learn that Freddie Mac contemplates marketing $100 million of this first security issuance to European investors. This will be the first time any secondary market participant has taken an entire deal of mortgage passthrough securities to be sold internationally and tapped a new source of additional mortgage funds.

Freddie Mac's new multifamily mortgage security is one more item on a long list of accomplishments that represent its continuing commitment to providing affordable housing for all Americans. Freddie Mac should be commended for another fine effort.●

INTERIM RESTRAINT

● Mr. LEAHY. Mr. President, on June 10, 1985, President Reagan made an historic decision. After years of criticizing the SALT II treaty, he announced his intention to continue to abide by the provisions of the unratified treaty. Specifically, the President directed the Department of Defense to "deactivate and disassemble" the missile launchers on an existing Poseidon submarine as the seventh *Ohio* class missile-firing submarine, the U.S.S. *Alaska*, puts to sea. By this action, the United States will remain within established SALT MIRV'd launcher ceilings. His decision came after a 90-5 vote of the Senate for an amendment my friends, Senators BUMPERS, CHAFEE, HEINZ, and I introduced supporting that policy.

Today, as the *Alaska* begins her sea trials, the launchers on an older Poseidon submarine, the U.S.S. *Sam Rayburn* are in fact being dismantled. I am as convinced now as I was 2 years ago when Senator BUMPERS and I began building a bipartisan coalition to save existing arms limits, that preserving the SALT regime is in the national security interest of the United States.

Yet Mr. President, there are many within the administration and even in Congress who believe the President's June decision was a bad one. These same people would like to see this Nation unilaterally break through the SALT limits at the earliest available opportunity.

Indeed, in the spring of 1986, they will have two such opportunities to try to destroy interim restraint. The United States will be in a position to surpass the SALT ceilings at that time, either by exceeding the subceiling of 120 bombers armed with cruise missiles or by failing to undertake further dismantling when the eighth Trident submarine, the U.S.S. *Nevada*, begins sea trials.

It is time that President Reagan separate the arms control process from ideological and bureaucratic struggles within his administration. He can do so, while strengthening the current mutual observance of SALT, by seeking Mr. Gorbachev's agreement in Geneva to preserve the existing arms control limits.

That is why I, along with my distinguished colleagues, Senators BUMPERS, CHAFEE, and HEINZ, have today written President Reagan urging him to seek an unambiguous understanding at the summit to continue observing the SALT treaties pending the conclusion of a new arms agreement.

As we state in our letter: "While both the United States and the Soviet Union have made unilateral statements at different times regarding their interim restraint policy, there has been no joint agreement on this vitally important issue. Given the similarity in the public statements made by both sides, agreement on a common position should be possible. This could also be joined by language dealing with avenues for resolving concerns about compliance with specific aspects of existing agreements."

By this act alone, the President can at the very least insure that the efforts of our negotiators will not be overtaken by the acceleration of a new arms race—an arms race that will not strengthen the security of the United States.

It is time for President Reagan to take the arms control initiative away from the Soviet leader. Agreement between the superpowers to continue interim restraint may well be the vital ingredient to gain time for meaningful progress at the negotiating table. It is certainly worth trying for in Geneva.●

ANNIVERSARY OF AIR FORCE

● Mr. D'AMATO. Mr. President, I rise today in honor of the 38th birthday of the U.S. Air Force. I salute this youngest branch of the military that has become one of our most strategically important services. The development of the Air Force has been both rapid and astounding.

In 1907, only 4 years after the Wright brothers flew the first plane, the aeronautical division of the Army was established. It was not the first time the American military had used aviation. In the Civil War, the Union Army had used balloons to detect troop movement, and in the Spanish-American War, the U.S. Army used balloons on San Juan Hill to track artillery fire. Two years after the aeronautical division was established, the Wright brothers delivered the first army plane at a cost of $30,000. It set a record with a flight that lasted 1 hour 12 minutes 40 seconds and flew 42.5 miles per hour. Today, the F-111 can fly as high as 59,000 feet and as far as 2,925 miles, all at 1,850 miles per hour. We've come a long way, but that advancement took time.

It was not until World War I that the aircraft really became a weapon. At the beginning of that war, fliers were still scouts, but when Anthony H. G. Fokker perfected a machine gun that could fire between the revolving propeller blades the friendly relationship between fliers soon ended. Enemy pilots began to seek one another out for dogfights in the sky.

Due to this competition, planes developed rapidly during World War I. At the beginning of the war, an aircraft could fly 90 miles per hour; by the end they could fly more than 150 miles per hour. The United States had entered the war with almost no air power, but Congress moved swiftly and appropriated $640,000,000 for military aviation.

By World War II, it had become clear that one would need to rule the sky if one were to maneuver quickly and safely on the gound and at sea. At the height of the Army Air Force's strength during the war there were 2,411,000 members and 80,000 planes. These planes dropped 2 million short tons of bombs and destroyed 40,000 enemy planes.

The United States realized just how significant the role of air power had become. In 1947, the United States created the U.S. Air Force as a separate department. Today, the USAF includes missiles as well as planes. Particularlly with the inclusion of ICBM's in our arsenal, the USAF represents an amazingly sophisticated and lethal fighting force. We honor it today, we respect it, and I, as a father of four, pray that its great power can be used, but only as a deterrent—a deterrent to preserve peace for our world and our children. Only through our strength can our future be ensured.●

DEFENSE SPENDING PRIORITIES

● Mr. BUMPERS. Mr. President, yesterday's Washington Post carried a disturbing news story on this administration's defense spending plans that illustrates its dangerously misplaced defense priorities. It indicates that once again, the Pentagon will overemphasize glamorous high-tech weapons of little value and short-change our real defense needs: readiness items, such as ammunition, trucks, and spare parts; increased training; and new but less glamorous weapons. Coming in the light of the President's claim that the military strength of the United States is inferior to the U.S.S.R. shows there is real cause for concern about the fundamental management of U.S. forces at the highest levels in this country.

According to the Post article, which echoes stories from other sources in recent weeks, the Defense Department recognizes that their overoptimistic spending plans for the next 5 years are unrealistic in this era of mega-deficits, and they are restructuring their spending plans. I applaud their recognition of these fiscal realities, and I recognize that the cuts will not be easy for them to make. If it is any consolation to them, they are experiencing a milder version of the same disease that has ravaged their sister agencies in the civilian side of Government for the last several years.

To quote from the story, the Pentagon is;

> Trying to cut their budgets for fiscal 1986 through 1990 without canceling prized hardware programs. The result, critics in the Pentagon predicted, will be less money devoted to preparing the services to fight, particularly a long war.

I might point out that a long war in this case means one that will last longer than 3 weeks.

According to the story, the Army will abandon its plans to buy and stockpile enough ammunition to fight in Europe for 60 days. Now everyone recognizes that we are short on ammunition. Giving up on trying to increase our current stocks is the same as conceding right now that we intend to lose if a conventional war breaks out in Europe We'll either have to surrender or we'll have to go nuclear—and either of those choices I call losing.

How are we supposed to get our allies to do more in the reserve ammunition area if we give up on our own plans? This undercuts the very important initiatives that our esteemed Senator SAM NUNN has launched to get our allies to stockpile more ammunition.

I ask that a copy of the Post article be placed in the RECORD.

Yet at the same time these cuts in ammunition, in spares, in training, and other areas will take place, the President will still spend billions on high-tech glamor weapons that either are useless, dangerous, or won't work. The administration will ask for $1.8 billion for 12 MX missiles, that will be vulnerable to a Soviet first strike. The administration will ask for almost $5 billion for star wars, which is the most ill-conceived program this country has ever embarked upon. Even if star wars worked perfectly, it wouldn't do a thing to stop Soviet bombers and cruise missiles.

Why are we funding such systems at the same time we are starving essential needs?

Well, as Harry Truman's little wooden sign that sits on President Reagan's desk says, "The Buck Stops Here." These decisions are the responsibility of the President and his people, who have a distorted view of basic military realities. The President showed last evening, his fundamental misunderstanding of military realities when he said:

> I have to say that the United States, in spite of some of the misinformation, that has been spread around, the United States is still well behind the Soviet Union in literally every kind of offensive weapon, both conventional and in the strategic weapons.

Where does the President get this information? Perhaps, disturbingly, he gets it from his National Security Adviser, Robert "Bud" McFarlane, who just the day before told the Air Force Association that:

> The Soviet Union has established an offensive building program which has placed us at a disadvantage at every measure in strategic nuclear power.

The President and his chief military adviser are just plain wrong, and I don't understand how we were "back and standing tall" a short time ago, and now, after $500 billion more has been spent, we're behind.

What is probably most worrisome is that they are probably making their decisions on defense spending, defense policy, and arms control on the basis of these assertions. It certainly appears evident in the Post story about how this administration will trim its defense spending plans.

It's just not true that we are behind the Soviets in every category as the President asserts, and I wish that he and his advisers would get their facts right and quit putting America down. We're strong. We have defense problems, and we need to work on them, but we're not behind the Soviets across the board.

For example:

We lead the Soviets in the most important measure of strategic capability, the total number of strategic warheads, by about 11,500 to 9,500.

We lead the Soviets in submarine missile warheads, 6,100 to 2,500. We lead the Soviets in Mirved SLBMS, 648 to about 300. Our sub-based missiles are much more accurate than their Soviet counterparts. And our subs are much quieter.

We lead the Soviets in bomber weapons, 3,500 to less than 1,000. We lead the Soviets in cruise missiles, both quantitatively and qualitatively.

We lead the Soviets in strategic technology. We have far more solid-propellant missiles, our accuracies are generally better, our subs are quieter, we keep more of our forces on alert.

Even in conventional forces, where I think we should be putting more emphasis, there are areas where we have important leads, such as:

In tankers, which are crucial for extending the reach of all our air capabilities, we outnumber the Soviets 645 to 50. And each of those 645 is significantly more capable than the Soviets. What's more, we are putting new engines on a lot of our tankers, making them even more capable.

In airlift, we have far more airlift capability than the Soviets, both quantitatively and qualitatively. The Soviets have just build their first jumbo transport plane, which we have had for 15 years.

The Soviets have nothing comparable to our MLRS system, which I am proud to say is made with pride in Arkansas.

The Soviets are behind us in overall naval capabilities. We still outspend them in this area. We have more carriers than they do, they are larger, and they are far more effective. What's more, the Soviets aren't even in the same league as we are in naval air capabilities.

Every Chairman of the Joint Chiefs has for over 10 years, has stated that they wouldn't consider trading our defense posture for the Russians.

Mr. President, I could go on and on, but I think the point is clear. The President and his advisers are seriously mistaken when they claim the Soviets are ahead of us everywhere. That kind of attitude is affecting our defense planning priorities, having us spend too much on MX and star wars and enough on ammunition and trucks. We do have defense problems, but not the ones the President describes.

The article follows:

5-Year Pentagon Budget Plan Facing $300 Billion in Trims

SEA CHANGE IN REARMAMENT UNDER WAY

(By George C. Wilson)

President Reagan's rearmament program is undergoing a fundamental restructuring as White House and Defense Department leaders scramble to adjust to what they estimate will be a slash of at least $300 billion in the next five-year defense plan, administration officials said yesterday.

"We're in a sea change," said one veteran of the Pentagon budget battles.

Despite the new austerity, Pentagon officials said, the military services are trying to cut their budgets for fiscal 1986 through 1990 without canceling prized hardware programs. The result, critics in the Pentagon predicted, will be less money devoted to preparing the armed services to fight, particularly a long war.

To cope with the new budget reality, the Army will buy less ammunition, the Navy will buy fewer ships, the Air Force will cancel marginal programs and the Marine Corps will reassess its modernization program.

The White House's Office of Management and Budget, in its recently published "Mid-Session Review of the 1986 Budget," projected $291 billion less for defense in fiscal 1986 through 1990 than Reagan had earmarked for his rearmament effort as recently as April.

White House officials said that Defense Secretary Caspar W. Weinberger this year, in contrast to the past when he appealed to Reagan for more money, appears to be resigned to seeing his budget slashed. "Cap has seen the writing on the wall," said an aide in agreeing there would be no Weinberger versus OMB rematch fight.

Pentagon officials who have been involved in the feast-and-famine cycles of defense funding through several administrations predicted that the real cut for that five-year period will be more than $400 billion.

Weinberger and his deputy, William H. Taft IV, rather than dictate cuts, have directed the armed services to slash their budgets for the next five years in proportion to what they have received in the past, Pentagon officials said.

Critics said changes in the rearmament program are so extensive that civilian rather than military leaders should reassess current strategy and make the necessary reductions. Weinberger in his 4½ years of running the Pentagon has concentrated on raising record amounts of money rather than directing how the services spend it.

The White House, in making its projections, assumed the Defense Department would receive annual increases of 3 percent above inflation from Congress, and even that is an overly optimistic assumption in the view of many congressional leaders. Congress' funding cuts have been brought on by the increasing federal deficit and fears that the Pentagon was not spending its money wisely.

Taft, in one directive issued on a recent Thursday, urged the armed services to find savings of $228 billion by the following Monday for the five-year, fiscal 1986-90 period, Pentagon officials said.

The Army, Pentagon sources said, will not say so publicly, but to save billions it has virtually abandoned Reagan's objective to buy and stockpile enough ammunition to fight in Europe for 60 days.

In doing so, officials said, the Army is using an argument Congress made in questioning the stockpiling. U.S. allies have only enough ammunition to fight about 20 days, goes the argument, so why should the Army spend billions to fight alone for 60 days?

As for the Navy, said one Pentagon critic, it "will get its 600 ships by 1990, but they will be carriers and rowboats because of budget constraints." The Congressional Research Service has issued a report by Ronald O'Rourke that said the Navy will not be able to afford the 137 cruisers and destroyers Navy leaders said they needed to protect carriers and other ships.

The publication Defense Week said yesterday that the Navy is proposing to buy three rather than five DDG51 class destroyers a year as part of its response to the budget crunch. Stretchouts in other ship programs are in prospect, Pentagon officials said, including submarines.

The Air Force already has agreed to cancel two aircraft procurement programs, the Fairchild T46 trainer and the Sikorsky HH60, a Blackhawk helicopter modified for special operations, such as landings behind enemy lines.

And, according to Pentagon officials, the Air Force is looking for more cuts. Deploying the small, mobile Midgetman missile would cost more than deploying more giant, silo-busting MX rockets, Air Force officials said, in acknowledging that retrenchment is throwing a different light on strategic choices.

The Marines want to buy a new fleet of assault aircraft designated the JVX, but the price tag of $40 billion to $50 billion for 550 of the "tilt-rotor" planes is giving Pentagon officials second thoughts as they look ahead at years of relative austerity when they had counted on years of plenty, sources said.

In April, the OMB predicted annual increases in defense money would range from 8.8 percent 13.4 percent from fiscal 1986 through 1990, not allowing for inflation. In its Aug. 30 mid-session review, OMB forecast annual increases between 3.9 percent and 7.2 percent. Under White House inflation assumptions, this would provide for a real growth of about 3 percent for fiscal 1987 through fiscal 1990.

ORDERS FOR THURSDAY

Mr. HEINZ. Mr. President, I believe that concludes the business of the Senate for today. Therefore, I will propound a series of unanimous-consent requests which have been cleared with the leadership on the other side.

RECESS UNTIL 10 A.M.

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m. on Thursday, September 19, 1985.

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

RECOGNITION OF SENATOR PROXMIRE

Mr. HEINZ. Further, Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

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

ROUTINE MORNING BUSINESS

Mr. HEINZ. Mr. President, following the execution of the special order just identified, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond the hour of 10:30 a.m., with statements limited therein to 5 minutes each.

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

RESUME CONSIDERATION OF S. 1200

Mr. HEINZ. Following the conclusion of routine morning business, the Senate will resume consideration of S. 1200, the immigration bill.

Mr. President, the majority leader advises that rollcall votes are expected throughout the day.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. HEINZ. Finally, Mr. President, I ask unanimous consent that the Senate now stand in recess in accordance with the previous order.

There being no objection, the Senate, at 6:12 p.m., recessed until Thursday, September 19, 1985, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 18, 1985:

U.S. INSTITUTE OF PEACE

The following-named persons to be Members of the Board of Directors of the United States Institute of Peace for terms of 4 years expiring January 19, 1989, new positions.

Dennis L. Bark, of California.

Evron M. Kirkpatrick, of Maryland.

DEPARTMENT OF AGRICULTURE

Vance L. Clark, of California, to be Administrator of the Farmers Home Administration, to which position he was appointed during the last recess of the Senate, vice Charles Wilson Shuman, resigned.

FEDERAL ELECTION COMMISSION

Thomas John Josefiak, of Virginia, to be a member of the Federal Election Commission for a term expiring April 30, 1991, to which position he was appointed during the last recess of the Senate, vice Frank P. Reiche, term expired.

DEPARTMENT OF STATE

Hugh Montgomery, of Virginia, to be the Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, to which position he was appointed during the last recess of the Senate.

Herbert Stuart Okun, of the District of Columbia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, to which position he was appointed during the last recess of the Senate.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Robert E. Rader, Jr., of Texas, to be a member of the Occupational Safety and Health Review Commission for the term expiring April 27, 1991, to which position he was appointed during the last recess of the Senate, vice Timothy F. Cleary, term expired.

John R. Wall, of Ohio, to be a member of the Occupational Safety and Health Review Commission for the term expiring April 27, 1987, to which position he was appointed during the last recess of the Senate, vice Robert A. Rowland.

CONFIRMATION

Executive nomination confirmed by the Senate September 18, 1985:

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Adm. Ronald J. Hays, [redacted]/1310, U.S. Navy.

HOUSE OF REPRESENTATIVES—*Wednesday, September 18, 1985*

The House met at 11 a.m.

The Reverend Robert L. Tate, rector, Christ Episcopal Church on Capitol Hill, Washington, DC, offered the following prayer:

Almighty God, source of all goodness and love, so guide the leaders of the nations of the Earth, and especially the elected Representatives of the United States of America gathered here today, that the words they speak may echo Your Holy Word, and the laws which they enact may correspond to Your Holy Law. Inspire, we pray, the Members of this House with the spirit of wisdom and truth, that they may be worthy of their high calling as servants of the American public, and may work diligently to establish peace and justice for all Your people, through Jesus Christ our Lord, who lives and reigns with You, in the unity of the Holy Spirit, one God, for ever and ever. 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.

REV. ROBERT L. TATE

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

Mr. GONZALEZ. Mr. Speaker, I wish to express my profound gratitude to you and to our Chaplain, Reverend Ford, for having given the opportunity today to say the official prayer as the chaplain of the day to Rector Robert L. Tate of the Christ Episcopal Church here in Washington on the Hill.

As my colleagues could see, he is a mere 34 years of age, but one of the most inspiring figures I have seen in the ministry. I think that we are most privileged today in the House to have had the prayer offered in behalf of the Congress and the country by this inspired, young minister, so imbued with his calling that anyone within his area of influence cannot help but be susceptible to it.

He has an illustrious record of preparation. He graduated summa cum laude from Princeton and the Yale School of Divinity. He is married to a graduate of Brown University who is teaching at the Cathedral here in Washington.

So it is most inspiring to see this young minister, a man of God truly speaking, so dedicated, because I think it is the greatest insurance we have in our country for our own continued and ultimate well being and ultimate salvation.

Christ Episcopal Church is the most historic church in Washington. It was the first congregation established around 1794 in an old tobacco warehouse. I invite my colleagues to visit the present Christ Episcopal Church. It is here on the Hill near the Marine Barracks. You will be inspired and hopefully will establish some communication and friendship with Rector Robert Tate.

THE 40TH ANNIVERSARY OF FOUNDING OF UNITED NATIONS

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

Mr. RUDD. Mr. Speaker, this year marks the 40th anniversary of the founding of the United Nations. Dozens of laudatory speeches and celebrations will be held this week to hail the occasion.

But I wonder why everyone is celebrating?

In truth, what the record of the past four decades shows is that the United Nations is a far different organization today then when it was founded with 50 nations in 1945.

In the beginning, the United Nations dared to stand up to Communist aggression and even go to battle to preserve freedom for a small, helpless nation, South Korea.

Today, with its membership swelled to 159 nations, the United Nations does not possess the strength or unity to chastise global adventurism anywhere and, instead, has become a platform for some of the most virulent anti-Americanism seen anywhere on this Earth.

If the United Nations were to be graded on its success in its founding goals of promoting freedom, fostering international peace and aiding in the development of ties between diverse countries in the world, it would receive an "F" for failure on all counts.

We should not be celebrating but instead calling for reform or, possibly, the dismantlement of this organization which has failed in 40 years to accomplish what it set out to do.

LET US REOPEN THE BUDGET DEBATE

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

Mr. SLATTERY. Mr. Speaker, last night President Reagan spoke again about foreign trade, but again he offered nothing to reduce $200 billion deficits, nothing to lower interest rates, and nothing to bring down the value of the dollar.

These deficits have turned our country, for the first time in 71 years, into a debtor nation. They cause the dollar to be overvalued by as much as 40 percent, which means a 40-percent advantage for Japan and other foreign competitors.

Mr. Speaker, it is a copout, a delusion, to pretend we can solve our trade problem without addressing our budget problems. I say to my colleagues, Democrats and Republicans, free traders and protectionists, let us deal honestly and courageously with these deficits.

I would propose that we reopen the budget debate and make a bold, honest and bipartisan attempt to deal with deficits. Otherwise, we are only kidding ourselves about trade, imposing hardship on farmers and workers, and leaving the cost and even greater pain to our children.

REVOLUTION BEYOND OUR BORDERS

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

Mr. LIVINGSTON. Mr. Speaker, recently there have been a number of unsubstantiated charges made by the Government of Nicaragua that the U.S. Government has participated in state-sponsored terrorism against the Marxist Sandinista regime currently in power in Nicaragua. Nothing could be further from the truth, and in fact it is the Sandinistas who have supported terrorist acts against their neighbors in an attempt to destabilize the entire region.

The true extent of the Sandinistas' lies and hypocrisy is revealed in a recent publication by the Department of State entitled "Revolution Beyond Our Borders—Sandinista Intervention in Central America," which has been sent to every Member's office. I recommend this publication as required reading for every Member of Congress

who is truly interested in understanding the situation in Central America.

This report refutes claims by the Sandinistas that they never engaged in aggression against their neighbors by detailing Sandinista efforts to unify guerrilla groups in El Salvador, Honduras, and Guatemala; provision, train, direct and advise guerrillas in El Salvador; insert guerrilla groups into Honduras, and sustain radical anti-democratic parties and associated armed elements in Costa Rica.

This demonstrates why the United States was forced to end its previously friendly relations with the Government of Nicaragua and instead support the freedom fighters in order to halt the Sandinista policies of aggression against their neighbors.

□ 1110

THE NEED FOR A SENSIBLE TRADE POLICY AND THE WILL TO IMPLEMENT IT

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

Mr. LUNDINE. Mr. Speaker, in his news conference last night, President Reagan said:

> For almost two years now, I have been begging our allies and trading partners in the GATT to join with us in another round of trade talks to again eliminate whatever holdovers there are of discrimination against someone else's products getting into their country or subsidizing the sale at less than production cost in other countries.

Do not beg, Mr. President. You should insist that we and our trading partners level the international trade playing field. The United States has the largest market in the world and the strongest military on the globe. This is a President who is willing to commit troops to Central America and to put nuclear weapons in space, yet he refuses to take trade actions to force our trading partners to open their markets to U.S. goods, stop their unfair trading practices, and come to some reasonable accommodation on the grossly inflated value of the U.S. dollar.

We cannot rely on begging our partners to get things done. Nor should we. Our trading partners need our market more than we need theirs. We need leadership. We need a sensible trade policy and the tough commitment from our President to implement it. Since the President refuses to do so, Congress must now take the leadership to develop a trade strategy that can reduce the disastrous $150 billion Reagan trade deficit in the years to come.

THE LESSON OF THE CITRUS-PASTA WAR

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

Mr. PORTER. Mr. Speaker, the United States fought a trade war this summer, and we won it.

In response to unfair European Economic Community tariffs on U.S. citrus products, the President raised the U.S. tariff on European pasta which is subsidized for export to this country.

After some angry rhetoric and high level discussions, a truce was declared. The pasta tariff was suspended until October 31 and the EEC has agreed to eliminate the pasta subsidy and give fair tariff treatment to U.S. citrus.

Mr. Speaker, the citrus-pasta war serves as a small example of how this country can achieve fair trade without resorting to legislated protectionism. The lesson learned this summer will now be applied to Japanese restrictions on United States leather and tobacco and on EEC restrictions of canned fruit imports. We must put our trading partners on notice: unfair trade practices will be met by a swift U.S. response.

Mr. Speaker, in considering trade legislation, let us work to strengthen the hand of our U.S. Trade Representative so he may negotiate for market access and an end to unfair foreign trade practices. But let's not enact mindless protectionist measures that simply allow American companies to avoid the pressures of foreign competition.

CONFUSION WITHIN THE ADMINISTRATION ON TRADE ISSUES

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

Mr. LEVIN of Michigan. Mr. Speaker, last week the Vice President said, regarding the administration's position on trade, "We have made it clear that we are not kidding. No more Mr. Nice Guy." Last night the President warned, in terms of trade, against starting down a slippery slope of impulsive acts and imprudent judgment.

Well, which one is the administration's position? There is confusion here. But there is worse than confusion within the administration, there is insensitivity.

The President last night also talked about a mindless stampede toward protectionism.

Mr. Speaker, there has been another mindless stampede going on in this country—the loss of several million industrial jobs and losses on the farmlands of America. We have to worry about them as well as not repeating the mistakes of Smoot-Hawley. Mr. President, I say, in response to your talk of last night and your comments at your press conference, that to protect America is not protectionism.

THE THREAT OF A REPEAT OF SMOOT-HAWLEY

(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, last night the President was right when he warned the American people of a mindless stampede toward protectionism which will lead to a reenactment of the Great Depression. As the President stated, the Depression of the 1930's was brought on by snowballing protectionist legislation, symbolized by the highly restrictive Smoot-Hawley tariff.

No one meant to write Smoot-Hawley in the 1930's, and after learning the lessons of the Depression in the 1930's, I believe no one intends to write another, but pressure is building in the Congress to reconstruct Smoot-Hawley piece by piece. The first piece may be a textile and apparel bailout. The next piece may be a footwear bill or possibly a 25-percent surcharge. Bit by bit we will find ourselves slipping down the slope of Smoot-Hawley protectionism right into a depression.

Our economy is the healthiest in the world. That is why the world wants to invest its money here. We have created over 8 million jobs since 1980 while Europe has lost jobs.

Mr. Speaker, let us not ruin this fine economic performance by reconstructing Smoot-Hawley protectionism.

Mr. Speaker, the President understands that you cannot compensate for the long-term loss of international markets by our most productive industries by giving the false promise of short-run gains for our less productive and less competitive industries.

THE NATIONAL DEBT—MORE THAN AN ACCOUNTING PROBLEM

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

Mr. ALEXANDER. Mr. Speaker, unlike my colleague, the gentleman from Texas, I saw the President's news conference last night as an attempt to dismiss our Nation's new status as a debtor nation as little more than an accounting problem. My concern is that Mr. Reagan does not understand the problem nor does he understand the dangers we now face as a debtor nation.

Our new debtor status is something that has been confirmed, not by

economists and politicians, but by the President's own Secretary of Commerce in his report this week which shows that America now owes more than is owed to us.

If Mr. Reagan would travel to my hometown of Osceola, AR, and stand at the gates of its closed textile mills, where over 900 citizens lost their jobs last year because of current economic policy, and talk to those citizens who are without work because of it, he would know the severity of this problem.

Mr. Speaker, what we need is Presidential leadership, not rhetoric and excuses about accounting errors.

CONGRESS SEEKS HELP FROM THE PRESIDENT ON TRADE PROBLEMS, NOT JUST INTEREST

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

Mr. WRIGHT. Mr. President, I was concerned in reading the statement made by the President last night. It does seem quite apparent that he seeks to dismiss a very serious problem, the fact that for the first time in 72 years we have become a debtor nation, as some kind of bookkeeping error.

We should welcome the President's newly apparent interest in the trade deficit. We would welcome his help in redressing it. Instead of saying what he is for, however, he seems to content himself with warning against what he calls a "mindless stampede toward protectionism."

None of us wants to engage in protectionism or to start trade wars. However, there is a bill pending, the Gephardt-Bentsen bill, which is not protectionist. It is antiprotectionist. It deserves our support, and that of Mr. Reagan.

This bill provides an effective remedy to discourage foreign protectionism against U.S. exports. That is the kind of legislation on which we need help. It would provide a standby tariff which we hope never would have to be applied. The tariff would be applicable only against those countries which export a disproportionate share into our markets and systematically discriminate against U.S. products in their markets.

We would give any such country due official notice and 1 year of grace, during which time we would ask that they would level the playing field and allow our imports in their markets on exactly the same terms we give theirs. If during that time they did so, no tariff would apply; only if they persisted in face of our entreaties would it apply. That is antiprotectionism.

The President said last night that he asks Congress to work with him, not against him. I am glad he is working on the problem at all, but I would just turn it around. We in the Congress ask the President to work with us, not against us, as we try to make our own free trade policies truly reciprocal and halt our slide down this "slippery slope" of the loss of American jobs.

BAD ADVICE ON MOZAMBIQUE FROM THE STATE DEPARTMENT

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

Mr. BURTON of Indiana. Mr. Speaker, I think we have a great President, but I think he is getting some very bad advice from the State Department.

Tomorrow at the White House President Reagan will visit with Mr. Machel, who is the Communist dictator of Mozambique. In Mozambique there is a bunch of people who are freedom fighters. They are called the Renamo forces. They are doing everything in their power to regain their country in the name of freedom.

Mr. Machel is a Communist dictator who is putting people in dungeons, who is violating all kinds of human rights, and who is deeply in bed with the Soviet Union. He received over $1 billion in direct military aid from the Soviet Union, and most recently, on August 27, he signed another agreement with the Soviet Union. Yet this House was asked in the foreign aid bill, by the State Department, to give military and economic assistance to Mr. Machel, even though he is tied very closely to the Soviet Union.

Mr. Speaker, I think this is a terrible policy our State Department is asking our President to follow. We should be suporting the Renamo forces, people who are fighting and dying for freedom. They have been doing very, very well. They control about 70 percent of the country right now, and the only areas they do not control are the urban areas. With just a little help from the free world, they could topple that Communist government and put Mozambique back in the free world column. But instead of helping them, we are bringing the Communist dictator to the White House tomorrow. It is a very bad precedent. Those people who have a chance to regain their country should be supported, like our friends, the Contras, are supported in Nicaragua and in Central America. We have a double standard that is being applied here, one that we should change.

Mr. Speaker, the Renamo forces, according to the CIA, have a chance to win, and we should support them.

PRESIDENT'S SELF-SATISFACTION IN AIDS EPIDEMIC TERMED AS INAPPROPRIATE

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

Mr. WEISS. Mr. Speaker, last night in response to a reporter's question, the President for the very first time spoke publicly about the AIDS epidemic. He seemed inappropriately self-satisfied with the role of the administration in funding research efforts to find answers to this dread disease.

The sad fact, Mr. Speaker, is that the funding increases over the past 3 years have resulted solely from congressional action in the face of opposition from the administration.

Mr. President, the AIDS epidemic is exploding all over this country. Thirteen thousand cases have been diagnosed. Half of those people have died. It is beginning to cut across the entire fabric of American society—heterosexuals as well as homosexuals. It is doubling at the rate of once every 10 months. By the end of next year, according to the Office of Technology Assessment of the Congress, there will be 40,000 Americans diagnosed as having AIDS.

Mr. President, this is not the time for self-satisfaction. Now is the time for Presidential leadership for more funds for research, for care and treatment, and for public education.

CRS ISSUES BRIEF ON SEVEN AMERICANS HELD HOSTAGE; 551ST DAY OF CRISIS

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

Mr. O'BRIEN. Mr. Speaker, I wish to commend to the attention of my colleagues a new issues brief from the Congressional Research Service concerning the Americans held hostage in Lebanon.

The brief is a thorough and concise record of the circumstances surrounding the kidnaping of seven Americans off the streets of Beirut beginning March 16, 1984, with the seizing of William Buckley, a U.S. Foreign Service officer.

Today marks the 551st day William Buckley has been held hostage in Lebanon.

Rev. Benjamin Weir was kidnaped 498 days ago.

Father Lawrence Jenco has been held hostage for 254 days as of today.

Terry Anderson, the Associated Press bureau chief in Beirut, was kidnaped March 16, 186 days ago.

Today is the 113th day of captivity for David Jacobsen, the director of the American University Hospital.

One hundred days ago today, Thomas Sutherland, dean of the American University Agriculture School was taken hostage.

Today also marks the 288th day since the disappearance of Peter Kilburn, the American University librarian.

Mr. Speaker, the hostage crisis in Lebanon is now in its 551st day, 4 months longer than the Iran hostage crisis 5 years ago. If I thought they could hear me, I would cry out: "Hang in there Yanks. We will not forget you not a solitary single one of you. Hang in!"

REVEREND WEIR RELEASED, BUT SIX AMERICANS STILL HELD IN LEBANON

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

Mr. MINETA. Mr. Speaker, we have reports today confirming that the Reverend Benjamin Weir, who has family living in my district, has been freed by his kidnapers in Lebanon.

At this point, the details are sketchy, but I have been told by the Presbyterian Church that Reverend Weir is already in this country, and will appear at a press conference tomorrow.

Reverend Weir has been a captive since May 8, 1984. I know that during that time his family has stood by him, never losing their faith in God, and Ben Weir. I am happy today for Reverend Weir, and for his family.

At the same time, we must not forget that six Americans remain in captivity. Six Americans who should be free. Now that Ben Weir is out, we must redouble our efforts to get the remaining six out of their unwarranted captivity. Our colleague, the gentleman from Illinois [Mr. O'BRIEN], has led this effort with determination and I wish to commend and thank him for that leadership.

I send my good wishes to the Weirs; and my prayers and hopes to the other families.

□ 1125

DEFICIT REDUCTION

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

Mr. LOTT. Mr. Speaker, we all know that the success or failure of our efforts to cut the deficit rests on reconciliation, the enforcement arm of the budget.

The Democratic majority in the House will make or break deficit reduction by what you do with reconciliation. It looks to me like you're going to break it, turn it into cosmetic jewelry with no worth, no value at all.

When we want to cut spending. You want to tinker with it. We want to freeze spending. You want to add to it.

The deficit reduction bill that the Rules Committee walked away from yesterday had to few spending reductions, but it had over $1 billion in spending increases. You just can't resist pulling out the Government credit card whenever you get the chance, but doing it on a bill called the deficit reduction amendments is a bit too much.

Democrats have been down here in the well day after day slamming the President for not tackling tough issues. Yet what we have in this House is a clear failure to face the most difficult problem before us: Deficit reduction. Let's exercise the jaws a little less and legislate a lot more.

JOY AND SADNESS OVER OUR HOSTAGES IN LEBANON

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

Mr. DORNAN of California. Mr. Speaker, I also come to the well today to commend my colleague, the gentleman from Illinois, GEORGE O'BRIEN, for the excellent work he has done to keep before us in this Chamber and before the other body and the American people the plight of our seven hostages cruelly imprisoned somewhere in Lebanon. If the call of Reverend Weir's wife to the news media saying that he has finally been released in Lebanon is true, then it is a moment of great joy for his family, but at the same time a painful moment of wrenching sadness for William Buckley's family. Our diplomat Mr. Buckley was taken several months before Benjamin Weir. He has been a hostage now for over a year and a half, 551 days.

As the gentleman from Illinois, GEORGE O'BRIEN, has carefully pointed out to us again and again the exact count of days all of the seven have been held; 551 days for William Buckley stands in vivid comparison to the 444 days that our U.S. Embassy hostages were held in Teheran.

There is substantiated evidence that William Buckley, during the early months of his captivity, was treated quite viciously by his captors. I hope that has changed. I hope they will show mercy to the AP newsman, Terry Anderson, held for 186 days so that Terry can come home and then use his news reporting skills to keep before the world the plight of the other five. He may have no knowledge of them until he is released.

There is the Catholic priest, Father Larry Jenco from Illinois held 254 days. He went to Beirut as the head of the Catholic Relief Services, a good samaritan as is Benjamin Weir. Reverend Weir has given his all or 32 years to minister the men and women and children of all faiths in Lebanon. Peter Kilburn, 288 days of suffering. David Jocobson from my county of Orange 113 days, and Tom Sutherland now 100 days of captivity this day. All three serving at American University when taken by force as hostages.

We appeal as a Congress to the mercy of those in Lebanon who worship the same one God we do, to release our six other hostages so that we can get on with the peace process in the Middle East and so that we can continue the humanitarian aid that we as Americans extend to all people throughout the world.

Again I thank the gentleman from Illinois, GEORGE O'BRIEN, for his leadership.

PERVASIVE DOUBLE STANDARD USED TO JUDGE UNITED STATES POLICY ON NICARAGUA

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

Mr. LUNGREN. Mr. Speaker, first of all, let me just mention that Mr. David Jacobsen of my district is one of those being held. I join with the gentleman from Illinois [Mr. O'BRIEN] and others in hoping that those who are holding them will hear our words and heed our request.

Mr. Speaker, we are clearly faced with a threat to our international system; that is the existence of a pervasive double standard that is being used to judge the United States' policy with respect to Nicaragua. Although we have long debated the matter on Nicaragua. I would encourage my colleagues to review the State Department's September 1985 "Revolution Beyond Our Borders." The paper is without question, an excellent reference source.

Contrary to what the opponents have characterized as "President Reagan's misguided crusade to save the world from tiny Nicaragua," the evidence is quite clear that Nicaragua is thoroughly involved in supporting efforts to destabilize Central America. An amendment to the Intelligence Act of 1983, suggests "that activities of the Governments of Cuba and Nicaragua threaten the independence of El Salvador and threaten to destabilize the entire Central America Region and that the Governments of Cuba and Nicaragua refuse to cease those activities." The latter part of the statement even seems to be a plea by the Congress for change by those governments.

The strange notion is that both the United States and Nicaragua and Cuba are playing the same game; that we

are all somehow engaged in trying to alter governments by the use of force and that we are all committing a form of state-sanctioned terrorism. Those who hold out the fallacy that America is the principal problem in Central America are simply denying the permissibility or obligatory right to come to the defense of nations whose peoples are struggling for freedom. Unfortunately, these same critics of U.S. actions will probably never acknowledge the aggression which prompted such a response in the first place.

Mr. Speaker, such criticism is without balanced judgment in understanding what the real threat is to peace and freedom for the people of Central America. United States policy toward Nicaragua must be viewed in the overall Central America context, where we have an interest in the development and preservation of stable societies able to sustain social, economic, and political change.

PRESIDENT REAGAN HAS CHANGED HIS TUNE ON TRADE POLICIES

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

Mr. COELHO. In 1980, when the trade deficit was a whopping $35 billion, here's what candidate Ronald Reagan had to say about the issue:

> For too long our trade policies have been geared toward helping our foreign trading partners. Now we have to put the United States back on the world export map. We helped to pull other countries out of the post-World War Two chaos—it is time to remedy our own crisis. Trade, especially exporting, must be high on the list of our Nation's priorities. The Republicans will put it there to insure the long-term health of the economy.

Wait, there's more—

> We should have more free trade but trade must be a two-way street. Free trade should be reciprocal, and we should not be expected to stand idly by while other countries impose barriers to our manufacturers' and farmers' exports.

Mr. Speaker, judging from the President's statements last night, he sure has changed his tune in the last 5 years.

SENSE OF CONGRESS RESOLUTION FOR NEW GATT CONFERENCE

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

Mr. ROWLAND of Connecticut. Mr. Speaker, last night in his press conference, the President stated that he has been pleading with American trading partners for several years to hold a new round of multilateral trade negotiations, known as the GATT talks.

Today I am introducing a sense of the Congress resolution calling on the President to promptly take whatever actions are needed to bring about a new GATT conference. Such a meeting has not taken place since 1979, despite the disastrous state of world trade in recent years.

Before the House and the Senate begin consideration of some possible self-destructive legislation, the President must have the opportunity to try to make corrections in the conference room and not on the trade battlefield. A new GATT conference would not tie the hands of the President to any specific action, but instead permit him to address all different areas of trade at the same time. Presently there are some 300 different pieces of protectionist legislation in the Congress.

By adopting this resolution, we can demonstrate the resolve of Congress for a world trade conference. We can give the President the ammunition he needs to force our own trading partners to come to the bargaining table.

THE PRESIDENT TALKS ABOUT GENEVA

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

Mr. BROOMFIELD. Mr. Speaker, I commend the President for his candor, at last evening's press conference. I believe he openly shared with us some of his personal thoughts on the upcoming meeting in Geneva with Mr. Gorbachev.

While I hope that progress will be made at the talks, I know that arms control is only one of many issues which divide our two nations. The continuing violation of the human rights of Soviet Jewry is of major concern to our Government. We have differences with the Soviets over chemical warfare matters along with the question of East and West troop levels in Europe.

Who can forget the murder of Major Nicholson and the ongoing incidents directed against United States observers in East Germany?

What can we do about regaining the freedom of the Afghan people?

The activities of Soviet intelligence agents in the United States are of great concern to Americans. Soviet spying efforts in London were widespread enough for the British Government to send a pack of KGB agents back to Moscow.

I would hope that the upcoming talks will be a serious forum for addressing these continuing problems of which arms control is only one of many issues. I hope that the meeting is more than a forum for Mr. Gorbachev to display his public relations skills for the media. As former Foreign Minister Gromyko one said, "Mr. Gorbachev has a nice smile, but iron teeth." While he may smile a lot, Soviet policy continues to be as aggressive as ever.

I firmly believe that actions speak louder than words. I am looking for a real shift in Soviet attitudes if better relations are to develop.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON BILL MAKING APPROPRIATIONS FOR MILITARY CONSTRUCTION, 1986

Mr. HEFNER. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1986, and for other purposes.

Mr. EDWARDS of Oklahoma reserved all points of order on the bill.

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

There was no objection.

CONTINUING APPROPRIATIONS, 1986

Mr. WHITTEN. Mr. Speaker, pursuant to the order of the House of Thursday, September 12, 1985, I call up the joint resolution (H.J. Res. 388) making continuing appropriations for the fiscal year 1986, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 388

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1986, and for other purposes, namely:

SEC. 101. (a)(1) Such amounts as may be necessary for projects or activities, not otherwise specifically provided for in this joint resolution, for which appropriations, funds, or other authority would be available in the following appropriation Acts:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1986;

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1986;

District of Columbia Appropriation Act, 1986;

Energy and Water Development Appropriation Act, 1986;

Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1986;

Department of the Interior and Related Agencies Appropriation Act, 1986;

Legislative Branch Appropriation Act, 1986;

Department of Transportation and Related Agencies Appropriation Act, 1986; and

Treasury, Postal Service, and General Government Appropriation Act, 1986.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House as of October 1, 1985, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1985, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided*, That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1985, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1985.

(4) Whenever an Act listed in this subsection has been passed by only the House as of October 1, 1985, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1985.

(5) No provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1985, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(6) No appropriation or fund made available or authority granted pursuant to this subsection shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1985.

(b)(1) Such amounts as may be necessary for projects or activities, not otherwise provided for in this joint resolution, which were conducted in the fiscal year 1985, under the current terms and conditions and at a rate for operations not in excess of the current rate, for which provision was made in the following appropriation Acts:

Foreign Assistance and Related Programs Appropriation Act, 1985;

Military Construction Appropriation Act, 1985; and

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1985 and section 101(k) of Public Law 98-473.

(2) No appropriation or fund made available or authority granted pursuant to this subsection shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1985.

(c) Such amounts as may be necessary for continuing activities, not otherwise specifically provided for in this joint resolution, which were conducted in the fiscal year 1985, for which provision was made in the Department of Defense Appropriation Act, 1985, under the current terms and conditions and at a rate for operations not in excess of the current rate: *Provided*, That no appropriation or funds made available or authority granted pursuant to this subsection shall be used for new production of items not funded for production in fiscal year 1985 or prior years, for the increase in production rates above those sustained with fiscal year 1985 funds or to initiate, resume or continue any project, activity, operation or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1985: *Provided further*, That no appropriation or funds made available or authority granted pursuant to this subsection shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later: *Provided further*, That the appropriations or funds made available or authority granted pursuant to this subsection for procurement of MX missiles shall be in accordance with and subject to all the limitations, restrictions, and conditions set forth in the Department of Defense Authorization Act, 1986 (S. 1160) conference agreement and provided for in the conference report (H. Rept. 99-235) filed in the House of Representatives on July 29, 1985.

SEC. 102. Unless otherwise provided for in this joint resolution or in the applicable appropriation Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from October 1, 1985, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) November 14, 1985, whichever first occurs.

SEC. 103. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 104. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 105. No provision in any appropriation Act for the fiscal year 1986 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorization or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

SEC. 106. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WHITTEN] is recognized for 1 hour.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution (H.J. Res. 388) and that I may include extraneous and tabular matter.

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

There was no objection.

Mr. WHITTEN. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts [Mr. CONTE] for the purpose of debate only. Pending that, I yield myself such time as I may require.

Mr. Speaker, I wish to express my thanks to my colleague, the gentleman from Massachusetts [Mr. CONTE], the ranking Republican on the Appropriations Committee, and to the leadership on both sides for their cooperation in letting us bring up this continuing resolution.

Mr. Speaker, the continuing resolution that we bring before you today continues what is essential. It is necessary to continue the orderly operations of the Government into the new fiscal year—which begins October 1, 1985. While this date is 12 calendar days away, there are only 5 legislative days between now and October 1 on which votes have been scheduled in the House.

It is essential that this resolution be passed. As this day nine bills have passed the House, but only two bills have passed the Senate. Given the current situation, it seems unlikely that any regular appropriation bills will be signed into law by October 1.

This is a very straightforward continuing resolution. There are no special provisions and no special funding levels for any programs. The resolution simply carries forward the Government until November 14 or until appropriation bills are enacted.

The philosophy of the resolution before you is as follows:

Provides the lowest reasonable level of interim funding to allow for continued operation of Government programs until final decisions about bills are made.

Is of relatively short duration—6 weeks.

Automatically disengages when regular annual bills are enacted.

Contains no extraneous provisions which more properly should be considered with regular bills.

Under the resolution funding levels are as follows:

For bills which have passed both House and Senate, the funding level for activities is the lower of the two bills. These bills are energy and water development and legislative branch.

For bills which have passed the House only, the funding level for activities is the House bill or the current rate, whichever is lower. These bills include the following:

First, Agriculture; second, Commerce, Justice, State, and the Judiciary; third, District of Columbia; fourth, Housing and Urban Development-Independent Agencies; fifth, Interior; sixth, Treasury-Postal Service; and seventh, Transportation.

For bills which have not passed the House, the funding level for activities is the current rate. At the present time those bills include the following:

First, foreign assistance which has been reported to the House. Second, military construction which was ordered reported today and will be filed today. Third, Labor, Health and Human Services and Education which has been marked up in subcommittee and is likely to be reported next week. Fourth, defense which is likely to be marked up in subcommittee next week.

Mr. Speaker, the resolution provides for the continuation of the existing provisions of law regarding the prohibition of federally funded abortions and the prohibition against preventing the implementation of programs of voluntary school prayer and meditation in the public schools. These provisions would remain in effect during the duration of the continuing resolution.

Timely enactment of this resolution allows more time to work on the regular annual 1986 appropriations bills. We hope to clear as many of the regular bills as possible during the effective dates of this resolution.

I urge the adoption of the resolution.

Mr. BONIOR of Michigan. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to my colleague.

Mr. BONIOR of Michigan. Mr. Speaker, I thank the gentleman for yielding. I rise to enter into a brief colloquy with the chairman of the Appropriations Committee.

Mr. Chairman, the continuing resolution extends the so-called Boland amendment, section 8066(a) of Public Law 98-473, is that correct?

Mr. WHITTEN. That is correct. The continuing resolution does not specifically address the Contra issue. Its effect is to continue the Boland provision contained in the 1985 defense appropriation bill, just as the other restrictions and limitations in the 1985 Defense Act are continued.

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I go further, however, and say the reason we held up the supplemental appropriation bill was trying to give the two sides a chance to agree on language, and it was agreed on.

So the supplemental appropriation bill provided $27 million for humanitarian assistance to the Contras to remain available for obligation until March 31, 1986, and modified the Boland provision to allow humanitarian assistance and the exchange of intelligence information for the Contras. The funds and the language in the supplemental bill remain in effect. The continuing resolution does not change in any manner the enacted supplemental.

Mr. BONIOR of Michigan. I thank the chairman. Through the extension of the Boland amendment, accordingly, the House prohibits any new funding, over and beyond that which we specifically made available in the fiscal year 1985 supplemental, except as such money would subsequently specifically be sought by the administration and specifically approved by congressional action. And in essence, what we are saying through the Boland amendment is simply that United States policy with respect to Nicaragua is too important to be funded through any reprogramming or any other avenues except a clear and specific vote by this Congress.

I thank the chairman.

Mr. WHITTEN. May I say the purpose of all of this is for a period of 6 weeks. There is no increase involved and no changes other than the modification which I mentioned, which the Congress approved in the supplemental.

Mr. BONIOR of Michigan. I thank the chairman.

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

Mr. Speaker, today we are considering the first continuing resolution for fiscal 1986.

The Chairman and the members of the committee are to be commended for presenting the House with the cleanest continuing resolution that I have ever seen.

In the past, we have sometimes based our continuing resolution rates on such questionable standards as reported bills and the President's budget estimates.

There are no such provisions in the resolution before us today.

Accordingly, the resolution has my support, and no objection from the administration.

The resolution continues appropriations for projects and activities until November 14, 1985, or until an appropriation is enacted, whichever occurs first.

Nine appropriation bills for fiscal year 1986 have passed the House: Agriculture, Commerce-Justice-State-Judiciary, District of Columbia, Energy and Water Development, Housing and Urban Development, Interior, Legislative, Transportation, and Treasury-Postal Service.

Projects and activities in these bills are continued at rates which are determined by the status of the bill on the first day of the fiscal year.

Where a bill has passed the House and the Senate as of October 1, a project or activity is continued at the lesser amount and under the more restrictive authority.

A project or activity included in only the House or the Senate bill is continued at the rate provided in that bill or the current rate, whichever is lower, and under the current terms and conditions.

No new general provision shall take effect unless it is included in identical form in the House and Senate bills.

Where a bill has passed only the House as of October 1, a project or activity is continued at the House rate or the current rate, whichever is lower, and under the current authority and conditions.

Appropriations are not available to initiate or resume any project or activity not funded in fiscal 1985.

Projects and activities in three of the fiscal year 1985 appropriation bills are continued at the current rate, and under the current terms and conditions. Those bills are: foreign assistance; Labor-HHS-Education; and military construction.

The Labor-HHS rate also includes the following activities for which provision was made in the continuing resolution for fiscal 1985;

Activities under the Public Health Service, Act;

Refugee and entrant assistance activities;

Foster care and adoption assistance activities;

Emergency immigrant education activities; and

Activities under the Follow Through Act.

Projects and activities in the Department of Defense which were conducted in fiscal 1985, and for which provision was made in the Defense Appropriation Act for fiscal 1985, are continued at the current rate and under the current terms and conditions, which include the so-called Boland amendment.

Funds for procurement of MX missiles are subject to all of the limitations, restrictions, and conditions set forth in the 1986 Defense authorization conference agreement and conference report as filed in the House.

No provision which makes a 1986 appropriation contingent upon the enactment of authorizing or other legislation shall be effective during the period covered by the continuing resolution.

Mr. Speaker, I will vote for the resolution, and I can recommend that my colleagues do likewise.

AGRICULTURE, RURAL DEVELOPMENT AND RELATED AGENCIES

The fiscal year 1986 appropriation bill for the Department of Agriculture, Rural Development and Related Agencies, H.R. 3037, passed the House on July 24. As of today, the other body has not yet taken action on this measure.

In light of this situation, our committee is recommending that the Department of Agriculture and related agencies receive funding after September 30 in accordance with section 101(a) of the continuing resolution. This section provides levels of funding at the current fiscal year 1985 rate, or at the rate provided for in levels contained within the fiscal year 1986 House-passed bill, whichever is lower.

Though we are some $5 billion below 1985-enacted levels overall in the 1986 bill, in most accounts we are at or slightly over 1985 levels. And so, in general, USDA and its related agencies will receive continued funding at the current rates.

I join the distinguished chairman of our committee in expressing my hope that we will soon see final action on the regular fiscal year 1986 appropriation bill before this joint resolution expires on November 14.

The House has passed the fiscal year 1986 bill, H.R. 2965. The Senate subcommittee has not yet marked up the bill.

Programs are funded at the House-passed level or the current rate, whichever is lower, and under the fiscal year 1985 conditions.

No new programs or new general provisions are allowed.

The House-passed ban on participation in abortion litigation by the Legal Services Corporation is not included. It could be restored to the resolution if the Senate passes the fiscal year 1986 bill with identical language.

All current restrictions on the Legal Services Corporation and the Federal Trade Commission would be continued. The Corporation restrictions include bans on assistance to illegal aliens, participation in class action suits, and lobbying. The resolution would continue 1980 FTC Authorization Act provisions dealing with agricultural cooperatives and marketing orders and trademarks.

CR—DEFENSE

Defense Rate: Same as 1985—$277.2 billion.

Section 101(c) continues appropriations at the current rate, and under the current terms and conditions, for projects and activities which were conducted in fiscal 1985, and for which provision was made in the Defense Appropriations Act for fiscal 1985.

Funds for procurement of MX missiles shall be subject to all of the limitations, restrictions, and conditions set forth in the 1986 Defense authorization conference agreement and conference report as filed in the House.

Funds for National Guard and Reserve equipment are available at the current rate until the 1986 Defense Appropriations Act is passed by the House.

Funds for SDI or star wars are at the $1.4 billion level as against the $2.7 billion authorized for 1986.

Asat limitations in the 1985 bill remain in force but since no tests are scheduled before the expiration of the continuing resolution, the language becomes moot. The language, however, is in place, and funds are limited to the 1985 level of $37.4 million rather than the $200 million requested in 1986 for research and development.

No funds were provided for procurement or facilities for binary gas in 1985 and none would be available under this resolution. The 1985 level for research—$18.4 million—would be available.

ENERGY AND WATER DEVELOPMENT

The energy and water development appropriations bill for fiscal year 1986 passed the House of Representatives on July 16, and passed the Senate on August 1.

Under the terms of the continuing resolution, programs and activities funded in the Energy and Water Development measure would continue at the lower of the House-passed or Senate-passed rate.

Neither House has passed the fiscal year 1986 bill.

Programs included in the fiscal year 1985 Foreign Assistance Act are continued at the current rate and under the current terms and conditions.

No new programs or projects are allowed.

Israel will get $1.2 billion in economic support funds, which will be obligated in its entirety by the end of October under the terms of Public Law 99-83, the International Security and Development Cooperation Act of 1985. Foreign military credit sales in the amount of $1.4 billion for Israel would be apportioned according to the duration of the continuing resolution. Two billion dollars in economic and military assistance to Egypt would also be apportioned.

Current restrictions on population programs and abortion are continued, including restrictions in the Supplemental Appropriations Act [Public Law 99-88]. These include bans on aid to programs involving coercive abortion or involuntary sterilization.

All country restrictions are continued, including bans on aid to Angola, Cambodia, Cuba, Iraq, Libya, Laos, Vietnam, South Yemen, and Syria.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES

As my colleagues are aware, the fiscal year 1986 appropriation bill for the Department of Housing and Urban Development and independent agencies, H.R. 3038, passed the House on July 25. As of today, the other body has not yet scheduled floor action on this measure although the Appropriations Committee has completed action on the bill and filed its report 3 weeks ago.

In light of this situation, our committee is recommending that the Department of Housing and Urban Development and 16 independent agencies receive funding after September 30 in accordance with section 101(a) of House Joint Resolution 388. This section provides levels of funding at the current fiscal year 1985 rate or at the rate provided for in the fiscal year 1986 House-passed bill, whichever is lower. And in the $56.3 billion 1986 bill, I would like to point out that we are below fiscal year 1985-enacted levels in most accounts.

I am hopeful that we will soon see final action on the regular fiscal year 1986 appropriation bill, and that the funding provision for these important agencies will disengage from the continuing resolution before it expires on November 14.

Our committee has taken every possible and responsible action to ensure that the essential programs, projects, and activities at HUD, EPA, NASA, NSF, FEMA, the Veterans' Administration, and each of the independent agencies continue at a reasonable and operable rate until such time as we have reached agreement with the other body and have a separate 1986 bill signed into law by the President.

However, I would like to point out to my colleagues that there are still a number of unresolved programmatic issues on which our committee has deferred funding decisions pending action by the appropriate authorizing committees. These include EPA's Superfund and construction grants programs.

I urge my colleagues on the authorizing committees to join us in taking swift and responsible action to ensure the continuation of these essential environmental activities in fiscal year 1986.

H.J. RES. 388 CONTINUING RESOLUTION, FISCAL YEAR 1986: INTERIOR SECTION

The Interior appropriations bill passed the House on July 31, 1985. To date, the Senate has taken no action on the bill. The Interior Appropriations Subcommittee could act on the fiscal year 1986 bill this week.

This continuing resolution mandates that programs and activities in the Interior bill will be funded in these 45 days at the fiscal year 1985-enacted level or at the House-passed level; whichever amount is lower.

As far as funding programs in the Interior bill, this continuing resolution is fairly straightforward. However,

there is one general provision carried forward in this continuing resolution that may be of concern to several Members. As provided in the fiscal year 1985 continuing resolution, the ban on leasing in the Outer Continental Shelf off the California coast and Georges Bank in the North Atlantic is continued in force. Based on a preliminary agreement, the House-passed Interior bill did not include the OCS leasing ban.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

Mr. Speaker, as the Members know, we have not yet considered the fiscal year 1986 Labor/HHS bill here in the House. Therefore, for the Departments of Labor, Health and Human Services, and Education, this bill provides for all programs at the rate provided for in the fiscal year 1985 Labor/HHS bill, public law 98-619. This continuing resolution also provides at the current rate for several programs carried in last year's continuing resolution: Health planning programs, refugee and entrant assistance, emergency immigrant education, and the Follow Through Program.

Mr. Speaker, this is as clean a continuing resolution as we've ever seen. I want the Members to know that I am sure it is the intention of the distinguished gentleman from Kentucky, BILL NATCHER, and it is certainly my own, to bring the Members a separate Labor/HHS bill as soon as possible, and this resolution, that carries us forward into November, in no way affects our ability to make decisions for fiscal year 1986.

LEGISLATIVE

House and Senate have passed fiscal year 1986 bills. Conference not yet scheduled.

House or Senate items contained only in that respective House's version of the fiscal year 1986 bill are continued at the current rate or the rate in the 1986 bill. Whichever is lower, and under the fiscal year 1985 authority and conditions.

Joint items are continued at the lower of the House or Senate 1986 bills, and under the more restrictive authority.

No new programs or projects are allowed.

TRANSPORTATION

The Transportation appropriations bill for fiscal year 1986 passed the House of Representatives on September. No action on this measure has yet been taken by the Senate.

Under the terms of the continuing resolution, programs and activities funded in the transportation measure would continue at the lower of the House-passed or current rate, and under such conditions and restrictions as are in effect during fiscal year 1985.

Because in most cases the funding levels contained in the House-passed Transportation appropriations bill for fiscal year 1986 are the same as, or lower than, the levels enacted for fiscal year 1985, most programs would be continued at the level in the fiscal year 1986 bill. In those few areas where the current rate is lower, such as FAA operations, this continuing resolution will not be in effect a sufficiently long time as to create a problem. In any case, current FAA personnel levels would be maintained.

HOUSE JOINT RESOLUTION 388 CONTINUING RESOLUTION, FISCAL YEAR 1986: TREASURY SECTION

The Treasury-Postal Service appropriation bill passed the House on July 30, 1985, and has been reported by the Senate committee. Action on the floor is expected soon.

This continuing resolution mandates that programs and activities in the Treasury bill will be funded in these 45 days at the fiscal year 1985-enacted level or at the House-passed level; whichever amount is lower.

This formula has an unusual application for the Treasury bill because of actions taken by the House. During markup of the regular fiscal year 1986 bill, the subcommittee did not add back the 5-percent pay cut assumed in the budget estimates. At the time of the markup, the President had not submitted the budget amendment which in effect withdrew the pay cut proposal. Therefore, several programs and activities in this bill will operate on the House-passed levels even though conference action later on is expected to rectify the situation.

However, most law enforcement agencies will not be affected and will operate on the fiscal year 1985-enacted levels with no curtailment of services. Even without the 5-percent salary increase, the Internal Revenue Service, the Customs Service, and the Bureau of Alcohol, Tobacco and Firearms have been allocated higher funding levels in the fiscal year 1986 bill.

As for the general provisions, the bill would carry the standard abortion rider for Federal health benefits and the prohibition against Customs Service closings or consolidation. And pursuant to an agreement reached in the fiscal year 1985 supplemental appropriations bill, the ban on Office of Personnel Management "RIF" regulations will not be in effect.

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

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

Mr. WALKER. Mr. Speaker, I would just like to clarify a point with the gentleman, if I could.

The limitation that is in the bill with regard to MX missiles that refers to the Department of Defense Authorization Act of 1986, now it is my understanding that there are severe problems within the Democratic caucus about getting that bill out here to the floor, and that the reason why we do not have the authorization enacted is because we have not been able to overcome those problems within the majority caucus.

My question is why was that one section taken out to the exclusion of all others? There were a number of provisions in there. For instance, cleaning up procurement practices at the Department of Defense. Why did we single out only the MX missile portion of the bill and not look at some other provisions in there that may be of equal importance to many of the Members of this body?

Mr. CONTE. That was a very controversial matter, as the gentleman will recall, and it was debated at great length here in the House, and finally an agreement was reached between the House and the other body in the authorization bill. As the gentleman mentioned, we are awaiting action now on that conference report here on the floor.

Mr. WALKER. If the gentleman will yield further, my concern is not necessarily as it relates to the continuing resolution, but that we will set a pattern here. If, for example, the majority never does resolve their differences so that we can get that authorization bill to the floor, I am not certain that I am wholly comfortable with having had this one provision singled out, and maybe set a precedent that that is the only thing from the defense authorization that we are going to deal with in the appropriation process at a later date.

Is that a valid concern, or are we, in fact, going to go through a scenario of having appropriation bills at a later date which, in fact, will not follow the authorization of the House?

Mr. CONTE. I hope not. But the provision does support the position of the House. There has been precedent for such provisions in the past.

The continuing resolution is only for 45 days, and hopefully within that time the defense appropriation bill will be on the floor of the House.

We have had a problem in that the chairman of that subcommittee has been very ill, and hopefuly he will be back by then and we will be acting.

But I hope that authorization conference report will pass.

Mr. WALKER. If the gentleman will yield further, let me say my problem is with the authorizaton process, because I think we do have a conference report. It seems to me that the House should act on that conference report.

The fact is that as a result of a disagreement within the majority caucus, we have been unable to act upon that authorization report. I am somewhat concerned about the fact that we are now going to single out pieces of it and begin to bring those out as a part of the appropriation process, not having had an opportunity to deal with the

authorization conference report that I think should have been brought to the floor several weeks ago.

I appreciate the gentleman's comments.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield to me?

Mr. CONTE. I am glad to yield to the chairman of the committee.

Mr. WHITTEN. My colleague, Mr. CONTE, is absolutely correct. We try to honor agreements that have been reached already by the Congress in the supplemental bill and in certain other actions of Congress. The current rate for the MX is much higher than agreed upon in the authorization conference on the MX, and we have followed that action by holding the procurement of MX missiles to 12 in fiscal year 1986. It is my understanding this is presently agreeable to the administration.

In this we try to accede to the places where the Congress has acted.

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

Mr. CONTE. I am happy to yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding. I have just one question.

In California right now, we have a rather controversial question of offshore drilling. Some of us have always opposed moratoria and have, in fact, opposed the tentative agreement that was reached between the Secretary and some Members of our delegation prior to the time that the Secretary then discovered that he could not continue to support it.

It is my understanding that this 45-day continuing resolution continues the moratoria language that was contained in the last year's continuing resolution which in effect means that it only will be in law unless further action is taken for another 45 days.

It is also further my understanding that the Department of Interior has no intention of attempting to go out to lease on any of these tracts, and cannot because of previous legislation for a period extending past the 45 days.

Can the gentleman tell me whether my statement is correct as far as he understands it?

Mr. CONTE. Yes, I think the gentleman from California is correct.

If the Interior bill has only passed the House as of October 1, then the moratorium in current law would be extended until November 14.

If the bill has passed the House and the Senate as of October 1, then current law no longer applies, and the terms and conditions are the more restrictive provision in the House or Senate bill.

However, no new general provisions in the House or Senate bills shall take effect unless they are in identical form in both bills.

Mr. LUNGREN. I understand that, and I would just like to say for the record that some of us who have never supported the moratorium in the past, if we do not object to this bill or vote against it do not want to be interpreted as supporting a moratorium for the first time. We understand the decisions that your committee had to go through in trying to keep this as clean a bill as possible, and the best way to do that was to extend current law.

So I would like to congratulate the committee for as clean a bill as I think I have seen around here. I know that the gentleman shares with me the sad feeling that this is not the way we ought to do legislation around here. The gentleman has commented on that many times and the chairman has commented on that many times. It seems unfortunately that continuing resolutions are becoming the rule rather than the exception, and I hope that at some point in time the Congress can get its act together and not go through this episode on a 45-day schedule or a biyearly schedule.

But I understand the bind the committee is in and I appreciate the gentleman for at least outlining what the situation is with respect to that provision in the Interior section of the bill.

Mr. CONTE. I want to thank the gentleman.

I might say, if there are no further speakers, if this passes right now we may go down in the "Guiness Book of Records" for the shortest period of time in passing a continuing resolution.

Mr. FRENZEL. Mr. Speaker, however neutral this continuing resolution is intended to be, or said to be, it is, by its nature, deserving of a negative note.

Continuing resolutions are nothing but a copout. They are required because we didn't do our job, as required by law, in the time allowed. In addition, even in the unlikely event that they contain no new boondoggles, nor new Members' pet but unwarranted projects, they preserve all the old boondoggles and old Members' pet, but unwarranted, projects.

It is also true that this resolution accepts provisions of appropriations bills that have passed the House, but have not been enacted, which not only shatter the President's budget, and the limits of good sense, but also exceed the House's own budget when supplemental appropriations are figured.

In all respects, House Joint Resolution 388 deserves a resounding "no" vote.

Mr. SMITH of Iowa. Mr. Speaker, the continuing resolution for fiscal year 1986 (H.J. Res. 388), which we are considering today is for 6 weeks and terminates on November 14, 1985. There are departments, agencies and programs under the sections of the resolution that I am responsible for (the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies) that will be held to a lower level of funding than is advisable and that most Members of the House and Senate would want for fiscal year 1986. Although it would be better if these departments and agencies knew exactly how much money they will have, it was not possible to go through each of these programs one at a time. Also the levels of funding might be changed as a result of negotiations with the administration. However, the continuing resolution is for only a 6 weeks period and hopefully before it expires, there will be final action on the fiscal year 1986 Appropriations Bill for the Department of Commerce, Justice, and State, the Judiciary and Related Agencies (H.R. 2965) that will eject those programs from the resolution. H.R. 2965 passed the House July 17 and is pending in the Senate. Hopefully the Senate will consider the bill and pass it soon and thus remedy the whole situation.

One such problem area is the Legal Services Corporation where the level of funding under all bills is the same as last year's level. This situation leaves no room for cost of living increases for personnel or inflation increases for individual programs. That means that there will not be such increases or that there must be reductions in other areas of the Legal Services Program. There is a considerable difference of opinion as to how this problem should be handled. The best remedy would be for the House and Senate to pass an authorization for the Legal Services Corporation for fiscal year 1986 which would deal with these kinds of questions. The last authorization for appropriations for the Legal Services Corporation expired at the end of fiscal year 1980, and enactment of a new authorization would be a way for all Members of the House and Senate to express their views on this and other matters. Although the administration is opposed to any federally funded legal services program, at least we would know how a majority of the House and Senate feel about the components and priorities of the whole program even if such a bill are vetoed. However, since action on such a bill appears to be uncertain at this time, it would be advisable that Congress proceed with the regular appropriations bill for fiscal year 1986 as fast as possible to settle this matter and that the Legal Services Corporation take no action until we have had an opportunity to deal with this issue in a definitive manner.

Mr. WHITTEN. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

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

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 272, nays 156, not voting 6, as follows:

[Roll No. 308]

YEAS—272

Ackerman	Fish	McCurdy
Akaka	Flippo	McDade
Alexander	Florio	McHugh
Anderson	Foglietta	McKinney
Andrews	Foley	Meyers
Annunzio	Ford (MI)	Mica
Anthony	Ford (TN)	Mikulski
Applegate	Fowler	Miller (CA)
Aspin	Frank	Miller (OH)
Atkins	Frost	Mineta
AuCoin	Fuqua	Mitchell
Barnes	Garcia	Moakley
Bateman	Gaydos	Molinari
Bedell	Gejdenson	Mollohan
Beilenson	Gephardt	Montgomery
Bennett	Gibbons	Moody
Berman	Gilman	Moore
Biaggi	Gonzalez	Morrison (CT)
Bliley	Goodling	Morrison (WA)
Boehlert	Gordon	Mrazek
Boggs	Gradison	Murtha
Boland	Gray (IL)	Myers
Boner (TN)	Gray (PA)	Natcher
Bonior (MI)	Green	Neal
Bonker	Guarini	Nelson
Borski	Hall (OH)	Nichols
Bosco	Hamilton	Nowak
Boucher	Hammerschmidt	O'Brien
Boxer	Hatcher	Oakar
Breaux	Hawkins	Oberstar
Brooks	Hayes	Obey
Broomfield	Hefner	Olin
Brown (CA)	Heftel	Ortiz
Bryant	Hillis	Owens
Burton (CA)	Horton	Panetta
Bustamante	Howard	Parris
Carper	Hoyer	Pashayan
Carr	Huckaby	Pease
Chandler	Hutto	Pepper
Chappell	Jeffords	Perkins
Clay	Jenkins	Pickle
Clinger	Johnson	Price
Coelho	Jones (NC)	Pursell
Coleman (TX)	Jones (OK)	Quillen
Collins	Jones (TN)	Rahall
Conte	Kanjorski	Ray
Conyers	Kaptur	Regula
Cooper	Kennelly	Reid
Coughlin	Kildee	Richardson
Coyne	Kleczka	Ridge
Crockett	Kolter	Rinaldo
Daniel	Kostmayer	Rodino
Darden	LaFalce	Roe
Daschle	Lantos	Rogers
Davis	Lehman (CA)	Rose
Dellums	Lehman (FL)	Rostenkowski
Derrick	Leland	Roukema
Dicks	Levin (MI)	Rowland (GA)
Dingell	Levine (CA)	Roybal
DioGuardi	Lewis (CA)	Rudd
Dixon	Lipinski	Sabo
Donnelly	Livingston	Savage
Dowdy	Lloyd	Schneider
Downey	Lowery (CA)	Schumer
Duncan	Lowry (WA)	Seiberling
Durbin	Lujan	Sharp
Dwyer	Lundine	Siljander
Dymally	MacKay	Sisisky
Dyson	Manton	Skeen
Early	Markey	Skelton
Edgar	Marlenee	Slattery
Edwards (CA)	Martin (NY)	Smith (FL)
Emerson	Martinez	Smith (IA)
Erdreich	Matsui	Smith (NE)
Evans (IL)	Mavroules	Smith (NJ)
Fascell	Mazzoli	Solarz
Fazio	McCloskey	Spratt
St Germain	Traficant	Whitley
Stangeland	Traxler	Whitten
Stark	Udall	Williams
Stokes	Valentine	Wilson
Stratton	Vander Jagt	Wise
Studds	Vento	Wolf
Sundquist	Visclosky	Wolpe
Swift	Volkmer	Wortley
Tallon	Walgren	Wright
Taylor	Watkins	Yates
Thomas (GA)	Waxman	Yatron
Torres	Weiss	Young (AK)
Torricelli	Wheat	Young (MO)
Towns	Whitehurst	

NAYS—156

Archer	Glickman	Oxley
Armey	Gregg	Packard
Badham	Grotberg	Penny
Barnard	Gunderson	Petri
Bartlett	Hall, Ralph	Porter
Barton	Hansen	Ritter
Bates	Hartnett	Roberts
Bentley	Hendon	Roemer
Bereuter	Henry	Roth
Bilirakis	Hertel	Rowland (CT)
Boulter	Hiler	Russo
Brown (CO)	Holt	Saxton
Broyhill	Hopkins	Schaefer
Bruce	Hubbard	Scheuer
Burton (IN)	Hughes	Schroeder
Byron	Hunter	Schuette
Callahan	Hyde	Schulze
Campbell	Ireland	Sensenbrenner
Carney	Jacobs	Shaw
Chapman	Kasich	Shelby
Chappie	Kastenmeier	Shumway
Cheney	Kemp	Shuster
Coats	Kindness	Sikorski
Cobey	Kolbe	Slaughter
Coble	Kramer	Smith (NH)
Coleman (MO)	Lagomarsino	Smith, Denny
Combest	Latta	Smith, Robert
Courter	Leach (IA)	Snowe
Craig	Leath (TX)	Snyder
Crane	Lent	Solomon
Dannemeyer	Lewis (FL)	Spence
Daub	Lightfoot	Staggers
DeLay	Loeffler	Stallings
DeWine	Lott	Stenholm
Dickinson	Luken	Strang
Dorgan (ND)	Lungren	Stump
Dornan (CA)	Mack	Sweeney
Dreier	Madigan	Swindall
Eckart (OH)	Martin (IL)	Synar
Eckert (NY)	McCain	Tauke
Edwards (OK)	McCandless	Tauzin
English	McCollum	Thomas (CA)
Evans (IA)	McEwen	Vucanovich
Fawell	McGrath	Walker
Feighan	McKernan	Weaver
Fiedler	McMillan	Weber
Fields	Michel	Whittaker
Franklin	Miller (WA)	Wirth
Frenzel	Monson	Wyden
Gallo	Moorhead	Wylie
Gekas	Murphy	Young (FL)
Gingrich	Nielson	Zschau

NOT VOTING—6

Addabbo	de la Garza	Rangel
Bevill	Long	Robinson

□ 1210

Messrs. RUSSO, DEWINE, DORGAN of North Dakota, FRANKLIN, OXLEY, and KEMP changed their votes from "yea" to "nay."

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

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KASTENMEIER. Mr. Speaker, due to death in the family, I was absent for the following rollcall votes. Had I been present, I would have voted: "aye" on rollcall No. 297; "no" on rollcall No. 298; "no" on rollcall No. 299; "aye" on rollcall No. 300; "aye" on rollcall No. 301; "aye" on rollcall No. 302; "no" on rollcall No. 304; "aye" on rollcall No. 305; "no" on rollcall No. 307.

SCHOOL LUNCH AND CHILD NUTRITION AMENDMENTS OF 1985

The SPEAKER pro tempore. Pursuant to House Resolution 262 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 7.

□ 1215

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7) to extend and improve the National School Lunch Act and the Child Nutrition Act of 1966, with Mr. SLATTERY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, September 12, 1985, section 4 was open to amendment at any point.

Are there any further amendments to section 4 of H.R. 7?

The Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. INCLUSION OF WHOLE MILK AS A SCHOOL-LUNCH BEVERAGE

Section 9(a) of the National School Lunch Act is amended by inserting after the first sentence the following: "In addition to such other forms of milk as the Secretary may determine, such lunches shall offer whole milk as a beverage.".

The CHAIRMAN. Are there any amendments to section 5?

The Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. ELIMINATION OF REFERENCE TO FOOD STAMP PROGRAM ELIGIBILITY STANDARDS.

Section 9(b)(1)(A) of the National School Lunch Act is amended—

(1) by striking out in the second sentence "For the school years ending June 30, 1982, and June 30, 1983, the" and inserting in lieu thereof "The"; and

(2) by striking out the third sentence.

The CHAIRMAN. Are there any amendments to section 6?

The Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. AUTOMATIC ELIGIBILITY FOR CERTAIN PROGRAMS

Section 9(b) of the National School Lunch Act is amended by inserting after paragraph (5) the following new paragraph:

"(6) Any child who is a member of a household under the food stamp program or a member of an AFDC assistance unit (under the aid to families with dependent children program under part A of title IV of

the Social Security Act), in a State where the standard of eligibility for such assistance does not exceed 130 per centum of the income poverty guidelines, shall be served a free lunch and breakfast without further application or eligibility determinations. For the purposes of any verification under paragraph (2)(C), proof of receipt of food stamps or AFDC shall be sufficient.".

The CHAIRMAN. Are there any amendments to section 7?

The Clerk will designate section 8.

The text of section 8 is as follows:

SEC. 8. LIMITATION ON MEAL CONTRACTING.

Section 9 of the National School Lunch Act is amended by inserting at the end thereof the following new subsection:

"(e) A school or school food authority participating in a program under this Act may not contract with a food service company to provide a la carte food service unless such company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible children.".

The CHAIRMAN. Are there any amendments to section 8?

AMENDMENT OFFERED BY MR. BARTLETT

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

The Clerk read as follows:

Amendment offered by Mr. BARTLETT: Page 5, after line 22, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 9. ELIMINATION OF 1986 ADJUSTMENT TO REIMBURSEMENT RATES IN THE SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS.

(a) SPECIAL ASSISTANCE.—Section 11(a) of the National School Lunch Act is amended in paragraph (3)(A) by striking out "July 1, 1982" and inserting in lieu thereof "July 1, 1987".

(b) CHILD CARE FOOD PROGRAM.—Section 17 of the National School Lunch Act is amended—

(1) in subsection (f)(3)(A) by striking out "July 1 of each year" and inserting in lieu thereof "July 1, 1987 and each subsequent July 1"; and

(2) in subsection (f)(3)(B), by striking out "July 1 of each year" and inserting "July 1, 1987 and each subsequent July 1".

(c) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—Section 13(b) of the National School Lunch Act is amended—

(1) in paragraph (1) by striking out "each January 1" and inserting in lieu thereof "on January 1, 1987 and each subsequent January 1"; and

(2) by inserting at the end of paragraph (4)(B) the following sentence: "Such rates should not be adjusted to reflect changes in costs or prices during the period January 1, 1985 through January 1, 1986.".

(d) SCHOOL BREAKFAST PROGRAM AUTHORIZATION.— Section 4(b)(2)(B)(ii) of the Child Nutrition Act of 1966 is amended by adding a new sentence at the end thereof as follows: "No such annual adjustment shall be made July 1, 1986.".

Mr. BARTLETT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

Mr. HAWKINS. Mr. Chairman, reserving the right to object, we have not been furnished with copies of the amendment on this side. I request that we be provided with this amendment and the ones which follow. Otherwise, we would have to object to taking them up without reading them.

Will the gentleman comply with that request, please?

Mr. BARTLETT. Mr. Chairman, if the gentleman will yield, I believe that the committee chairman has received a copy. It is entitled, "COLA Freeze." I do apologize to the chairman. We had provided copies of all of these amendments last week. I think both the majority and the minority of the committee had expected this bill not to come up until later today or tomorrow, and so I would inquire of the chairman of the committee as to whether he now has a copy of the amendment.

Mr. HAWKINS. We have received copies, and I appreciate that. I thank the gentleman.

Mr. BARTLETT. I thank the gentleman.

Mr. HAWKINS. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. BARTLETT. Mr. Chairman, let me first put this amendment in the context of H.R. 7 and of the entirety of the school lunch programs. Last week during the debate, the House I think began to understand that a combination of the changes in H.R. 7 and these programs plus current law would cause the entirety of the national school lunch programs and the other programs that are amended by H.R. 7, would cause these entitlement programs to increase over the next 5 years beginning in fiscal year 1986 at the rate of approximately 6 to 7 percent a year.

Now, that 6 to 7 percent a year assumes the same number of recipients. So if the number of recipients were to increase, the increases would be greater.

Mr. Chairman, the result of that is that at the end of 5 years, if the House passes H.R. 7 today, and makes none of the modifications that will be proposed in this amendment and others, the result of that will be at the end of 5 years an unintended, I think, 36-percent increase of some $2 billion.

This, Mr. Chairman, is the first entitlement program that I can recall this House has considered this session, either to amend or to reauthorize.

□ 1220

The largest entitlement program in this section, the National School Lunch Program, is a permanently authorized program and, therefore, it is very seldom the House gets an opportunity to examine that program and determine if there are some ways to improve it so as to limit the rate of increases.

Mr. Chairman, the entitlement programs in the aggregate, as this House so well knows, are the single largest cause of the increases in the Federal deficit, constituting some 52 percent of Federal spending, and I think the House would prefer to deal with all of the entitlement programs in the aggregate, but that is not one of our options. All we can do today is to consider this program and then to hope that in many ways, as it will, modifications in this entitlement program will lead to modifications in others.

Mr. Chairman, in the context of this amendment, even if combined with all the other amendments, this amendment will not reduce spending at all. It will not reduce payments, it will not reduce spending. This amendment is a 1-year freeze on the automatic COLA's that otherwise would to into effect on July 1, 1986. Nor does this amendment eliminate COLA's. It only provides for a 1-year freeze or a respite from those COLA's that have increased the cost of these programs year after year.

Mr. Chairman, this would not lower expenditures. It would merely lower the rate of increases.

Now, school meal costs or reimbursements have been increased every year on July 1, at a calculated rate based on various indices. Between 1979 and 1983, school meal costs actually rose 7 percent, but the Consumer Price Index adjustment for the COLA was increased 32 percent. Between 1979 and 1983, total subsidies for free meals, if you include the producer's index and the commodity index, total subsidies increased 21 percent, but the cost only increased 7 percent.

So in many ways, Mr. Chairman, this change, this 1-year COLA freeze, a modest proposal, would really allow only a 1-year catch-up of some of the increases in cost.

These COLA's do not apply specifically to the students or to the recipients themselves but they are institutional programs, institutional reimbursements that are made to the school district. All that we are saying in this COLA freeze for 1 year is that for 1 year the Government woud recoup some of the overreimbursement that has been made in past years.

Let me repeat the numbers again. A 21-percent average increase in the reimbursements, versus a 7-percent increase in cost between 1979 and 1983. This amendment would not recoup those costs but would merely provide for a 1-year freeze.

Now, it is too early to——

The CHAIRMAN. The time of the gentleman from Texas [Mr. BARTLETT] has expired.

Mr. HAWKINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would bar the adjustment for inflation which is made in the reimbursement rates for the child nutrition programs. It would amount to a cut of $38 million in funding for fiscal year 1986, $250 million for fiscal year 1987, and $273 million for fiscal 1988.

May I, first, place the amendment in focus with respect to the overall budget problem?

H.R. 7 only attempts to reauthorize five expiring programs. It does not include all of the programs indicated by the gentleman from Texas on his now famous chart, which I think gives a false impression, an impression of busting the budget.

Unfortunately, this does not attempt to do that. We have scaled it down twice before this, in previous sessions, in 1983 and again in 1984. We have constantly reduced the amount for these programs. And the current proposal again reduces the amount.

After having documented the need for this program before the Budget Committee, the Budget Committee has indicated to us that H.R. 7 is completely within the limits of the Budget Committee and also the budget conference report, as reported by both the House and the Senate. So we are not doing anything fantastic. We are simply complying with the budget resolution as to the amounts.

Now, as to the merit of the amendment itself, 87 percent of the funds for child nutrition is earmarked to provide meals for poor children; therefore, the burden of this amendment is not on those who come from wealthy families but on the poor and the most needy among the children of this Nation.

These programs, despite what has been said, have already been cut. They were cut by one-third in 1981 and since that time, for a cumulative total of over $5 billion over this period of time. Now, that is a very disproportionate amount. No other program has been cut as much.

So with this amendment the gentleman is again picking upon a program that has constantly been cut since 1981. If that is a contribution to budget deficit reduction, this program has already suffered I think disproportionately more than any other.

The gentleman from Texas seems to be inconsistent in his desire to reduce the deficit. He has himself supported as much as $10 billion increase, in defense, in spite of busting the limits of the budget resolution in that instance, and in this instance he has a great fidelity for reducing the deficit. That inconsistency, it seems to me, is unwarranted in this instance.

There is a practical situation involved, as well, in the amendment. The school year has already begun. Contracts have been signed. Cafeteria workers have been hired on the basis of existing contracts. Food suppliers have already been contracted with, on the basis of the continuation of the current law, making allowance for the inflation factor.

This amendment would upset these contracts. It would simply mean that before the school year has been completed, they would have to take recognition of the fact that they have not made adjustments for inflation and try to readjust those contracts.

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

Mr. HAWKINS. I will be glad to yield to the gentleman, just briefly, however.

Mr. BARTLETT. I thank the gentleman for yielding, and not for the purpose of debating our differences but to clarify that this amendment does not affect the current school year. It would affect the COLA scheduled for July 1, 1986. So it would take effect in the 1986-87 school year, and school districts would then have almost a full 12-month notice that there would not be that increase built into their budget. I wanted the gentleman to understand that.

The CHAIRMAN. The time of the gentleman from California [Mr. HAWKINS] has expired.

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

Mr. Chairman, I was here and heard the gentleman offer his amendment. We serve together on the Education and Labor Committee and I know of his deep concern for education. We have our differences. But I never thought we would have a difference in this area. I respect and share the gentleman's concern for education. The subject of this proposal is child nutrition. We as a nation are concerned with nutrition of people all over the world, and have responded in generous fashion—and properly so. However, when it comes to dealing with the young folks of our own country, we sometimes find a penurious attitude, as reflected in this amendment.

Clearly this amendment would only exacerbate an already diminished situation. We have lost some $5 billion to date since 1981. This amendment would only further the cuts and reduce the program.

We look at the young folks today, and we know that the nutrition program is working and so we witness their nutrition improving. An see it in their well being. It is this very effort by our country over the years that has helped develop a better mind and body for our young folks.

The gentleman argues—and I understand his concern—the budget deficit which is clearly an important concern to all of us. If we are to cut, certainly do not pick on a nutrition program for the children. It is a miserly attitude. It is something that should be rejected out of hand. The argument cannot be made that the budget resolution is constrictive. The fact is, the budget resolution permits adjustments for inflation.

The gentleman, if he is concerned about budget deficits should look to the time he voted for $10 billion more for defense. And I have no quarrel with defense expenditures, but here we are, in the process of emasculating a program that has served our Nation well and has kind of taken the sting our of the pocket of poverty that existed in our Nation over the years.

I am not saying that every program functions in perfection. But no program in Government operates in perfect fashion. Let us not, as a matter of policy, cut in a cruel fashion the way this amendment suggests. We should not be cutting. We should be increasing. And I sincerely hope and pray that the Members of this august body will reject the gentleman's amendment, and I sincerely hope that the gentleman would, upon reflection, recognize the error of his ways and perhaps withdraw his amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, a strange thing happened on the way to something. I am not sure what it was. But when we started this year, there was a great deal of talk in the Congress that, as a matter of fact, the least we were going to do was freeze across the board; and then we were going to go beyond that. So in my first service on the Budget Committee, we passed a budget on the House side, which did not do that at all. The Senate passed a budget that did not do that at all. And then they got together in conference, and that was the most amazing thing I have ever seen, because in conference the President got what he wanted, no new taxes, no freeze on Social Security, the House got what they wanted, increases in domestics, the Senate got what they wanted, increases in defense, and they came back and told us:

> We are not only going to save as much as we said we were when it left the Budget Committee originally but, as a matter of fact, we are going to save more, even though all three sides got what they wanted.

That is an amazing thing.

Well, at that time I suggested some things, including what is being offered now, to the Budget Committee and the Finance Committee, that if you are truly going to freeze the entire budget, I want you to know the areas where you will be least devastating in the nutrition area. But as I indicated, they did not decide to do that at all. As a matter of fact, they said some areas get COLA's, they said you must have COLA's in defense, you must have 3 percent in the out years, and so

forth. So now we are saying defense and everything else can have increases, but when it comes to cost-of-living increases for nutrition programs, the answer is "no," you take a freeze.

I am not here to defend that kind of budgeting. I would not want to go out and tell the public that somehow or other I voted for a budget that increased in many areas but in one of the most important areas, which is nutrition, we decided a freeze would be all right.

Well, let us look at the COLA situation in relationship to what we have done in the last several years. Every COLA that has been given, every program that has a COLA, you can make the same argument that the gentleman from Texas has made now. You can do that in Social Security. You can say it far outstripped what we gave in relationship to what the figures should have been. But look at it in this context: With the reconciliation of 1981, the Child Nutrition Program, which represents less than one-half of 1 percent of the entire Federal budget, took 4 percent of the cut. One-half of 1 percent of the entire budget took 4 percent of the total cut. In short, the nutrition program enacted in 1981 was approximately 10 times greater in cuts than an across-the-board freeze.

□ 1235

So do not look at what may have happened as far as COLA's are concerned; put it in the proper context, and look what has happened in reductions that took place in the whole nutrition program. Then you will discover as a matter of fact that you are spending less than what those so-called inflated COLA's would have given you.

Second, if you make this cut, and I am assuming it is across-the-board, except milk; I say that for the dairy producers—if you make this cut and you are talking about a school breakfast program, and you are talking about a summer feeding program, who makes that up? You are not talking about some school district that may go out and increase taxes, et cetera. You are talking about some programs that are carried on differently.

Let me just wind it up by indicating that the inflation adjustment will be in the range of 4 to 5 percent we are told in 1986. Again, keep in mind in 1981, even though it represented one-half of 1 percent of the total budget, nutrition took 4 percent of the cuts.

Mr. ALEXANDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I thank the Chair.

Mr. Chairman, I take this time to address the suggestion so often raised among some of our colleagues that no one goes hungry in America.

About a week ago, coincidentially, on the same day this bill was scheduled for consideration. I was going to the place where I live here in Washington, five blocks from the Capitol, about 9 o'clock. There was a little child who lives two doors from me named Tony. He was crying. I approached him, asked how he was doing, and he told me that earlier in the day someone jumped him in his words, beat him up, and stolen his bicycle.

I was trying to comfort him in neighborly terms, during which time I learned that he was hungry. I asked Tony when he ate last, and he said yesterday at noon. I learned that his last meal he had was the day before at school, and that he had not eaten on this particular day because he had missed because his bicycle had been stolen.

There are many children today, maybe even thousands within the shadow of this Capitol where we sit in comfort during the debate on this bill, who only get one meal a day and it is provided to them at school by the program that we are debating this day. I expect that that figure is multiplied thousands of times across our land in numerous situations in every town in America.

Some of the people who are crying loudest about the budget have concern about the budget as all of us do who are here debating it. But we should not lose sight of the fact that in this great land where we are debating a budget of almost $900 billion that we should not lose sight of the fact that many of our citizens; namely, young children, only get one balanced meal a day which is provided to them by the School Lunch Program through the school that they attend. I urge all of my colleagues to take this fact into consideration and not lose sight of the fact that while we must attend and give consideration to the needs of the budget, that we should also give consideration to the needs of our citizens.

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

Mr. Chairman, the hungry and needy schoolchildren in this country are not the real cause of the deficits. Very often when we come to programs for the needy we raise the specter of the deficit. Now, I recognize that consistency is not a strong virtue in this House, but it is something that we should strive for, at least. A certain sensitive consistency.

I have enormous respect for the gentleman from Texas [Mr. BARTLETT]. He and I worked together last year on a bill that no one said could pass. We worked well together on that, and I appreciate that work. But as all of us at times are inconsistent, so can he be. Just on June 18 of this year, he voted for $10 billion extra for the Defense Department; really beyond that which the budget resolution called for. He was not for a freeze there.

I recognize that he feels defense is a very high priority, but Mr. Weinberger's extra dollars in the last 5 years did not come from revenue, they came from filching dollars from other programs. They came from filching dollars from schoolchildren, from pregnant women, and from the poor. That is where he got the dollars. I can figure that. There is no extra revenue; he had to get the money from other programs. That is where he got those dollars. By supporting an amendment like this, we are telling him, "Here is our blessing on that; get some more of your dollars from this program." That is where the dollars will go; we know that. That is the record of the last 5 years.

In real life I was a schoolteacher. I taught school, and I can recall one incident in my life that really made me a strong supporter of this program. I was raised in a family where stealing was considered a very, very terrible offense. I found out that in my home room there in high school that my students were having their lunches stolen. Every day someone's lunch was being stolen, and that really outraged my sense of justice. So I really went to work on that and I found the culprit. I nailed the culprit. I called him in. And while his stealing was wrong, let me tell you this: He never got a breakfast in the morning. His first task when he came to school in the morning was to get something to eat. But he had a certain honor. He said, "Mr. Kildee, I never steal from the same person in the same week."

Do not take this food away from kids. For gosh sake, there are other ways to save money.

Mr. TAUKE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, it is very difficult to support any amendments that affect the child nutrition programs. But I am compelled to come to the floor in support of this amendment because I believe it is imperative that we only provide increases in spending in those areas where we have strong need to do so.

I think that the opponents of this amendment have made some good points. But they have also been guilty of using some very faulty arguments in opposing the amendment offered by the gentleman from Texas. What we have done on defense may or may not be relevant, but it does appear to me that it is misleading and wrong for those who are arguing in opposition to this amendment to solely base the argument on the assertion that if we do not spend the money for this, we will spend it for defense. You voted for an increase for defense, they say, and

now we ought to vote for an increase for this. I did not vote for any increase for defense, and I do not think I have voted for an increase for any program this year. But whether or not the rest of my colleagues have voted for an increase in those programs is not particularly relevant here. What is relevant is this: When we do not have any money in the Treasury, can we justify increases in this program? Will the program fail in its mission if we do not provide more money?

I have heard nobody in opposition to this amendment stand up and explain why we have to have a cost-of-living adjustment in this program in order to maintain the program, provide food for starving children, provide food for children who are not starving but maybe want a lunch. Nobody has bothered to do that.

Nor have they bothered to look at what has happened to the program during the past several years.

□ 1245

In fact, what has happened is that we have given cost-of-living adjustments in this program that have far exceeded the cost of food purchased for the program. The cost of meals under this program have increased very slightly. Between 1979 and 1983, for example, there was a 7-percent increase in the cost of providing a meal, while the index under which this program got increases went up 21 percent.

So we have increased the money for the program far faster than the cost of food has gone up. If one looks at what has happened during the last year, and if one projects what is going to happen for the next year, the cost of food is not going up, ladies and gentlemen, the cost of food is going down.

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

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

Mr. GOODLING. I thank the gentleman for yielding.

Mr. Chairman, could the gentleman also tell me that the cost of equipment is going down, not up, and the cost of labor is going down, not up?

Mr. TAUKE. I would be happy to respond to the gentleman.

First, we are not talking about equipment in this particular portion of the program.

Mr. GOODLING. We are talking about cost-of-living increases.

Mr. TAUKE. I have not yielded to the gentleman.

The second point that I am trying to make is that we have here limited dollars. Of course, I would love and I am sure the gentleman would love to not just give a cost-of-living adjustment for the program but to double it, give everybody free meals. But the point is that we have limited dollars within which to work.

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

Mr. TAUKE. No, I will not.

We have limited dollars within which to work, and when we have limited dollars within which to work, we have to make tough decisions. There has not been any case made for increasing the expenditures, except to say that if we do not increase the expenditures, we are going to be taking food from starving children. Not true.

The fact is that the program will be maintained.

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

Mr. TAUKE. I would be happy to yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's response because no matter how you slice it, the fact is that it is between those years of 1979 to 1983, which is the last time for which we have the figures, total school meal costs have only increased 7 percent, but the reimbursement by the Federal Government to the school districts in institutional entitlement has been increased by 21 percent.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. TAUKE] has expired.

(On request of Mr. BARTLETT and by unanimous consent, Mr. TAUKE was allowed to proceed for 1 additional minute.)

Mr. BARTLETT. Mr. Chairman, will the gentleman continue to yield?

Mr. TAUKE. I would be happy to yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Chairman, we are not going to emasculate the program or even reduce the program, but only reduce the rate of increase. This amendment would still permit a rate of increase, with a 1-year breather for the COLA, not even to catch up completely to that disparity, but just a 1-year breather.

Mr. TAUKE. I thank the gentleman for his point.

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

Mr. TAUKE. I yield to the gentleman from Michigan.

Mr. PURSELL. I thank the gentleman for yielding.

Mr. Chairman, I want to congratulate the gentleman from Iowa. He has put his finger right on the basic issue that we are talking about, the discipline of the House. If we are going to begin to increase this program, housing, Customs, IRS collectors, water projects, defense then increased and spendings continue to dominate this House. We are losing our discipline in respect to the deficit. We as a nation are borrowing 20 percent of our revenue. Our general fund will pay out $130 billion on the interest alone in 1986 on the national debt.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. TAUKE] has again expired.

(On request of Mr. PURSELL and by unanimous consent, Mr. TAUKE was allowed to proceed for 3 additional minutes.)

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

Mr. TAUKE. I yield to the gentleman from Michigan.

Mr. PURSELL. I thank the gentleman for yielding.

Mr. Chairman, I suggest that yes, it is a great program. I have been a former teacher and I have been on the Committee on Education and Labor, and I can name a hundred great programs and so could you and so could all of us. We have 435 Members here. But if discipline breaks down here, I think what it's suggesting is that all bets are off on the Defense bill, which is yet to come. When that Defense bill comes up, what are we going to do? Are we going to allow the $10 billion increase in defense over 1985? We must be consistent an say "no" to increased spending.

Mr. PANETTA. Mr. Chairman will the gentleman yield?

Mr. TAUKE. I would be happy to yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Chairman, sometimes I am never quite sure whether we are in the House of Representatives or in an Alice-in-Wonderland situation. We are operating under a budget resolution which provides exactly for the growth that is involved here. That is the budget resolution. We either stand by that budget resolution or we do not. We cannot pick and choose and say, "Oh, in this area I am going to support the budget resolution, and in this area I am not."

This bill meets the budget resolution, period. Now, we either stand with that or we do not.

Mr. PURSELL. Mr. Chairman, will the gentleman yield further?

Mr. TAUKE. I yield to the gentleman from Michigan.

Mr. PURSELL. I thank the gentleman for yielding.

Mr. Chairman, I do not happen to support the budget resolution because we are only talking about $39 billion savings in the budget.

We are talking about a freeze at 1985 levels. That is a different figure than the House budget resolution.

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

Mr. TAUKE. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Chairman, I do not know that it is all that crystal clear that there is some page of the budget resolution that contemplates an increase in these programs at the rate that they are being increased. In fact, there is no such one single page. The fact of the matter is that the budget resolution in many ways becomes very, very vague, as it does in this area.

The fact is that there is nothing in the budget resolution which would suggest that we control these costs. Nowhere, when the budget was voted on, and I do not support that budget either, did anyone say, "That means a 36-percent increase in the cost of these programs." I do not believe there is a Member of this House who believes that.

Mr. TAUKE. I thank the gentleman for his point.

Mr. Chairman, I want to conclude by saying, ladies and gentlemen, that regardless of what we do in other programs, when we look at this program, we must apply rigorous standards, as we do to every program, and say, "Is it absolutely necessary to have increases in spending?"

In view of the fact that we have more than overcompensated for increases in food costs in the immediate past, in view of the fact that food costs are going down, and in view of the fact that we have heard nothing suggesting that the removal of the cost-of-living adjustment for 1 year would in any way stymie this program, I think we should accept the Bartlett amendment.

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

Mr. Chairman, I rise in opposition to the particular amendment that is being offered today on the House floor for a variety of reasons.

First of all, I have to say that when we are talking about spending money of any sort on the Federal level, we are obviously dealing with prioritization, of how important an individual issue to an individual Member. It so happens that in my particular case the priority of feeding children and giving them a decent meal so that they do not go hungry is pretty high up there.

What are we talking about in terms of the specifics of the legislation? We are talking about 87 percent of the money that we are voting on going to poor, to hungry children, to children that I go up and down the hollows and see go around a lot of times in rag tails, without a decent meal except what they get when they go to school. This is the kind of thing we are talking about.

What are we talking about when we deal with where the cuts are going to come from? The distinguished gentleman from Iowa, I know, has a great concern on this issue. What we are talking about is cutting one of two things. We are talking about cutting either the number of people who are getting the food, or the quality of the food.

All right. If those are the two things that we are talking about cutting, in what type of situation are we? What type of situation are we in to cut?

In 1981, one-third of this program was cut out in that particular type of legislation we had back then. We absorbed a heavy cut at that particular time period. Now they talk about how much increase these programs have gotten.

I ask the distinguished gentleman if he would please take a look and see that, in fact, this legislation ties the price of food. If the price of food goes up, then the COLA goes up. So when we talk about a 21-percent increase over the past several years that we have had, if it has gone up by 21 percent it is because the food has gone by 21 percent.

□ 1255

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

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

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding, and I have asked him to yield not for the purpose of debate but for clarification.

In fact, the COLA under this program is adjusted according to the CPI, not according to the cost of food. The difficulty with this is that the meal costs have gone up only slightly, but the CPI has gone up a dramatic amount, and thus we have the disparity.

Mr. PERKINS. Mr. Chairman, I have just a further point for clarification. It is my understanding that it is the CPI based upon how you provide food costs away from home; is that not correct?

Mr. BARTLETT. Mr. Chairman, will the gentleman yield further?

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

Mr. BARTLETT. Mr. Chairman, the gentleman is correct. That includes restaurants, both expensive and inexpensive. It is the CPI, under the food-away-from-home, that is the adjustment. That has increased by 32 percent for those years, and the reimbursement under this program has increased by 21 percent. But school meal cost have only increased 7 percent in that time. That is the disparity we are discussing.

I am not seeking to recapture that entire disparity but only to provide for a 1-year freeze or a 1-year breather to perhaps recapture 3 percent or 3½ or perhaps some much smaller amount than that.

Mr. Chairman, I thank the gentleman for yielding.

Mr. PERKINS. Mr. Chairman, reclaiming my time, I would say that it is my understanding that it is a weighted balance from the variety of the different away-from-home costs, so it is not just restaurant costs. And what we are talking about here is in fact a program that is tied with this away-from-home cost to the price of that away-from-home food. That is all it is, purely and simply.

What are we talking about in these terms? When you are away from home, what is it going to cost you if you are going to get some sort of meal? What we say here is that we are providing at that particular price, the most lean price that we can get in essence, some sort of increase to keep up with that increase in the cost because of inflation. That is all we are talking about.

We are not talking about a new program. We are not talking about any sort of massive new aid for children. We want to keep the children who are out there eating the same food, with the same number of children, and not have a reduction in the number of children or the kind of food they eat. Purely and simply, you can slice it any way you want to, what we are talking about here today is children. Children are the issue that is before the House and the Congress of the United States of America.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. PERKINS] has expired.

(On request of Mr. GOODLING, and by unanimous consent, Mr. PERKINS was allowed to proceed for 3 additional minutes.)

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

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

Mr. GOODLING. Mr. Chairman, first of all, the discussion is very, very misleading. Someone is throwing around the figure of 7 percent. There is no justification whatsoever for it. Those figures are not available anywhere. You cannot go to the Agriculture Department or you cannot go anywhere and get a figure, as a matter of fact, that the cost-of-living increase over that period of years was 7 percent. It does not exist.

Second, I would tell my friend, the gentleman from Iowa [Mr. TAUKE], as a matter of fact that I am not for a universal free meals program and I am not for 25-cent reduced-price meals. If he would have been here earlier in my career, he would have found out that I was the Member, as a matter of fact, who fought against both.

But let me point out also that the important thing is that the best figure we have at the present time is $1.50. That is the average cost of these meals. That figure, I say to my dear colleagues, is going up every year, every year, and every year. Just go and

get the statistics. And that figure includes about 70 cents for labor.

So let us not look at percentages here and percentages there. The cost to produce a meal, the average meal in the United States, has consistently gone up, and now the average cost as of last year was a buck and a half. That has gone up since that time, and as a matter of fact, that is an average cost. In some places it costs much more.

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

Mr. PERKINS. I am pleased to yield to my friend, the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I want to congratulate the gentleman from Pennsylvania [Mr. GOODLING] for a very important and impressive statement, and I want to underline what he said when he talked about labor.

We are talking here about some of the most underpaid people in this country. People who know what the wage schedule is and people who prepare and serve food in these school kitchens ought to understand that that is part of what we are talking about. It is not simply the cost of food. We do not buy it and throw it at the kids. People have to cook it, people have to serve it, and people have to clean up after it, and we are talking about a very underpaid group of people to begin with.

So when you deny a cost-of-living increase, you are saying to the school district, I assume, "Don't give those people who work in that food preparation, in the cleaning up, and in the serving an increase that year, because they are just not going to get one."

So, Mr. Chairman, I thank the gentleman from Pennsylvania because I believe he has provided real leadership on this.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I have great respect for my colleague, the gentleman from Texas, and I have been very impressed with this thorough work on the charts that he presents to us. But if I may be allowed to scramble a little Shakespeare, I would like to say that the expense of his scholarship and thoroughness is a "waste of shame."

It is a waste of shame because he expends it in the wrong place. We never see him bring the charts and the diagrams forward when we are talking about waste where there should be cuts made, and that is in the defense area. Even in circumstances where we were discussing inordinate costs for nuts and bolts purchased by the defense contractors, or ashtrays, toilet seats, and coffee pots, our colleague, the gentleman from Texas, never came forward with his charts.

It is a waste of shame because he never bothered to come forward and discuss the facts concerning the MX missile, which most experts have agreed is not vital to our defense. It is a closing of the window of vulnerability in one case, or it is a bargaining chip in another, but they have never really said that it was vital to our defense. Our colleague did not come forward to challenge the expenditure of $74 million for each MX missile or talk about the fact that each one of those MX missiles requires a superhardened silo which will cost another $150 million per missile. So each MX missile costs $74 million, plus $150 million, and the charts and the graphs never came forward to point out the absurdity of that expenditure for a weapon which we do not really need in our defense arsenal to begin with.

It is also a waste of shame because of the fact that he has chosen to do a very thorough job on attacking programs which are primarily aimed at children. It has been documented recently that of all the people who receive entitlement programs, our children are the ones who are now getting the least amount from our Government and who have the greatest needs. These are programs to feed hungry children.

I will not pretend that the children of my district are like those in Ethiopia, but it is 1 of the 10 poorest districts in the country. I think, in terms of family income, my district ranks 10th among the poorest. In New York City we have 3 other districts which are among the 10 poorest, so we have 4 congressional districts in New York City which are among the 10 poorest districts in the country with respect to family median income. These are children who are hungry. I am not going to say it is like Ethiopia, that they are starving and they will not survive. But they are hungry, and a consensus was reached in the country that the nutritionally starved, those who are getting enough in their bellies but who are still not getting the proper nutrition, should be made a priority, that if we do not feed children properly when they are young if they do not get the right nutrition, then their ability to learn and their capacity for learning is diminished. Other types of problems psychologically and physically arise as a result, and problems arise medically which later on we pay for through Medicaid. I think the attempt to lower the cost of Medicaid was one of the motivating factors which led to an increased emphasis on programs which provide sound nutrition for young children. So we will pay now or we will pay more later.

It is a waste of scholarship because we cannot afford to pay for what would happen if we did not provide or if we do not continue to provide adequate nutrition programs.

Finally, I would like to thank again our colleague, the gentleman from Pennsylvania, for setting the record straight about the credibility and reliability of statistics that are being thrown at us. We really do not have sound statistics to show that the increases are that great, but more important than that is the fact that when we talk about increases, we must ask, what is the base? The base is 1981-82 when the cuts were made, when these programs took a disproportionate amount of the cut to begin with. We have cut a program drastically, and now we are talking about the percentages of increases from year to year, which really means that with these increases we are trying to get back to a reasonable state of appropriation that existed in 1980.

So what is at stake is the provision of a program for those who have been deemed to be those most in need in our society right now, the children of America, the children who are under attack. And they are under attack in order for us to sort of balance the budget and reduce the deficit when there is no sincerity among those who argue that the children must wait until the deficit is taken care of or the budget is balanced.

There is no sincerity there, Mr. Chairman, because those same people refuse to recognize the fact that the real waste is in defense.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. GUNDERSON. Mr. Chairman, I beg, as I guess we all do, the indulgence and the attention of the Members because I think there are a number of things that need to be said on this bill. And there are a lot of things that need to be said about this particular amendment.

This, make no mistake about it, is the key amendment that will be considered in H.R. 7. If any of the amendments are going to pass, this is the one that ought to pass. And, it is the only amendment left in front of us that I am going to support. Other amendments will suggest that what we ought to do means tests, and that we ought to cut the cash commodities and all that sort of thing. I do not happen to agree with those amendments.

And my position has been significantly misrepresented over the weekend. Let me make it very clear that I do not agree with the other amendments that are going to be offered and I am not going to support them, but I think this amendment has merit. I think it ought to be considered, and I call it to the attention of the Members.

A lot of Members are getting up here in debate and saying that because somebody votes to increase defense,

they cannot vote to have a freeze in child nutrition. In all due respect, we all have different priorities. I happen to have different priorities than the gentleman from Texas, but let's respect his.

Many of us in this body, Democrat and Republican alike, who believe that the budget we passed in this Congress was inadequate, and that what we ought to do in terms of a justifiable, consistent public policy is begin with a freeze on everything. Then, above and beyond that, make cuts. I challenge anybody in this House to take a look at my voting record thus far, because they will find that consistency in my record. I have voted for a freeze on defense, I will consistently vote for a freeze on defense in fiscal year 1986, and I will vote for that freeze in other programs as well.

Now, the fact that this Congress is making a mistake in increasing defense authorizations does not justify that we then abandon any effort at fiscal responsibility in this Congress and let every program increase carte blanche, whatever we want the cost of living to be.

Let us understand as well that the amendment before us at this point in time does not freeze the child nutrition programs and does not freeze the School Lunch Program. This particular amendment simply freezes the rates.

If you have a small school in your district of, say, 300 students and next year the enrollment goes up to 325, you are going to get reimbursement for all 325 children if they participate in the School Lunch Program. We do not freeze the program at the present level. We freeze the rate. So each School Lunch or Child Nutrition Program will be able to respond. They will simply have to, in 1986-87, respond at the same level they are doing in 1985-86, because on July 1 of this year they received a 4½-percent increase in rates.

Now, I would also suggest to the Members that if they look at the facts on the adjustment in rates that occurred on July 1 of this year, they will find that something very interesting happened. In terms of the cash subsidy, we actually had an increase of from 12 to 12½ cents. In terms of the commodity subsidy, we actually had a decrease from 12 to 11¾ cents. Why? Because the cost of food in this country has gone down.

So to suggest that the cost of food is going up and, therefore, we have to have a cost-of-living increase in the rates because, if we do not have that, the programs are going to be decimated simply does not stand up to the facts that are before us.

What we are talking about, if we have a one-time freeze in rates, 1986 to 1987, would be a savings, according to the Congressional Budget Office, of $26 million the first year, $199 million the second year, and $236 million the third year. That is the calculation from the Congressional Budget Office.

Now, I would suggest this when you listen to the arguments that are put up against this:

First, that you cannot freeze this because you are not freezing defense, I would suggest that we freeze all of them.

Second, people are going to suggest that food prices are going up, and I think I have indicated that that is not the case.

□ 1310

Third, a number of my colleagues have tried to make the allegation, "Well, Mr. GUNDERSON, in committee you offered an amendment that provided for funding for the School Milk Program, a restoration that cost $15 million.

"Now, we agreed to that, but we are going to eliminate that if you talk about a freeze, because you are being hypocritical."

First of all, I think that is poor politics and poor policy if that game is going to be played. That amendment was being done from a public policy perspective, and let me talk about that. The special School Milk Program will cost $15 million. That was added back in committee because everyone on both sides of the aisle recognized that an oversight and a mistake in Gramm-Latta in 1981, where the policy decision was made on milk in school programs.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. GUNDERSON] has expired.

(By unanimous consent, Mr. Gunderson was allowed to proceed for an additional 3 minutes.)

Mr. GUNDERSON. Mr. Chairman, the policy argument in 1981 was that we would include the milk in the total school lunch reimbursement. I support that. For the most part, we ought not to have a special fund for milk. What we ought to have, however, and recognize, is that those young people, preschool, kindergarten children, who go half days and do not participate in the School Lunch Program, were thereby eliminated from participation in school milk because they did not participate in the school lunch. All we were saying in that amendment, a corrective amendment, is that every student ought to be allowed to participate in school milk, either through the school lunch, or if not the school lunch, the School Milk Program.

Now, I would suggest, everyone take a look at what I am supporting here in the freeze. Then take a look at that other special milk amendment, and we are more than living at a freeze in terms of overall cost outlays. I would suggest that consistency is on my side.

I would invite my colleagues on both sides of the aisle to recognize this is the key amendment. This is the time Democrats and Republicans alike will determine whether or not we believe the budget resolution that passed this House is inadequate and whether or not the fairest way to deal with the issue of the deficit is to start with an across-the-board freeze and then deal with cuts above and beyond that if we so choose.

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

Mr. GUNDERSON. Now that I have completed that statement, I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I appreciate the gentleman's explanation of why he had to vote for extra money for milk. Those of us who did not vote for Gramm-Latta I guess are not compelled to try to undo its mistakes.

Mr. GUNDERSON. Incidentally, I would reject that, because every argument that has been made on your side of the aisle is that we are trying to correct all the cuts that were made in Gramm-Latta on the school lunch. So I do not think your side agrees with the argument the gentleman just made.

Mr. FRANK. Well, if the gentleman will yield further to me, having given me 14 seconds, which I deeply appreciate before the gentleman interrupted me, if he would yield further, I would just say that we do not feel any great compulsion to single out particular things on the basis of something similar that was stated before when we started; but since the gentleman has brought up milk and he talked about his consistency in voting for defense and keeping it down, in my judgment since I have gotten here, the gentleman and I have often debated the dairy program, the dairy program as I understand it is not a nonmeans test of entitlement, it has been an antimeans test of entitlement; the bigger you are, the more money you get.

I wonder if the gentleman would describe to us his cost-cutting record with regard to the dairy program since the gentleman came here in 1981, which is a program which in sheer fiscal terms blinds the School Lunch Program in terms of its impact on the budget.

Mr. GUNDERSON. Mr. Chairman, I cannot believe the gentleman would give me the opportunity to answer that question.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

(By unanimous consent, Mr. GUNDERSON was allowed to proceed for an additional 3 minutes.)

Mr. GUNDERSON. Mr. Chairman, I welcome the additional 3 minutes to talk about one of my favorite subjects

and to indicate to my colleague, the gentleman from Massachusetts, exactly what has happened in the dairy program.

We are going to get into the farm bill debate a little bit earlier than I expected. But let us talk about what happened in 1983. At that point in time, we had a $2.5-billion annual expenditure for the Dairy Price Support Program in this country. I did not justify that. I do not think anyone else does.

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

Mr. GUNDERSON. Yes.

Mr. FRANK. That was 1983 the gentleman was talking about?

Mr. GUNDERSON. That was $2.5 billion.

Mr. FRANK. As a result of the legislation the gentleman voted for in 1981 when we had a chance to vote the other way, the gentleman has picked a convenient starting point.

Mr. GUNDERSON. Well, let me explain the program to the gentleman. The fact is that if you take a look at dairy price supports, and the gentleman very well knows they have gone down from $13.10 in 1981 to $11.60 at the present time. There has been no increase in support to the dairy farmers of this country.

Second, above and beyond that, we passed a diversion program which saved the American taxpayers over a billion dollars in the first year alone of that program.

Third, we are going to have a farm bill appear next week that is going to have a dairy provision which is going to bring the taxpayer cost of the dairy support program down to $800 million. I think the dairy farmer will consistently tell you that he has more than done his job to support the efforts of budget reduction and deficit reduction in this country and it is a record I can be very, very proud of in that regard.

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

Mr. GUNDERSON. I yield to my colleague, the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding.

I have sat here while three or four or perhaps more Members have talked about consistency vis-a-vis the defense program or milk or other things. It seems to me that there are decisions and priorities that this House has to make. It seems to me the inconsistency is on the other side for those who have, and I believe probably will when we get another chance, vote to reduce the increases in the defense program and it seems to me that for the sake of consistency they should be willing not to reduce the School Lunch Program, but at least to limit the rate of increase.

As the gentleman has said during his debate, in fact we are debating one amendment, that single solitary amendment that would improve and reduce the rate of increase by limiting at 1 year's worth of COLA on this one program. There is no other item before this House. It is only that attempt to begin to try to put the Federal increase in the deficit into some sort of perspective and to try to put some limits on it. That is the only bill that is before us.

For those who want to cut defense, leaving aside the argument on national security, I would hope they would also find some ways to at least limit the rate of increase in other programs.

I thank the gentleman for yielding.

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

Mr. GUNDERSON. I am happy to yield to my colleague, the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding.

I think here we should not mix apples and oranges. There is only one issue here. The cost of producing a meal is going up. If you get your statistics, you will see that. The average cost is now a buck and a half. That was last year. It has gone up since that time.

Why does it go up? Well, there are many reasons it goes up. Food is just one of the smaller ones probably, but it goes up because labor goes up, repairs go up, everything they do goes up and that price is going up, too.

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

Mr. Chairman, I rise in support of H.R. 7 and in opposition to this amendment. Let me try to bring this issue back to what we are talking about in terms of the program that is involved here in terms of nutrition benefits for children, but also the budget question as well. All of these have been raised during this debate. I think they need to be addressed.

Let us talk about the budget issue first of all. Now, I realize that every Member can have their own particular budget. Four hundred thirty-five Members can have their own particular agenda and this may or may not fit into their particular guidelines. I recognize that; but as an institution, we adopted a budget resolution. It was adopted by the House. It was adopted by the Senate. That budget resolution provided additional funds for nutrition purposes, because both the House and the Senate recognized the importance of dealing with this issue. So from a budget resolution perspective and from the perspective of the Budget Committee, this bill meets those targets, period.

Now, you can all argue your own particular agenda, but from the point of view of the budget resolution that passed the House, that passed the Senate, and that we are now abiding by as an institution, this bill meets that target.

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

Mr. PANETTA. I am pleased to yield to the gentleman from Michigan.

Mr. PURSELL. Mr. Chairman, is the gentleman suggesting that the House-Senate conference report that saves only $39 billion is really going to address the deficit that we face in 1987 and 1998?

Mr. PANETTA. I am not going to debate that issue.

Mr. PURSELL. I am just asking the gentleman the question.

Mr. PANETTA. I have made the point that this fits the budget resolution. If the gentleman wants to make a different point that somehow it does not fit the budget resolution, I am pleased to hear it; otherwise, I am not going to yield.

Now, second, with regard to nutrition programs, make no mistake about it, these programs have taken their cuts. If you want to cut programs, we have cut these programs. In 1981 we cut $12 billion over 4 years from nutrition programs. We cut it from the food stamp program, about $7 billion and $5 billion from these particular programs.

So there is no question that these programs have taken their share of the cuts. As a matter of fact, 3 million children go without school lunches today as a result of those cuts, 1 million of whom are poor children.

Third, with regard to the budget question, we are talking about the cost of living formula. This amendment does not guarantee any savings. It essentially says you are not going to have a cost of living formula.

Now, as we all know in a cost of living formula, if the price, if the cost of food services goes down, you do not get a cost-of-living increase because it has gone down. If it goes up, then you do.

So it seems to me to leave the formula in place merely reflects what in fact the cost of food services will be. That is a legitimate formula.

Now, yes, I know that there have been efforts to cut COLA's across the board and there is a lot of debate on that, but we did not do it. We did not do it on defense. We did not do it with regard to retirees. We do not do it with regard to indexing in the tax structure. We have not done it on highways.

So the argument now is that this is the place to start with children in School Lunch Programs. Children today in our society in this country are the new poverty class. One out of four children is below the poverty line. We are talking about a transition in our society that we had better be aware of. One out of four children is in poverty. We are going to pay for that.

You are talking about saving money. Let me tell you what the cost will be if we continue a society in which we do not meet those nutrition needs. We already know from the WIC Program what the results are. Every dollar we spend on the Women's, Infants' and Children's Feeding Program, we save $3 in health care costs.

Do not kid yourselves. You are going to pay one way or the other and it makes much more sense to invest in good nutrition programs than to have to pay in Medicaid costs to take care of a low-weight birth baby or to take care of a child that is born disabled or to pay for compensatory education in schools or to pay for disabled children in schools. That is the cost.

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

Mr. PANETTA. I am pleased to yield to the gentleman from Maryland.

Mr. MITCHELL. Mr. Chairman, I want to thank my colleague for making, I think, one of the most significant statements that could be made on this program.

I was a little lost when I first came in. I did not know whether we were talking about frozen milk——

The CHAIRMAN. The time of the gentleman from California [Mr. PANETTA] has expired.

(At the request of Mr. MITCHELL, and by unanimous consent, Mr. PANETTA was allowed to proceed for 3 additional minutes.)

Mr. MITCHELL. Mr. Chairman, I said that I was a little confused when I came in. I did not know whether we were talking about frozen milk, which is not bad, ice milk, or freezing children literally, or whether we were talking about freezing them psychologically in terms of stunting their growth physically.

I have asked the gentleman to yield to me, and without ascribing motives to anyone, certainly not to the maker of the amendment, but I think this is a time when we ought to really understand what is going on. All the cuts that we have talked about and imposed throughout this session of Congress on the part of many Members of this House are not designed to tackle the deficit. They are designed to end programs.

I say to the gentleman from California [Mr. PANETTA], I do not care what the gentleman says, how assiduously he and his Budget Committee members have worked to come up with cuts, certain people in this House just are not going to be satisfied. They are ideologically opposed to our Government meeting its responsibilities to certain of our citizens. That is the bottom line.

I am not impugning any motives to the gentleman. I deliberately said that I would not do that. I said that some Members have that as their objective.

If we go along with this, we are going to cut and cut and cut until they have achieved their objective; no programs for the poor, no programs for children, no programs for senior citizens, but monstrous programs for a military that is designed to maim and kill.

I thank the gentleman for yielding

Mr. Chairman, I rise in support of H.R. 7, which would extend through fiscal 1988 five expiring School Lunch and Child Nutrition Programs and also targets new funding for fiscal 1986 for the expansion of proven programs.

It is argued that current law provides generous nutrition benefits to children. It is said that the commitment to child nutrition can be kept through a maintenance of overall fiscal year 1985 funding levels and that there are flaws that need to be corrected. This administration is correct in saying that there are flaws in the program. The flaws arose because of the budget cuts in the Child Nutrition Programs enacted in 1981 that are still having an impact and that we have yet to correct. H.R. 7 proposes to correct these flaws.

After the 1981 cuts, there was a drop of 3 million children in the School Lunch Program with a great many being from low-income families. Some 2,700 schools had to discontinue participation in the School Lunch Program and some 400,000 children and 800 schools stopped participating in the School Breakfast Program.

In February of this year, a physicians' task force found that the problem of hunger in the United States is now more widespread and serious than at any time in the last 10 to 15 years. According to the U.S. Bureau of the Census, there are 1 million more children eligible for free and reduced-price meals than there were in 1981, but there has been no increase in the number of free and reduced-price meals served.

In the 98th Congress, we tried to correct the inequities brought about from the 1981 cutbacks. We tried to combat the rising problem of hunger in the United States. The effort was said to be excessive, containing inadequacies, crippling, budget busting. And now, at this very moment, H.R. 7 asks for an increase in funding of $121 million—a much smaller increase as compared to the $370 million increase passed by the House last year that the Senate failed to act on. Yet, it is still excessive, inadequate, crippling in the eyes of some.

How long will we continue to play these games at the expense of our children? There are those that need to be honest with themselves instead of pretending to be in support of these programs and the intent of the legislation while introducing weakening amendments that chip away at the very infrastructure of the program.

How long will we, in support of this legislation, have to fight to feed our children? It is time to rectify this situation. H.R. 7 is the way.

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

Mr. PANETTA. I would be pleased to yield. I would like some time to conclude my remarks, but I will be pleased to yield.

Mr. TAUKE. Mr. Chairman, I will get the gentleman more time if I can. I thank the genteman for yielding.

The gentleman raised several important points in relation to the WIC Program and others which I think it should be noted are not affected by this amendment.

I agree with the gentleman that we need to maintain and support those programs.

My question to the gentleman is this: What is the practical impact of not giving a cost-of-living adjustment in this particular program, or what is the practical impact on the program if we adopt the Bartlett amendment?

Mr. PANETTA. The practical impact is a cut if food service costs go up.

Mr. TAUKE. Mr. Chairman, will the gentleman yield further?

Mr. PANETTA. I am pleased to yield.

Mr. TAUKE. I contend that is not correct. My contention is that because the cost of food has in fact been declining and because the cost-of-living adjustments have been greater than the cost of food purchases, have gone up faster than the cost of food purchases, that the program will be maintained at current levels without the cost-of-living adjustment for 1 year.

I guess that is the argument which I do not think has been focused on very well this morning.

Mr. PANETTA. The gentleman wins either way. I mean, if seems to me you should support this kind of amendment if the argument is that the costs are going to do down, then the gentleman has absolutely nothing to fear. My concern is that the cost may go up.

Mr. TAUKE. Mr. Chairman, will the gentleman yield further on that point?

Mr. CHAIRMAN. The time of the gentleman from California [Mr. PANETTA] has expired.

(At the request of Mr. TAUKE, and by unanimous consent, Mr. PANETTA was allowed to proceed for 3 additional minutes.)

□ 1325

Mr. TAUKE. That is just the point. The cost-of-living adjustment is not based on what the cost of food is. The cost-of-living adjustment by which this program is indexed is based on an index that does not have anything to do with the costs in the programs.

It seems to me that we can maintain the program.

Mr. PANETTA. My understanding is that it maintains the cost of providing food services, and that, it seems to me, that has everything to do with this program.

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

Mr. PANETTA. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding. Maybe the gentleman is an expert. Members over there talk about food only.

Is this a program in which the food is prepared by volunteers out in the open? Do the kids come to tents in the field, and nice ladies in the neighborhood make it for free so that we don't have any maintenance costs, and we don't have any heating costs, or any food preparation costs? Because I get the sense that Members over there think somehow that the food is automatically prepared, automatically prepares itself, and the kids just eat it, and there is not anybody else involved, because all we hear about is the cost of food, not anything about the cost of labor or any other costs.

Do we have a lot of volunteers making this food for nothing?

Mr. PANETTA. As the gentleman well knows, this is all done by school employees who are trying to prepare this food within a school situation, and struggling for equipment and costs within that kind of situation.

So that is the purpose of having this cost increase, to try to meet that additional cost that one can anticipate. If it goes down, then admittedly we will not have to worry about the cost increase. But that is the purpose.

If I could take the remaining time to complete my remarks, I have taken much more time than I anticipated, but let me just say this: We are seeing serious statistics around the country in terms of the shameful hunger that is taking place. Let us recognize that it is happening in soup kitchens, it is happening in food pantries, and we see it in the statistics impacting on infants throughout the country.

We do a lot of talking about dealing with hunger in this institution. I do not think there is a Member here that is not concerned about the hunger problem. We do a lot of talking and we form select committees. We pass resolutions. But it is time to do something and this does something.

We do not just talk about it here. We need time to take action. This is the right thing to do from a budget point of view. It is the right thing to do from a human point of view, and it certainly is the right thing to do from a national point of view.

I yield back the balance of my time.

Mr. PURSELL. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

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

Mr. PURSELL. I will be happy to yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding just briefly because I think it is important for everyone to understand the facts.

The 7-percent increase in school meal costs is based on the total cost of a meal, representing food, labor, and other inputs. It was an analysis that has been done, that is available to all Members by the U.S. Department of Agriculture and it is based on all inputs.

On the other hand, the adjustment that has been made has been the 21-percent adjustment based on the cost at commercial food outlets, and that is where the disparity is.

I thank the gentleman.

Mr. PURSELL. I thank the gentleman and I rise in support of the amendment.

I just wanted to read into the RECORD the appropriation level since the so-called Gramm-Latta fight happened in 1981. At that time, the appropriation was $2,045 million. Since that time, the increase in this program during the same period when enrollments in schools went down—in 1982, the appropriation was $2 billion. In 1983, it went to $2.2 billion, and the appropriation in 1984 went to $2.3 billion. The 1986 budget which we are discussing today, the appropriation is $2.7 billion. Hardly any reductions.

So if you look at the increases that we have provided in this program, we are talking about $670 million additional money. All we are trying to do is maintain a reasonable level of appropriations for a very important program.

I think that has to be balanced off in the context of the deficit including 1986, 1987, and 1988.

So somewhere there has to be a common denominator, and if every subcommittee starts coming in here and adding money to housing, adding money to clean water, and water projects, and defense budgets, and so forth, I just think we have lost our sense of consistency and fiscal discipline. This freeze amendment is a fair and responsible fiscal position. Let's control our spending. Let's keep our eye on the staggering deficit.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words and I rise to oppose the amendment.

Mr. Chairman, I would hope that we would reject this amendment to freeze the reimbursement level for the School Lunch Program. I would hope that we would do it because we ought not to engage in misleading people who are listening to this debate, and we ought not to engage in misleading ourselves, because this is not a free freeze. This is not a freeze that you can impose without doing harm to the children who participate in this program, because the simple fact that we freeze the Federal reimbursement rate to the schools does not mean that that is the end of the decisions that must be made.

All of us come from areas where school districts are tugged and pulled between the decisions they must be making and declining revenue and what kinds of programs to offer. And the School Lunch Program goes into that equation.

As we withdraw our support, we have already seen around this country that schools have made a determination that they are better off not offering a program at all, or raising the cost to the paying children.

But more importantly, what we are seeing is the very children who need this program the most have dropped out, and they have not returned in the same numbers that we have seen the paying children start to come into this program.

For the poor children enrolled in this program, for many of them, this program provides one-third to one-half of their dietary requirement. This is where they get their nutrition.

For those of you who were not here or who have not read the studies, one of the reasons we have this program is to try to allow those children to fully develop their intellectual capabilities. Study after study after study told us what happens to hungry children in the schoolroom. It is not just that they do not learn, but they become restive, they become unsettled, and they spill over into the time of the other children in the program and they make teaching much more difficult. And when we looked at why that happened, clearly it was a lack of proper nutrition for so many of those children who were being sent to school hungry or were not receiving any kind of nourishment throughout the school day.

This is a crucial program. It is a crucial program at a time when this country is becoming more awakened to not only the problems of hunger in Ethiopia, but the problems of hunger in the United States. As the gentleman from California pointed out, children are the fastest-growing class of poor people in this country today. Through no fault of their own, they find out that they are poor. The most desperate group of people we find are the working poor who are trying to find and meet their food consumption needs throughout the month. So many of them are out of food.

What happens to their children? The School Lunch Program is the support system for that group. To suggest that somehow you can vote for this and it is free, it is not. The impact is direct, and the impact is immediate upon those school districts that must then determine what is the allocation that they are prepared to make at the local level.

So I would hope that Members of the House would understand that, and that they would reject this amend-

ment, because it is a devastating amendment.

We were told that the cuts of 1981 would have no impact. In fact, what we know is they have driven millions of children out of the program.

I suggest to you that this freeze translates to a cut in this program, and again we will see the very children that so many people say they want to help, the ones who are called truly needy by the President, they were called truly poor, the poorest of the poor, the desperately poor, those are the children that are enrolled in this program. The question is whether or not we are going to serve them or whether or not we are going to engage in some kind of political doubletalk where we tell our constituents we are really concerned about them, but in fact we vote against them.

So I would hope we would reject the amendment.

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

Mr. Chairman, I rise in opposition to the amendment. I think it is important to try and remember where we have come from since 1981.

We have been asked, and this committee has made significant, and some would say substantial cuts in the child nutrition programs over that period of time. But they were done very skillfully, and they were done in a way to keep this program as a meaningful one for the children of this country.

Notwithstanding that, there has been a large number of children who have been dropped from the program because their schools have dropped the program. The question is, How much more can we cut back in the child nutrition programs without doing even more drastic harm?

First I think it is important to keep in mind what we are talking about when we talk about the cost-of-living increase. We are not talking about the normal CPI. We are talking about the cost-of-living increase which is hued toward what the actual costs are in the School Lunch Program. There is no debate that there will be an increased cost in that program. The CBO estimates it will be 4.6 percent. The administration estimate, using cost-of-living increase data, is a 5.2-percent increase for fiscal 1986.

With this in mind, we ought to ask ourselves what will happen if we do freeze the child nutrition programs and do not allow that modest increase to take place. I think it is important to understand how the School Lunch Program works.

The School Lunch Program reimburses the cities and towns for the free lunches, the reduced lunches, and the paid lunches. If we were to reduce the amount of money going to the communities, the school districts would have an option. They either heap the increased costs to them onto the paid lunches, or else they ask for tax increases.

We must all speak from our own experience in our own States and communities. In Vermont, due to the cutbacks already made, we have a number of schools dropping out of the School Lunch Program, leaving many children without that option. Others are staggering on. An estimated 60 percent of the schools in Vermont are either breaking even or losing money. We are having problems throughout Vermont in raising additional revenues for our schools. Already they are being forced to make choices between important components of their school program. The freeze being considered here could force even more of these schools to drop out of these valuable programs.

If we continue to cut back we are likely to lose a large number of our School Lunch Programs. The arguments have been very forcefully made by the Members who have talked before me about the problems we are having nationwide with nutrition. The budget resolution reflects that concern and that priority by allowing increases in these programs to try to ameliorate the serious nutrition problem in this country.

The question then is what will we do if we continue to scale back on these programs, modest as these changes may appear to be. Once you put all these proposals together, you end up with serious problems which we are beginning to see in the rural areas now.

As modest as this amendment may seem to be, it could be the most critical and cruel amendment that we have facing the School Lunch Program today.

□ 1340

Mr. ARMEY. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I had not intended to participate in this discussion. Indeed, in all due respect to the gentleman from Wisconsin and the gentleman from Massachusetts, I really believe perhaps we have milked this discussion enough. Nevertheless, there were some comments made during the discussion that I felt compelled to respond to. Earlier there were some comments made about sincerity, more explicitly, no sincerity.

I am not quite sure what was intended, but from where I was sitting it seemed that the implication was that the framers of the amendment were lacking in sincerity. I felt that that was perhaps a little inaccurate.

I listened to the gentleman from Kentucky talking about the children in the hollows of Kentucky, and I felt the compassion, the understanding, and the sincerity. Indeed, I believe there is sincerity on both sides. Quite, I think, commendable sincerity.

Before I comment on the gentleman from Texas' amendment I would like to also respond to another point, a point which was made that perhaps there were people on this side of the aisle that were ideologically opposed to the Government's fulfilling of its responsibility to some of its citizens. I would suggest that perhaps everybody that has been involved in this discussion is ideologically committed to the Government fulfilling its responsibility to all the American citizens. The question is really more a matter of not ideological commitment or lack of commitment but a question of the understanding of where the responsibility lies.

In that regard, I was gratified and encouraged by the discussion that focused so much of the attention, I think, so rightly, on the poor in America and the need to feed the poor and to do so with compassion and to concentrate scarce resources, as we have here a case of scarce resources, to be allocated among the competing ends, both within this appropriation bill or in others; to concentrate on the youngsters.

Having made these comments, I would like to also commend the gentleman from Texas. He gives us all a lesson in how to frame and how to defend an amendment.

I appreciate the fine work of the gentleman and his sincerity, and I am happy to yield to him the rest of my time.

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

Mr. ARMEY. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's kind words. As the debate winds down, I would like to bring the debate back to some of the crucial points. Point No. 1, this Child Nutrition Program is an entitlement program that is permanently authorized.

So as to the argument that we should not be making amendments today, there are no other opportunities to amend permanently authorized entitlement programs. That is one of the difficulties with the perpetual growth of these programs.

No. 2 is that this amendment does not emasculate or cut the program at all but merely reduces the rate of increase of COLA's for 1 year.

But, No. 3, there has been a great deal of speaking out for the rights of low-income citizens, low-income children. I think it is time that someone on this House floor spoke for those low-income children, because those low-income children have parents who, if we continue the $200 billion deficits, Federal deficits, will be out of a job

next year. And those low-income children have parents who cannot afford to buy a house because interest rates go up because this Congress cannot get its house in order. And those low-income children will be subject to the ravages of inflation again until this Congress begins to look at the programs one program at a time and to reduce the $1.5 trillion debt that is hanging over the heads of those children. And it is time that someone speak up for those low-income children and give them a chance, give them a chance to get a job when they graduate, and to buy a home when they want to buy a home, and to be saved from inflation when they become senior citizens.

I thank the gentleman for yielding.

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

Mr. ARMEY. I would be happy to yield to the gentleman from Massachusetts.

Mr. ATKINS. I thank the gentleman for yielding.

Mr. Chairman, the issue really is not the question of the sincerity of the framers of the amendments but, rather, the intent. They would have us believe that this is an amendment, by freezing the School Lunch Program, that would not hurt anybody, would not cause any pain or suffering, that simply because of the fact that food prices have been going down slightly or have been stable that therefore there will not be a cost-of-living increase in this program.

In fact, that is wrong. Food prices and commodities are a small part of the program, and clearly the cost of preparing meals is another factor.

The CHAIRMAN. The time of the gentleman from Texas [Mr. ARMEY] has expired.

(By unanimous consent, Mr. ARMEY was allowed to proceed for 2½ additional minutes.)

Mr. ATKINS. Mr. Chairman, will the gentleman yield further?

Mr. ARMEY. I yield to the gentleman.

Mr. ATKINS. I thank the gentleman for yielding further.

Mr. Chairman, the issue is not whether those meal prices are going down, because they are not. No meal prices in this country are going down. But even assuming some kind of precipitous drop in the cost of food in this country, what would then happen is that the food, that the local school districts would be reimbursed less and the money would go back to the Treasury. But what would happen is, as GAO has predicted and everybody else who has looked at this, if you put a freeze on and the price goes up, as everybody knows, the price of meals will go up, and this amendment is accepted, we will see hundreds of thousands of poor children denied adequate nutrition because one of two things will happen. Either they will reduce the number of children in the program, they will reduce the amount or the quality of the food.

So let us not pretend that this is an amendment that is harmless, that because of some stability in the price of food, would not cause any pain and suffering. Let us understand this amendment for what it is: It is an effort and a very deliberate effort to deny adequate nutrition to poor children in the School Lunch Program. We have already done that with Gramm-Latta in 1981.

Mr. ARMEY. Mr. Chairman, reclaiming my time, because I do believe we have gone on very long here, I would like to reclaim my time and close up.

I just wanted to thank the gentleman for correcting the record and making clear to me that he was talking about intent instead of sincerity on this side, because indeed it was the word "sincerity" or lack of sincerity that was stated several times over, and I am sure that nobody there intended to question the sincerity of Members on this side, nor to call into question any ideological commitment that we may not have regarding the responsibility of this Congress to the American people.

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

Mr. FORD of Tennessee. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, back in 1981 our President promised the very poor of the poorest of this Nation a safety net. I think we all would agree that in 1981 during the Gramm-Latta debate on the budget cuts there were some on this side of the aisle, and I was one, who reluctantly said that the Gramm-Latta amendment would be adopted by the House. We accepted those severe cuts, and as one who chaired the Subcommittee on Public Assistance and Unemployment Compensation, we have had the opportunity since 1981 to go out to the different States and to the different cities and to see and evaluate the real impact that these 1981 severe budget cuts have had on the poor.

For us to be here today and talk about the school lunch and nutrition programs for the poor, I would just like to ask the chairman of the committee: When we talk about this freeze under this amendment offered by Mr. BARTLETT, is it not true that we are talking about 87 percent of the children that we are talking about are the poorest of the poor, some $1.30 per day per meal goes directly to those who are not paying any funds at all, who are the poorest of the children of this Nation, and only 24 cents comes from paying students.

I strongly oppose this amendment and support the School Lunch and Child Nutrition Amendments of 1985.

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

Mr. FORD of Tennessee. I yield to the chairman of the committee.

Mr. HAWKINS. I thank the gentleman for yielding.

Mr. Chairman, the documentation in the committee was that 87 percent of the money goes to poor children.

That is not, in my opinion, debatable. Surely every member on the committee knew about it. This is not just a matter of whether or not there is an increase being advocated by the committee.

The Bartlett amendment is an actual cut. Regardless of the question of inflation, it is pretty obvious that if inflation goes up, this cut will be much deeper; and if the cost of living does not go up or down, as has been implied, then this reimbursement would go down.

So that is clear. That is not debatable.

Mr. FORD of Tennessee. In other words, this amendment today would not be even-handed if you are talking about the people that President Reagan talked about in 1981 in trying to protect. We do not want those to slip through the safety net.

I would urge my colleagues not only to think in terms of that safety net that our President promised.

Mr. HAWKINS. Mr. Chairman will the gentleman yield further?

Mr. FORD of Tennessee. I yield to the chairman of the committee, the gentleman from California.

Mr. HAWKINS. I thank the gentleman for yielding.

Mr. Chairman, may I put to rest one point which I think has been incorrectly raised, and that is the pitting of this type of program against defense items.

No one on this side, as far as I know, certainly not the sponsors of this particular proposal, are suggesting that somehow the money that might be saved in this program would be used in defense or that the defense money which might be escalated would be taken away from this program. We are simply suggesting, and I think we should end this dichotomy, that we are pitting one program against another. We are simply suggesting on the basis of the testimony before the committee that we should deal with these programs on the basis of the individual merit of each of the programs.

If there is an item in the defense program that is meritorious, that is warranted, then that should be the merit upon which we would deal with that item. In the same way, we ask you to deal with this on the basis of its

merit and not to pit it one against the other.

I think this has gone on too long. I think it is to the detriment of those of us, some of us, who vote for the increase in many defense items. Some of us are the biggest spenders because we not only vote in the defense bill for certain increases, and I am guilty of some of those increases, but we also look at the humane aspects of some of the domestic programs. We dealt with the amendment of the gentleman from Wisconsin [Mr. GUNDERSON] who actually increased an amount in this bill. But he definitely documented a need for that increase in the milk program to kindergarten children.

We dealt with that on the basis of merit. I am a little surprised today that others will not be as consistent in dealing with these issues on the basis of merit and not whether it is domestic versus the Defense appropriations.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. FORD] has again expired.

(By unanimous consent, Mr. FORD of Tennessee was allowed to proceed for 3 additional minutes.)

Mr. FORD of Tennessee. Hopefully, my colleagues on this side of the aisle will protect the safety net that the President has talked so much about. But as I close, I would like to point out that many of my colleagues have already discussed today the governmental agencies that have released reports within the last 2 or 3 years addressing the real impact on the nutrition program and the impact it has had upon the children of this Nation. We heard from the physicians' task force which was headed up by Dr. Larry Brown at Harvard University which indicated to us that somewhere between 15 and 20 million people in this country every month go hungry for some 2 days out of a month.

Also, we were able to back that information up with the Congressional Research Service as well as the Congressional Budget Office, that showed us that the trend of poverty among children in this Nation has doubled between the years 1972 and 1984. We are talking about more than 14 million children or 22.2 percent of all children in this Nation today who are living below proverty. If we look closely at this amendment, Mr. Chairman, which is before us today, we will see that poor children of this Nation will be impacted the greatest. Passing this amendment up would not protect the safety net that the President told the American people and promised the poor of the poor. The children of this Nation who are not here with us today, who do not have those lobbyists, who can't talk to their Representatives, ought to be protected through the voices of this House of Representatives.

Mr. Chairman, I urge my colleagues on both sides of the aisle to support the bill offered by the chairman of the committee and to reject this amendment which is before us now.

□ 1355

Mr. BARTLETT. Will the gentleman yield?

Mr. FORD of Tennessee. I yield to the gentleman.

Mr. BARTLETT. If the gentleman would yield briefly, and I respect what the gentleman has said and respect the gentleman from Tennessee a great deal; we have worked on a lot of legislation together. On the issue of the safety net, so that the record will be clear, this amendment would not affect that. There is no low-income child that would be denied a free lunch; every low-income child below 130 percent of poverty would continue to be entitled to a free lunch and any child below 185 percent of poverty would continue to be provided with a reduced-price lunch. This amendment would make no change in that whatsoever.

Mr. VENTO. Will the gentleman yield?

Mr. FORD of Tennessee. I would be happy to yield to my colleague.

Mr. VENTO. I thank my friend from Tennessee for his statement, and I want to point out that he is precisely right in pointing out this does affect low-income students much more adversely.

A freeze means a projected cut of a half a cent for regular students in the lunch program, but it means a cut of 4½ cents for poor children because the Federal Government pays more for low-income individuals.

So notwithstanding the comments of our friend from Texas, this I think focuses in on what the actual effect of his amendment is in terms of low-income students, and those are precisely the students that need that type of support and deserve the support of Members of this body.

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

Mr. Chairman, I have listened very intently to the debate, and I think there have been some very good points made on both sides of the aisle. I think the gentleman from California [Mr. HAWKINS] has made a very important point.

I think it is sad and not in keeping with the principles of good debate when we have an issue like this and we start comparing it to the military budget. I think it should be based on its own merits, and I think the gentleman from Tennessee [Mr. FORD] makes a very serious, serious point when he says that the President assured us that we did not want to shred the safety net.

I called the superintendent of schools for my district during the course of the debate, because I probably know less about this subject than anybody that has talked here today. I asked him what the impact would be in my district and would there be a chance that some children would be missing a meal? He assured me that yes, indeed, there would be some.

So in keeping with the President's promise that we do not want to shred the safety net, this is one Republican that is saying, I am in doubt. Because I am in doubt, I am going to vote in favor of the children.

We have found ourselves, this Congress, very generous in helping the starving of the world; and I played an active role in some of those bills, and I was proud of that; but for God's sake, we have a similar responsibility to those in this country, and I applaud those on both sides of the aisle for the way the debate has been handled. For myself, I am going to go with the President and his promise that we do not want to shred that safety net; I am going to vote against the amendment.

Mr. GILMAN. Will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman.

Mr. GILMAN. Mr. Chairman, I want to speak out to you today in opposition to this freeze amendment. We cannot afford to reduce the scope of the child nutrition programs if we are to maintain a strong commitment to the health and welfare of this Nation's most valuable resource, its children.

Last year, the House passed reauthorizing legislation for these programs by an overwhelming vote of 343 to 72. This year's bill, at one-third of the cost of last year's, is a fiscally responsible bipartisan initiative providing for modest program growth targetted to individuals who are most in need. As others have mentioned, the recently approved House/Senate budget package specifically makes available the authority and outlays for the program restorations included in H.R. 7.

Eliminating the cost-of-living adjustment for the child nutrition programs for even one year will have a detrimental impact. It will result in a significant weakening of the health and nutrition benefits of these programs. We have to remember that 22-percent of the children in this country are poor.

Accordingly, I encourage my colleagues to vote against any amendment that would prevent needy children from receiving adequate nutrition.

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

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

Mr. Chairman, after listening to the speeches and certainly the intent of

the gentleman from Tennessee [Mr. FORD], it is with some mixed emotion that I rise in support of the Bartlett amendment, but I do just that.

Later this week, we will have a farm bill on the floor that will reduce from the baseline—not a freeze, but reduce from the baseline some $7.9 billion from the agricultural programs that are involved in the production of the food.

It is tough to do that at a time when the agricultural economy is in its lowest depths since the Depression, but we are going to do that.

What is even tougher for me to do is to make those reductions and still have $150 billion deficits as far as the eye can see after we do it. Looking out into my colleagues' eyes today, I know that much of what I am saying has substantial agreement.

A lot of people are concerned about the deficit today; each of us, as we have come back from our districts, have suddenly become concerned because of what we see the deficit doing to all of the American people, from the poorest of the poor to those in the middle classes that are not able to take care of themselves.

The issue today is a freeze; not an increase, not a cut, but a freeze. I would never come before my colleagues if I believed that this amendment or any of these amendments was going to do that which has been suggested it will do. If I am doing that, then I will be judged wrong by the acts that come afterwards.

I would never support taking food from the mouths of starving children, but I think what we are talking about today is kids whose families earn $26,000 and more. What about the 65 percent of the family day care home participants who are over 185 percent of the poverty level and yet receive the equivalent of a free meal? What about approving Federal increases under the name of cost of living in amounts greater than the costs have actually increased, which I believe is at least partially true in this amendment.

Now, the bottom line is deficit reduction, and if in fact this package does not take care of feeding the poorest of the poor and the hungry, let us address that. I believe, not intentionally, but at least from the standpoint of trying to approach fairness and equity, the point is stretched, Mr. Chairman, when you suggest that cost-of-living adjustments straight across the board for the programs in question are taking food and money from the mouths of starving children.

That is why I support these amendments; I think they are fair; I think that we have got to do it in defense and this Member has owned up to that; we have got to do it in agriculture; and if in fact we are doing it to the least among us, then it is going to be up to us to design programs to do something about a fairer program for the poor.

Today, I believe the Bartlett amendment makes eminent good sense. It is fair; it is equitable, and will give us that impetus for some of the rest of us to do that which we are going to be asked to do where we can really make some major changes in the budget.

For these reasons, I do support the Bartlett amendment and hope my colleagues will also.

Mr. HAWKINS. Will the gentleman yield?

Mr. STENHOLM. I will be happy to yield to the chairman.

Mr. HAWKINS. If the cost of a meal goes up and there is no adjustment for inflation, does the gentleman agree that it is necessary for the money to come from someplace because of the cost-of-living adjustment? The gentleman said that a freeze is exactly a freeze.

If the cost of living goes up, the cost of furnishing that meal in the school district also goes up: Where does the gentleman suggest that those expenditures will come from?

Mr. STENHOLM. By making changes in the fundamental approach to the School Lunch Program to see that those who truly need it get it.

Mr. Chairman, I am speaking from the mouths of the women, the ladies, the men who work in the school lunch rooms in the 17th District of Texas who say we are putting too much money into the program feeding people that do not need it.

Mr. HAWKINS. Does the gentleman know this, that 87 percent of the money in these programs goes to the poor?

Now let us say that 13 percent go to those other groups. The gentleman is talking about 87 percent; you said that you are supporting this on the theory that you are not taking food from the mouths of poor children.

(By unanimous consent, Mr. STENHOLM was allowed to proceed for 1 additional minute.)

Mr. HAWKINS. If the gentleman will continue to yield, does the gentleman honestly, and I certainly have full confidence in the gentleman's integrity, but does the gentleman really believe that you are supporting this amendment on the basis that no poor child will be deprived of a meal?

Mr. STENHOLM. Yes, sir.

Mr. HAWKINS. You do?

Mr. STENHOLM. Yes, sir. I do.

Mr. HAWKINS. Well, I am afraid that the gentleman just has not listened to the debate; and I regret that the gentleman was not present in the Committee on Education and Labor where the superintendent of schools in the State of Texas had written to this committee indicating that such a freeze would deprive children in the State of Texas.

Now, apparently the gentleman disagrees with that.

□ 1405

Mr. STENHOLM. I certainly do, because I pay more attention to those who work in school lunchrooms and the schoolteachers who teach our children over what in fact is happening in the School Lunch Program than I do to anyone else who may lobby, or what have you. I believe, in all sincerity, that we can meet their needs.

Mr. HAWKINS. Well, we can thank those who have been testifying before the committee on this program; those who are supporting these nutrition programs.

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

The CHAIRMAN. Without objection, the gentleman from Pennsylvania [Mr. GOODLING] is recognized.

There was no objection.

Mr. GOODLING. I just want to make sure, as we close the debate on this issue, that we are focusing properly on what we should be focusing on because we have had a lot of discussion on things that really are not too relevant.

The issue is simply this: The cost of producing a meal each year is going up. The White House is telling us it will probably be about 5.2 percent this year. CBO says probably about 4.6. But the statistics show that the cost of producing a meal is going up. Whether food is cheaper in your area has no concern to this debate. It may be cheaper in your area, it may be more expensive in other areas. It depends totally on the cost of labor to get it to you. But we are not talking strictly about the cost of food. We are talking about how much it costs to produce a meal. Each year it goes up. CBO and the administration is saying it will go up again this year.

Second, if you believe the safety net version, if you believe that we have a responsibility to feed the free and reduced price people, I would say to the gentleman who just spoke, you cannot talk about a reimbursement to paying customers. We do not reimburse paying customers. What we do, we offer reimbursement to try to keep the School Lunch Program going. If we do not, with the exception of three States, nobody has to feed free and reduced price youngsters. Nobody.

Let me tell you our experience in 1981. We found a drop of about 3 million people, many of those, most, probably, were free and reduced price youngsters because the person with the money could pay any amount he wanted to pay for a la carte. We reimbursed each meal simply to keep the program going because we have said that we have a responsibility to feed the free and reduced price meal.

51-059 O-86-42 (Pt. 17)

Let me give you two examples which I have given over and over again in my district. After 1981, one district dropped the National School Lunch Program. No big deal. It is a very affluent district. I do not have many, but that one is. And so they were not feeding any free and reduced price. Nobody got hurt. Well, they did get hurt, nutritionally, because I know what many of them bought in lieu of the National School Lunch Program. But very close by, a district that had 1,300 free and reduced price youngsters dropped the National School Lunch Program because of our cuts. They could not afford to keep it going. And so the end result was, 1,300 youngsters not only not nothing at breakfast at home, or anything perhaps in the evening, they got nothing at lunch either, or they did not get a school breakfast program, because they dropped out of the program.

I want you to understand we reimburse to keep the National School Lunch Program going, not reimburse students who are not needy. We decided that we should feed the free and reduced. The cheapest way we know is to keep a national school lunch program going. I do not know of a cheaper way than that, because if you single out those 1,300 students among 7,000 or 8,000 students and you say we are going to set up some kind of a program to take care of them, how do you do it as cheaply as we now do it? Reimbursement is to keep the program going, not to feed nonneedy children. If we do not keep the programs going, then, please, do not talk about safety nets, because except three States there is no safety net. Free and reduced price youngsters just do not get a nutritious meal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BARTLETT].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 143, noes 284, not voting 7, as follows:

[Roll No. 309]

AYES—143

Archer
Armey
AuCoin
Badham
Barnard
Bartlett
Barton
Bateman
Bilirakis
Bliley
Boulter
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Callahan
Carney
Chandler
Cheney
Coats
Cobey
Coble
Combest
Craig
Crane
Daniel
Dannemeyer
Darden
Daub
DeLay
DeWine
Dickinson
DioGuardi
Dreier
Eckert (NY)
Edwards (OK)
Fawell
Fiedler
Fields
Franklin
Gallo
Gekas
Gingrich
Gradison
Gregg
Grotberg
Gunderson
Hansen
Hartnett
Henry
Hiler
Hillis
Holt
Hunter
Hyde
Ireland
Kasich
Kindness
Kolbe
Kramer
Latta
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Martin (IL)
McCandless
McCollum
McEwen
McGrath
McMillan
Meyers
Michel
Miller (OH)
Miller (WA)
Monson
Montgomery
Moore
Moorhead
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Penny
Petri
Porter
Pursell
Ray
Ridge
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Rudd
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Slaughter
Smith (NE)
Smith (NH)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stenholm
Strang
Stump
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Vander Jagt
Walker
Weber
Whittaker
Wolf
Wortley
Young (FL)
Zschau

NOES—284

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
Barnes
Bates
Bedell
Beilenson
Bennett
Bentley
Bereuter
Berman
Biaggi
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Brooks
Brown (CA)
Bruce
Bryant
Burton (CA)
Bustamante
Campbell
Carper
Carr
Chapman
Chappell
Chappie
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Edgar
Edwards (CA)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gray (IL)
Green
Guarini
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hendon
Hertel
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kemp
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lipinski
Lloyd
Lowry (WA)
Luken
Lundine
MacKay
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCloskey
McCurdy
McDade
McHugh
McKernan
McKinney
Mica
Mikulski
Miller (CA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Panetta
Pease
Pepper
Perkins
Pickle
Price
Quillen
Rahall
Regula
Reid
Richardson
Rinaldo
Robinson
Rodino
Roe
Roemer
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sharp
Shelby
Sikorski
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauzin
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)

NOT VOTING—7

Addabbo
Bevill
Frenzel
Gray (PA)
Long
Rangel
Young (MO)

□ 1420

Mr. DORNAN of California changed his vote from "aye" to "no."

Mr. DICKINSON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Clerk will designate section 9.

The text of section 9 is as follows:

SEC. 9. CHANGE IN TUITION LIMITATION FOR PRIVATE SCHOOLS.

(a) SCHOOL LUNCH PROGRAMS.—Section 12(d)(5) of the National School Lunch Act is amended—

(1) in the first sentence by striking out "$1,500" and inserting in lieu thereof "$2,500"; and

(2) by inserting at the end thereof the following new sentence: "On July 1, 1986, and on each subsequent July 1, the Secretary shall prescribe and annual adjustment in the tuition limitation amount in the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent twelve-month period for which such data is available.".

(b) CHILD NUTRITION PROGRAMS.—Section 15(c) of the Child Nutrition Act of 1966 is amended—

(1) in paragraph (A) by striking out "$1,500" and inserting in lieu thereof "$2,500"; and

(2) by inserting at the end thereof the following new sentence: "On July 1, 1986, and on each subsequent July 1, the Secretary shall prescribe an annual adjustment in the tuition limitation amount in the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent twelve-month period for which such data is available.".

The CHAIRMAN pro tempore. Are there any amendments to section 9?

Hearing none, the Clerk will designate section 10.

The text of section 10 is as follows:

SEC. 10. USE OF SCHOOL LUNCH FACILITIES FOR ELDERLY PROGRAMS.

Section 12 of the National School Lunch Act is amended by inserting at the end thereof the following new subsection:

"(i) Facilities, equipment, and personnel provided to school food authorities for programs under this Act and under the Child Nutrition Act of 1966 may be used, as determined by the local educational agency, to support nonprofit nutrition programs for the elderly (including programs funded under the Older Americans Act).".

The CHAIRMAN pro tempore. Are there any amendments to section 10?

Hearing none, the Clerk will designate section 11.

The text of section 11 is as follows:

SEC. 11. STUDY OF A UNIVERSAL SCHOOL LUNCH PROGRAM.

The National School Lunch Act is amended by inserting at the end thereof the following new section:

"STUDY OF A UNIVERSAL SCHOOL LUNCH PROGRAM

"SEC. 24. The Secretary shall conduct a study to consider the feasibility of making the school lunch program a universal program for all children and to consider various methods of operating a self-financing school lunch program for all children, including reserving a separate source of revenue for any such program. The Secretary shall submit a report of such study to the Congress, together with any recommendations or proposals for legislation, by January 1, 1988.".

The CHAIRMAN pro tempore. Are there any amendments to section 11?

Mr. BARTLETT. Mr. Chairman, I have an amendment after line 24 to create a section 12. Is that in order at this time?

The CHAIRMAN pro tempore. Yes, it is.

AMENDMENT OFFERED BY MR. BARTLETT

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

The Clerk read as follows:

Amendment offered by Mr. BARTLETT: Page 7, after line 24, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 12. SIMPLIFICATION OF PROGRAM ADMINISTRATION.

The National School Lunch Act is amended by inserting at the end thereof the following new section:

"SIMPLIFICATION OF PROGRAM OPERATIONS

"SEC. 25. The Secretary shall conduct an analysis of program requirements under this Act and the Child Nutrition Act of 1966 to identify program changes that would simplify program operation at the local level. Within one year after the date of the enactment of this Act, the Secretary shall report the results of such analysis, together with any recommendations or proposals for legislation, to the appropriate committees of the Congress.".

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. BARTLETT] is recognized for 5 minutes in support of his amendment.

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

Mr. BARTLETT. I would be happy to yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

Mr. Chairman, we have looked at the amendment on this side and have no objections to the amendment.

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

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

Mr. HAWKINS. I thank the gentleman for yielding.

Mr. Chairman, we also have studied this amendment. I wish to commend the gentleman from Texas for offering this amendment. I think it is an excellent one, and we accept it.

Mr. BARTLETT. I thank the chairman for this support of this amendment.

Mr. Chairman, I will not take very much time, but would just say that one of the problems, again and again, that school districts tell us they have in administering this program is the enormous cost of the complications and the paperwork and the requirements that are sent to the school districts in a rather detailed manner.

This would require the Secretary to conduct an analysis of those detailed program requirements and report back to the Congress what program changes can be made to simplify the program from the perspective of the local government level.

That is, I think, the nexus of the amendment and what is important to focus on. It is not the purpose of this amendment to simplify the program from the perspective of the local government level.

That is, I think, the nexus of the amendment and what is important to focus on. It is not the purpose of this amendment to simplify the program from the perspective of the Federal Government, although that may be a result, but to simplify the implementation of the program at the school district level.

I thank the chairman and the ranking member for accepting the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. BARTLETT].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there any further amendments to section 12?

AMENDMENT OFFERED BY MR. BARTLETT

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

The Clerk read as follows:

Amendment offered by Mr. BARTLETT: Page 7, after line 24, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 12. ELIMINATION OF ASSISTANCE FOR NON-NEEDY CHILDREN UNDER THE NATIONAL SCHOOL LUNCH ACT AND THE CHILD NUTRITION ACT OF 1966.

(a) ELIMINATION OF CASH ASSISTANCE FOR NON-NEEDY CHILDREN IN THE NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAMS.—

(1) Section 11(a) of the National School Lunch Act is amended—

(A) in paragraph (2) to read as follows:

"(2)(A) The special assistance factor prescribed by the Secretary for free lunches shall be 132.50 cents. The special assistance factor for reduced-price lunches shall be 40 cents less than the special assistance factor for free lunches.

"(B) A two-cent supplemental payment shall be made for each free and reduced price lunch served in a school food authority which, in school year 1984-1985 received a two-cent supplemental payment under this section for each free and reduced price lunch served in the program.";

(B) in paragraph (3) (A) by—

(i) striking clause (i); and

(ii) redesignating clauses (ii), (iii), and (iv) as (i), (ii), and (iii), respectively.

(2) The first sentence of section 14(f) of the National School Lunch Act is amended by striking "national average payment" and inserting in lieu thereof "special assistance factor".

(3)(A) Section 11 of the National School Lunch Act is amended by striking out the heading and inserting in lieu thereof "APPORTIONMENT TO STATES".

(B) Section 4 of the National School Lunch Act is repealed and section 11 of the National School Lunch Act (as amended by this section) is redesignated as section 4.

(4) Section 6(a)(2) of the National School Lunch Act is amended by striking "section 4 of this Act and the amount appropriated pursuant to sections 11" and inserting in lieu thereof "section 4".

(5) Section 7 of the National School Lunch Act is amended in the first sentence of subsection (a)(1) by striking out "agricultural commodities and other foods" and inserting in lieu thereof "food and providing meals".

(6) Section 4 of the Child Nutrition Act of 1966 is amended—

(A) in subsection (b)(1)(A)—

(i) by inserting in clause (i) "free or at a reduced price" after "breakfasts served";

(ii) in clause (ii) by striking out ", for reduced-price breakfasts, or for breakfasts served to children not eligible for free or reduced-price meals," and inserting in lieu thereof "or for reduced-price breakfasts,"; and

(B) in subsection (b)(1)(B), by striking out the last sentence thereof.

(7) Section 8 of the National School Lunch Act is amended—

(A) in the second sentence by striking out "agricultural commodities and other foods" and inserting in lieu thereof "foods and provide meals";

(B) in the next to the last sentence, by striking out "national average" and inserting "special assistance"; and

(C) in the last sentence, by striking out "section 11" and inserting in lieu thereof "section 4".

(8) Section 4(d) of the National School Lunch Act, (as redesignated by this section) is amended by striking out "including those applicable to funds apportioned or paid pursuant to section 4 but excluding the provisions of section 7 relating to matching,".

(9) Section 12(f) of the National School Lunch Act is amended by striking out "national average payment rates prescribed under sections 4 and 11" and inserting in lieu thereof "payments prescribed under section 4".

(b) ELIMINATION OF CASH ASSISTANCE FOR NON-NEEDY CHILDREN IN THE CHILD CARE FOOD PROGRAM.—

(1) Section 17 of the National School Lunch Act is amended—

(A) by amending subsections (c) (1), (2), and (3) to read as follows:

"(c)(1) For purposes of this section, the payment rate for free lunches and suppers and the payment rate for reduced-price lunches and suppers shall be the same as the payment rates for free lunches and reduced-price lunches under section 4 of this Act (as adjusted pursuant to section 4(a) of this Act).

"(2) For purposes of this section, the payment rate for free breakfasts and the payment rate for reduced-price breakfasts shall be the same as the national average payment rates for free breakfasts and reduced-price breakfasts respectively, under section 4(b) of the Child Nutrition Act of 1966 (adjusted pursuant to section 4(a) of this Act).

"(3) For purposes of this section, the payment rate for free supplements shall be that in effect on September 30, 1985, and the payment rate for reduced-price supplements shall be one-half the rate for free supplements (adjusted pursuant to section 4(a) of this Act)."; and

(B) in subsection (f)(3)(A) by striking out ", except that reimbursement shall not be provided under this subparagraph for meals or supplements served to the children of a person acting as a family or group day care home provider unless such children" and inserting in lieu thereof ". Reimbursements shall be provided under this subparagraph only for meals and supplements served to children who".

Mr. BARTLETT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BARTLETT. Mr. Chairman, the purpose of this amendment, and this amendment is likely to be substantially more controversial than the amendment that was just accepted, is to eliminate what is called in the vernacular the middle-class subsidies of the School Lunch Program.

Mr. Chairman, let me take a minute to explain how the School Lunch Program works and how it reimburses lunches for children.

First, there are those school lunches that are reimbursed for children who are poor; that is, their families earn less than 130 percent of the poverty level. That reimbursement would not be affected one whit by this amendment.

Second, there is that program that is called the reduced-price lunch in which children whose families earn between 130 percent and 185 percent receive a reduced-price lunch. Those children are also in the poor or the near-poor category, and their subsidies and their lunches would not be affected one whit.

But 50 percent of the children who are served school lunches under the Federal School Lunch Program fall into a different category.

Since the incomes or the salaries of the Members of the House of Representatives are a matter of public record, those are the children of every Member of this body. Those are the children whose parents have no means test at all. They earn over 185 percent of the poverty level, with no outside limit, so those are the children whose parents may earn $20,000 a year or $50,000 a year or $100,000 a year or $200,000 a year.

□ 1440

Mr. Chairman, the tragedy of the present program is that those children or those parents are being reimbursed by the Federal taxpayers at the rate of 25 cents per meal for every meal that they eat. So when Members of this body reach into their pockets and give their children 75 cents or 90 cents for a meal, either here or in their home districts, the Federal taxpayers add another 25 cents to it.

There has been a great deal of debate today about the needs of low-income families and children who would otherwise be hungry. This amendment would reduce or eliminate the cash subsidy for the children who are not low-income and who would not otherwise go hungry.

Mr. Chairman, the program is divided into two parts. Half of it, or 12½ cents, is paid in the form of commodities, and 12½ cents is paid in the form of cash, straight out of tax dollars. My amendment would not affect the commodities or the commodity reimbursement to school districts. It would only eliminate the cash subsidy. It is an amendment that in days of scarce resources, I think this Congress ought to accept. We ought to say for the first time that the purpose of the school lunch program is to provide free or reduced-price lunches to low-income students and not to middle-income students and not to upper-income students.

Let me give the Members some statistics just from last year, Mr. Chairman. Last year 42.4 percent of the School Lunch Program was provided for free lunches for low-income students, 6.8 percent was provided for reduced-price lunches for near-poor students, but a majority of the lunches served, 50.8 percent, was provided for non-needy students.

Mr. Chairman, that is over 2 billion full-priced lunches every year that the taxpayers reimbursed at the rate of 12½ cents in cash and 12½ cents in commodity subsidies.

Mr. Chairman, this is also offered in the context of the other amendments that were for reductions. I would just urge the House to consider the enormous increases that are built into these entitlement programs in light of the deficit. We understand that the House has rejected other amendments, so now we come down to one that does not bring the program back to neutral, that does not bring the program back to a freeze, but all it does is to reduce $287 million for the first year out of the cost of these programs. And it does not take that money out of any low-income student. It does not reduce any proverty level child or any child who is less than 185 percent of proverty. This merely will eliminate the 12½ cents cash subsidy that is paid for every child and for every paid lunch, no matter the income.

Mr. Chairman, this amendment provides a change in the school lunch program whose time has come.

Mr. HAWKINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the consequences of this amendment would be even more devastating than any of the other amendments that have been presented so far and have been rejected. The implication, first of all, that only children from high-income families would be affected if the high-income subsidy is eliminated is not really correct.

First of all, the money or the reimbursement does not go to the individual; it goes to the school district. This money goes to support the basic infrastructure of the program. So we are talking now about the very heart of the school lunch program.

Let me deal in just very simple arithmetic. Let us assume that a school in a school district had 80 percent paying students and 20 percent of the so-called poor students, those who have reduced-price lunches or those who do not pay for their meals at all. Now, under this amendment, that school would lose that 80 percent because they are paying students. They would lose the 80 percent, and that would be devastating to that School Lunch Program. They would find it uneconomical to operate, so the 20 percent who are needy would then be deprived of the school lunch.

We have a great number of schools obviously in this category, and it does not have to be 80 percent. It could be much lower; it could be 40 percent or 50 percent. If they lost these paying students, then obviously the program would be crippled. That is the consequence of this amendment.

We tried it in 1981. That was really the mandate of the Gramm-Latta proposal in 1981. It was adopted. It was tried, and as a result of that, 3 million children dropped out of the program. That was the actual experience under this amendment, as tried in 1981. There is no reason why it would be any different now.

But even in addition to this, in my opinion, this is a very serious attack on American education because this is the beginning of saying that families should contribute to education based strictly on their income, that there are individuals that should pay for these services within a school. So we begin to stratify the students and stigmatize them. If parents should pay for the meals, why would the parents not also be asked to pay for the textbooks? Why would they not also be asked to pay for the transportation that is furnished? We can get all sorts of logical consequences as a result of this type of reasoning?

But, Mr. Chairman, I think the immediate impact, and the seriousness of this amendment, is that while it seems to indicate that you can make certain students pay and this will help defray the cost it is quite the contrary; it simply cripples the School Lunch Program and it will deprive all of the children, rich and poor alike, of the School Lunch Program.

Mr. Chairman, I think this is a serious amendment to consider, and I think the consequences indicate that it should be rejected.

Mr. GOODLING. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I think the chairman of the committee was very kind when he said that this would have a more devastating effect than any other amendments on the program. This would destroy the National School Lunch Program. That is how devastating it would be.

Let us keep in mind that in 1981 we only cut 5½ cents in the basic cash support and we lost 3 million students. That was only 5½ cents. Now, just figure what will happen when we are talking about 12½ cents.

Let us make sure that we understand, first of all, that at the present time we have 12½ cents in cash, we have 11.7 cents in entitlement commodities, and then we have another 10 cents in bonus commodities. You could make the same argument, I suppose, for commodities that you are making now if you want to do away with the cash payment. But you say, "Oh, no, they are surplus," et cetera. Let me tell the Members that they go out as an Agriculture Department and buy those commodities in order to distribute them. So you are looking at a situation where, if you truly believe that the National School Lunch Program is important, you have to find a way to subsidize that program in order to keep it going.

As I said the other day, this all started back when we decided that it was necessary to recruit for World War II, and, lo and behold, we found that that was a difficult thing to do because the nutrition of those we were trying to recruit was so bad that, as a matter of fact, we had a difficult time getting a standing army, in the true sense of the word. That was true not only of those who came from poor backgrounds but those who came from middle and higher income backgrounds also. So the Congress decided at that time that we thought a National School Lunch Program was necessary.

We said it was necessary also through the years to have a National School Lunch Program so we could insist that youngsters who cannot purchase a meal would have an opportunity for a nutritious meal. We made that decision as a Congress.

If we were to adopt this amendment, we would say to the local school district that we are giving them an out; we are giving them an opportunity not to feed free and reduced-price lunches to people because there is no way under the Sun they are going to be able to raise local taxes to do just that. Those low-income folks are not the people who would scream. It would be the other people who would do the screaming, and the free and reduced-price youngsters would be left by the wayside.

We have to understand that we do not reimburse for paying customers. We reimburse to keep a program going that we happen to think is a very, very important program.

Let me say again that we reduced by 5½ cents in 1981 and we lost 3 million students. Let me also remind the Members that in many areas those who dropped out of the National School Lunch Program were those who were feeding 20, 30, 40, and 50 percent free and reduced-price lunches. If you are feeding all free and reduced-price lunches, this amendment does not bother you at all. If you do not feed any, you probably are from an affluent school district that is so affluent that it could probably make up the difference. But, let me say, that if you are feeding 20, 30, 40, 50, or 60 percent free and reduced-price lunches, your school district is in real trouble if you decide to adopt this amendment at this particular time.

Again let me say that in Pennsylvania, if we were to adopt this amendment, we are talking about a reduction of $12 million to the State of Pennsylvania. This is not Texas. We are not growing in Pennsylvania. We are an old industrial State. We are having a tough time making ends meet. Our Secretary of Labor and Ambassador Yeutter tell us to tell our people to go and get other jobs, but we do not know where to send them. Things are filling up in Texas, too. But it is also true in Texas. This hurts not just in Pennsylvania.

The gentleman who is in charge of the food service in Texas says this in a letter to me:

> The purpose of this letter is to express my concern about the proposed 12¢ cut in section 4 funds for the National School Lunch Program. The elimination of section 4 would cause local school districts to increase the price charged to paying students, which would have a negative effect on participation. In 1981-82, after a 5½¢ reduction in reimbursement for paid lunches from the previous year, statewide participation decreased by more than 4,000,000 paid lunches. This represented a loss in average daily participation of 23,700 students. Of course, a 12¢ cut would cause an even greater loss in participation.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

(By unanimous consent, Mr. GOODLING was allowed to proceed for 3 additional minutes.)

Mr. GOODLING. Mr. Chairman, the gentleman goes on to say in his letter:

> My real concern with the elimination of section 4 is the affect it would have on the many schools in Texas and throughout the nation that serve a small percent of free and reduced-price meals. These schools would have no incentive to participate in the National School Lunch Program if section 4 were eliminated. Once these schools have dropped the program, the nutritional integrity of their food service operation would be severely hampered, since they would no longer be required to offer lunches which meet certain nutritional standards.

More importantly, Mr. Chairman, free and reduced-price youngsters would not have to be fed except in three States in this Nation.

I hope that every Member will look very, very seriously at what this amendment would do to their local school districts. I have statistics for all of our States. I do not have statistics broken down for school districts.

Again let me remind the Members that it will be devastating if you are caught in that area that feeds 20, 30, 40, 50, or maybe 60 percent free and reduced-price youngsters, because that 12 cents is going to take away all of that infrastructure support. Again, let me remind the Members that the cost of meals and the cost to produce and serve meals is going up, not down.

So, Mr. Chairman, we have a serious problem with this amendment, and I would certainly hope that the Members will look carefully before making this leap because it will adversely affect their school districts. It will affect all school districts in this country; I do not care which school district it is.

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

Mr. GOODLING. I am happy to yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Chairman, I wish to associate myself with the gentleman's remarks.

I feel very strongly that this is probably the worst amendment as far as the destruction of the School Lunch Program. I know that in my own State it is going to have serious ramifications on our schools and school dis-

tricts and could lead to many of them closing if this amendment should pass. So I want to say that I agree wholeheartedly with the proposition that the gentleman has made.

□ 1455

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

Mr. Chairman, I am somewhat confounded over what is happening today. The gentleman from Texas [Mr. BARTLETT], who is a valued member of the Education and Labor Committee, seems to persist in his efforts to dismantle a program that has worked very effectively over the years.

I would suggest that we go to the origin of the legislation. It did not develop easily nor did it occur overnight. The problem was carefully looked at. It existed for a long time. There was a ground swell, slow, but eventually enveloping the mentality of our Nation and the Congress. As a result of it, the Congress developed this program that has been in effect for some number of years and working very effectively.

Why attempt to emasculate it now? The fact is the problem still exists. It will continue to exist as the result of successive generations going to school. Our concern for the nutrition and well-being of the young children of our Nation has not diminished. Our concern for the young children of the world has not diminished. It is manifested in so many ways by the things that we do for people throughout the world.

So it kind of boggles my mind when I see amendment after amendment being offered that would have the net effect of destroying or diminishing this valued program.

Of course, there are statistics. It has been said by the gentleman from Pennsylvania [Mr. GOODLING] that there was a loss of some 3 million lunches when we cut the program by 5 cents, If we eliminated all the payments now it would result in some 6 million less lunches, and 18,000 schools dropping out of the program, so in a true sense you are dismantling the program. I simply just do not understand it.

Is the gentleman suggesting that we go back to where we were, even though in piecemeal fashion? In any event I think we have done enough damage to these programs since 1981. Why should we continue to erode whatever benefits there are today?

As far as the needy question is concerned, let me tell you an experience that I have had. I was a young man during the Depression in our Nation. We know who was on welfare. We called it home relief in those days and those folks, the recipients of home relief, were psychologically burdened and they were looked upon in a disdainful manner. Happily, my folks never did get to that state, although my mother worked as a charwoman for $8 a week to keep body and soul together and I shined shoes to produce another couple dollars a week. My father had not worked in 4 successive years; but really, the notion of being on home relief was abhorrent, and so be it in this matter—imagine the feelings of the children if only the needy were singled out for free lunches.

Imagine the psychological trauma that would be inflicted on the young folks. These concerns were considered and discussed time and time again in the formulation of the program.

Once again we find a constant effort to diminish the funding. I just do not understand it.

Mr. GOODLING. Mr. Chairman, will the gentleman yield,

Mr. BIAGGI. I am delighted to yield to the gentleman.

Mr. GOODLING. This amendment would cost the gentleman's State almost $11 million.

Mr. BIAGGI. Pardon me?

Mr. GOODLING. This amendment would cost the gentleman's State almost $11 million.

Mr. BIAGGI. I appreciate that, but irrespective, I am talking about philosophy, policy, and that is what should be the determination.

Of course, if you cut funding in a fashion which the gentleman's amendment proposes, I think most States will suffer very grievous injury.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield,

Mr. BIAGGI. I am delighted to yield to the gentleman.

Mr. BARTLETT. Mr. Chairman, I respect the gentleman a great deal. We have worked on a lot of amendments together, but I think it does come down to philosophy. Should the Federal taxpayers pay a subsidy for the lunches of children who are not poor? We have agreed that we should pay a subsidy and a free lunch for children who are poor. This amendment would eliminate the subsidy for children who are not poor, with no means test at all. Perhaps later there will be amendments to provide a means test for the middle-income subsidies; but I think the gentleman is correct. It does come down to philosophy as to what Federal tax money should be used to pay for, poor kids or not poor kids.

Mr. BIAGGI. I understand the difference of opinion and I respect the gentleman's perspective.

The CHAIRMAN pro tempore (Mr. SWIFT). The time of the gentleman from New York has expired.

(By unanimous consent, Mr. BIAGGI was allowed to proceed for 1 additional minute.)

Mr. BIAGGI. But clearly, the question is simple. We have a program that has been in place for a long time. It works. We have seen the product. Go to schools today and you see the young folks nourished. They look it. You see it on their faces.

I can tell you, it was not always that way. So clearly I would urge the defeat of this amendment.

Mr. FORD of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I am delighted to yield to the gentleman from Tennessee.

Mr. FORD of Tennessee. Mr. Chairman, I would just like to say to the author of the amendment that we are talking about, it was mentioned earlier that this will not impact the poor students, that we have already dealt with that with the last amendment.

I do not know what the elimination of the 12-cent cash payment, what effect that would have, but the total elimination of the 24 cents would mean about 5.8 million children in 18,000 school districts, and we are talking about maybe over half a million poor children who would suffer from this amendment that is before the House today.

The CHAIRMAN pro tempore. The time of the gentleman from New York has again expired.

(At the request of Mr. BARTLETT, and by unanimous consent, Mr. BIAGGI was allowed to proceed for 1 additional minute.)

Mr. BARTLETT. Mr. Chairman, if the gentleman will yield, it is really a difference as to whether we should provide this 12-cent subsidy in cash and 12 cents in commodities, whether we should provide that subsidy to low-income children or to all children, the gentleman's children, mine, all children, without regard to income.

I would suggest, I do not know what the 5 million is that the gentleman suggests, but the fact is that perhaps school lunch prices would increase for middle-income students and upper income students, but it would not increase by one whit for low-income students.

Mr. FORD of Tennessee. Mr. Chairman, if the gentleman will yield further, I can appreciate what the gentleman is trying to accomplish in this amendment, but I think we are coming to the table with a strong appetite, but that appetite is also going to spread and we are going to reach out and pick up some additional poor children that we are trying to protect under the bill that is being offered by the committee.

AMENDMENT OFFERED BY MR. ARMEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BARTLETT

Mr. ARMEY. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ARMEY as a substitute for the amendment offered by Mr. BARTLETT: Page 7, after line 24, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 12. ESTABLISHING INCOME GUIDELINES FOR SUBSIDIZED MEALS UNDER THE SCHOOL LUNCH AND BREAKFAST PROGRAMS.

(a) APPORTIONMENTS TO STATES.—Section 4(b) of the National School Lunch Act is amended—

(1) in subparagraph (1)(A) by inserting "free, reduced-price, or subsidized" after "number of"; and

(2) in paragraph (2) by inserting "free, reduced-price, or subsidized" after "for each" both places it appears.

(b) DIRECT FEDERAL EXPENDITURES.—Section 6 of the National School Lunch Act is amended—

(1) in the third sentence of subsection (b) by inserting "free, reduced-price, and subsidized" after "lunches" both places it appears; and

(2) in subsection (e) by inserting "for free, reduced-price, and subsidized lunches" after "in lieu thereof,".

(c) INCOME GUIDELINES.—Section 9(b) of the National School Lunch Act is amended—

(1) in the first sentence of subparagraph (1)(A) by striking out "free and reduced-price" and inserting in lieu thereof "free, reduced, price, and subsidized"; and

(2) by inserting after the fourth sentence of subparagraph (1)(A) the following new sentence: "The income guidelines for determining the eligibility for subsidized lunches for any school year shall be 250 percent of the applicable family-size income levels contained in the nonfarm income poverty guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with subparagraph (B)."; and

(3) in subparagraphs (2)(A) and (B) by striking out "free and reduced-price" each place it appears and inserting in lieu thereof "free, reduced-price, and subsidized"; and

(4) in subparagraph (2)(B)—

(A) by striking out "reduced-price meal eligibility" and inserting in lieu thereof "subsidized meal eligibility"; and

(B) by inserting "or reduced-price" after "free" in the last sentence; and

(5) in paragraph (4) by striking out "free lunch or a reduced-price" and inserting in lieu thereof "free, reduced-price, or subsidized".

(d) ELIGIBILITY REQUIREMENTS.—Section 9(d) of the National School Lunch Act is amended by striking out "free or reduced-price" both places it appears and inserting in lieu thereof "free, reduced-price, or subsidized."

(e) SPECIAL ASSISTANCE.—Section 11(e) of the National School Lunch Act is amended—

(1) by striking out "and" both places it appears after "free lunches" and inserting in lieu thereof a comma; and

(2) by inserting "and the average number of children who received subsidized lunches" after "reduced-price lunches" both places it appears.

(f) COMMODITY ASSISTANCE.—Section 11(f) of the National School Lunch Act is amended by striking out "free or reduced-priced" and inserting in lieu thereof "free, reduced-price, or subsidized."

(g) APPORTIONMENT TO STATES.—Section 4(b) of the Child Nutrition Act of 1966 is amended—

(1) in clause (1)(A)(ii) by striking out "breakfasts served to children not eligible for free or reduced-price meals" and inserting in lieu thereof "subsidized breakfast"; and

(2) in the last sentence of subparagraph (1)(b) by striking out "breakfast served to a child not eligible for free or reduced-price meals" and inserting in lieu thereof "subsidized breakfast."

(h) This section shall take effect July 1, 1986.

Mr. ARMEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. ARMEY. Mr. Chairman, I think this is an appropriate time for me to offer this as a substitute, because we are talking here about a philosophy and perhaps a question of equity and fairness. I applaud the efforts of the gentleman from Texas [Mr. BARTLETT]. I think the gentleman is moving in the right direction.

I have offered an amendment, though, that might modify that effort and perhaps be a little less controversial than the Bartlett amendment.

I think a big part of the question that we have seen debated today and we saw debated earlier on an amendment was a tremendous amount of understanding and compassion and concern and, yes, sincerity, to what extent should we take these very, very scarce Federal dollars that are in so much competition with so many other competing programs and find a way to make them most available and first available to the poor children of America in this program.

Unfortunately, there are not enough dollars so that we can do everything.

If I can review just a little bit of the work that the gentleman from Texas [Mr. BARTLETT] did in his dialog, there really are three steps in this program; the first step being for those families who make below 130 percent of the poverty line, where their children do in fact get a free lunch, totally free to the individual family. These, I imagine, are the children that we see in the rural areas of Kentucky.

I have had the opportunity to drive through the wonderful State of Kentucky and I have seen some wonderful horse ranches and suspect that perhaps the families there live above the 130 percent of the poverty line. I suspect they can probably very likely afford to pay for their own children's lunches.

So while we want to leave intact the availability of lunches for these poor youngsters, there is again the reduced-price lunches for those families who make between 130 and 185 percent of the poverty line and they get a reduced price.

Then there are the students whose families make 185 percent of the poverty line who are classified as paid, but still receive 25 cents subsidy and 10 cents commodity subsidy.

I do not even want to take the opportunity away from these youngsters. But where can we draw the line? How high should a family income be while they still qualify for some subsidies for their youngsters' school lunch?

Obviously, we can take a look at the Members of this House. We all make a rather substantial income. When this bill first came into our committee, I was shocked to realize something I did not know, both as a professor making around $45,000 a year and then now as a Member of Congress making over $70,000 a year. My four schoolchildren each receive a 35-cent subsidy for their lunch. I do not need that subsidy for my youngsters. I do not want that subsidy for my youngsters. I would prefer not to have the poor wage earner in America paying higher taxes to support a higher budget and higher spending levels so that mine can have what they do not need and what I am perfectly capable of providing them and others as well.

So we are talking here really about a situation that exists in the form of a negative income transfer from the poor to the rich. I do not think anybody in this House wants the continuation of that kind of transfer.

When we see those youngster walking through the hollows, we have to remember their mothers and their fathers are earning incomes and they are paying taxes and those taxes do indeed support the entire budget and support my youngsters' school lunches. I do not think that is fair and I think that point has been eloquently made.

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

Mr. ARMEY. Yes.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding.

I want to understand the gentleman's substitute. It would be to means test this extra cash subsidy, is it 250 percent of the poverty level, is that the gentleman's intent?

Mr. ARMEY. Right.

Mr. BARTLETT. If the cash subsidy would be paid, it would be only for those persons who earn less than 250 percent of the poverty level?

Mr. ARMEY. Right.

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

Mr. ARMEY. If indeed a family makes 250 percent or more of the poverty level, the school would still get its 10 cents commodity bonus, but the individual student would not receive the 25 cents subsidy.

I think that is a fair place in which to draw the line, a place that concentrates the revenues, scarce as they are, in support of the youngsters who really need it the most and whose parents are least able to provide for them a paid lunch in part or in whole.

I would suspect that perhaps members of the committee on the other side might find this a good compromise between the Bartlett position and their own and I would hope they would accept it.

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

Mr. Chairman, I rise to oppose the substitute and the amendment.

Mr. Chairman, as Alice observed somewhere during the proceedings after she went through the looking glass, "It gets curiouser and curiouser."

The gentleman said that he was going to give us an amendment that was less controversial. How an amendment that would require the parents of every public school child in the country to make a disclosure of their family income to the school if it operated a school lunch program could be less controversial than anything else that has been suggested on this floor is beyond me.

Now, it is apparent from the gentleman's plaintive cry for redirecting resources from "the rich to the poor" that he woefully lacks a knowledge of how the program works and how it is supported at the local school district level. When we talk about school children leaving the program, that will not be done because they or their parents will voluntarily leave. We talk about programs that will close up if you put these kinds of limitations on and turn this into a poverty program.

It really startles me that the gentleman from Texas persists in his efforts after all of these years of this program to turn this into a poverty program.

The gentleman from Pennsylvania has explained the history of it. The gentleman from California, the chairman of the committee, has explained it.

This was not a poverty program. It was adopted in 1946 and it said in that bill that it was a program to safeguard the health and well-being of the Nation's children. It did not say poor children, rich children, middle class, it said children.

Now, why did they do something that strange? The why is very simple. Epidemiologists became fascinated with where and what numbers of people were disclosed during the period of the maximum draft during World War II who could not pass a basic physical to serve in any of our armed services for conditions that clearly were being identified by medical authorities as being the fault of bad nutrition during their formative years.

Congress said we might have to fight another war. They were prophetic, because just 5 years later we were back in another war with the draft going again and they said:

We are not going to let this happen to this country again. At least we are going to try to interrupt the problem of bad nutrition for the children in these schools by intercepting then and use the school system as a device for that and provide at least some basic nutrition for all these children and see what happens.

□ 1510

Since 1946, the program has worked very well.

In 1962, one of my liberal colleagues, in 1962, a gentleman who then was characterized as a very liberal person for this side, instead of treating all of the children the same said let us now have a reduced-price lunch program, and that is when the reduced price came in.

I get the impression from some people who talk about this legislation that they think it was something they did during the poverty program that got expanded to the middle class. It got concentrated within the program in terms of how much they paid to the school for their lunch, but never in how much was paid to the school to operate the program. Never at any time since 1946, except for a short period of time when the unfortunate result of Gramm-Latta was to produce a short period of reduction in this money, have we ever had in the program a time when we attacked the money that goes to the school to maintain the program.

Here is where the lack of understanding of the program comes in. You can stand on this floor and plead for the poor people all you want, and how you want to help the poor kids. But if you give them a chit or a token for a meal, and there is no lunch program at the school they attend to spend it, you have given them nothing. They cannot take it to McDonald's. They cannot take it down to the local greasy spoon. They cannot cash it in. It has no value to them.

If you want to offer a free or reduced priced lunch to the low-income children, there has to be a lunch provided in that school, that day, that they can stand in line to get and pay the free or reduced price for.

That is what it all comes down to. Crassly put, if the nonpoor children are not involved in the program, commonsense tells you that what happened in the short period of Gramm-Latta repeats itself, that school districts faced with finding other resources in times of great scarcity at the local school district level will not be able to find money to keep the lunchroom open. So the people, as the gentleman from Pennsylvania [Mr. GOODLING] referred to in his school, that has only 20 percent poor children, those 20 percent get zilch. The children who can afford it will find an alternative way to get meals.

I urge we reject both the amendment and the substitute.

Mr. MITCHELL. Mr. Chairman, I rise in opposition to the Armey amendment which would target assistance to the students from the lower and middle class and end the cash subsidy to those families which make over 250 percent of the poverty level.

I have seen the face of hunger in this country. Many Members have seen the face of hunger. I have seen children in the last several years still suffering from diseases resulting from malnutrition. There is deep, biting, searing hunger in this Nation for many, and we do not meet our responsibility to promote the general welfare unless we address that problem. The problem has grown more acute, despite opposing contentions, and it is time to rededicate ourselves to rectifying this situation.

The Armey amendment proposes to add, a much-needed component of fairness to the School Lunch Program. Is it fair to end a cash subsidy for targeted groups and, therefore, cut millions of poor and middle-income children from the program? For every penny cut, there is a 1-percent decline in those that participate in the program. Without these paying students participating, the basic infrastructure of the School Lunch Program is lost. If cuts are made, many lunch programs will cease and all children in the community, including poor children, lose access to the National School Lunch Program.

H.R. 7, as it now stands, is fiscally responsible. It is in full conformity with the House budget resolution. There is no argument with the contention that good health is essential for the well-being of our families. Our children presently in the School Lunch Program have benefited because we have recognized the need for the continued Federal role in addressing hunger and food assistance. Those of us in the Congress must take the lead in insuring that the needs of our citizens are met. Let us not retreat from this commitment. Accordingly, let us show a strong support for this commitment and vote against the Armey amendment.

AMENDMENT OFFERED BY MR. PETRI TO THE AMENDMENT OFFERED BY MR. ARMEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BARTLETT

Mr. PETRI. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. PETRI to the amendment offered by Mr. ARMEY as a substitute for the amendment offered by Mr. BARTLETT: Page 1, line 14, strike out "and".

Page 1 line 17, strike out the period and insert in lieu thereof "; and".

Page 1, after line 17, insert the following: (3) at the end of subsection (e) by inserting the following new sentence: "Commodity assistance shall be available for all lunches served in schools participating in the school lunch program.".

Mr. PETRI. Mr. Chairman, this really just splits the cake in half so far as this amendment is concerned by re-

storing to the program in the case of all meals offered through the School Lunch Program participation in the Commodity Program.

Some of these commodities, of course, are purchased in the commercial market. Others are available because they are surplus commodities such as are in Government warehouses. In any event, those commodities, if they were not distributed to school children, would end up being wasted.

It seems to me that that, as a result, would not be a savings. It would simply move the cost in a different direction, and we can help young people by distributing this food. And it seems to me as a result that we should continue to allow the Commodity Program purchases and the distributions to continue for all people regardless of whether they are above or below the poverty line.

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

Mr. PETRI. I yield to the gentleman from Texas.

Mr. ARMEY. By your amendment, do I understand then we would keep in the commodity subsidy for all students, irrespective of the income level, and that indeed the school lunch program itself would then have a 22½-cent commodity subsidy for even the students who pay for their own lunch?

Mr. PETRI. That is correct. That subsidy of 21¾ cents or what ever the amount would be of the subsidy would apply for the rich student and the poor student. So long as they ate in that cafeteria, the school would get that money.

Mr. ARMEY. I think the gentleman has crafted a very good amendment here, and if I might comment on it, that subsidy to the school program should, I think, in that case alleviate some of the concerns about the extent to which the programs may be jeopardized by those students who may choose to drop out. And indeed, if I could comment on that, in the experience that we had from 1981 to 1985, I do not believe the dropout experience was all that much. Indeed, it was not so totally related to the increased costs. We had an enrollment decline and that had a big impact on the dropout. We had high-tuition school exclusion, and we had the net effect of verification.

The fact of the matter is many, many higher-income Americans, middle- and higher-income American, when asked to verify that they need it, simply say no, I do not need it, I will not fill out the verification and decide that instead certainly they will pay for their youngster's lunch, because indeed they do not need it. They do not choose it.

So, in fact, the projections were for a decline and indeed we had a greater enrollment than what was projected. So we really have not experienced, in fact, that much of a decline, jeopardizing programs.

The gentleman would certainly add insurance to the stability of the program and to the youngsters' ability to have the program in place so they could have their lunch. I would be more than happy to accept the gentleman's amendment in light of your further observation that indeed through other programs we buy the commodities anyway, and it is a question of warehousing them or distributing them to school programs. I think it is a good amendment and I commend you for offering it.

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

Mr. Chairman, this issue is getting more and more confused. I am not quite sure where to start.

We are now being told that it is all right to accept the tax dollars to go out and buy commodities to distribute it to the paying customers. But it is not all right to give them cash, because that is just what we would do if we were to accept this amendment.

Keep in mind, the 10-cent bonus commodities are truly surplus. But I will guarantee that an awful lot of the 11 cent plus are not surplus. We go out and purchase them because we think it enhances—I am not sure why we do it. The gentleman from Michigan [Mr. FORD] and I have been trying to get away from this purchase of commodities and give them the cash, and let them do it back in their own District. But that is what we do.

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

Mr. GOODLING. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I think the gentleman is talking me out of accepting the amendment to my amendment.

Mr. GOODLING. Well I think I should. I think you should be consistent. I think if you are saying that somehow or other we should not try to keep the program going because we are giving tax dollars to people who can afford to pay for the lunch themselves, then you should not accept the gentleman's amendment, because his amendment does take tax dollars and gives those tax dollars to those who could afford to pay for their lunch, according to you, because we go out and buy, not necessarily surplus commodities, but we go out and buy what we think we should be distributing. It may be a lot of hamburger and that is good for your State.

Mr. ARMEY. If the gentleman again will yield, I might make the point though, the distinction is that it is the commodity subsidy to the program as opposed to the cash subsidy.

Mr. GOODLING. Yes, and all I am saying is what is the difference.

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

Mr. GOODLING. I am happy to yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I appreciate the gentleman yielding because I want to help clarify this issue. First of all, I tend to agree with the gentleman from Pennsylvania's general philosophy that if we are going to cut out 12½ cent cash commodities, 12½ cent cash subsidies, either way you are frankly going to decimate the program. I think the amendment is simply too strong and devastating from that perspective.

But there is a justification for commodity subsidy as opposed to cash subsidy, and if you talk to any of your school administrators about your school lunch programs they will tell you, as mine have consistently told me, please do not cut out the commodities subsidies because frankly, the Federal Government buying in essence surplus commodities at high-volume rates can provide a heck of a lot more commodity for the dollar than we in our local school districts can taking that same amount of dollar and going out and then purchasing it.

Mr. GOODLING. I will take back my time. It is not often that we disagree, but that is not correct.

In the bonus commodities, you get butter, cheese, cheese mozzarella, cheese processed, honey, milk, nonfat dry, rice, milk, all surpluses, and that is a bonus.

Mr. GUNDERSON. Exactly.

Mr. GOODLING. However, what the gentleman is talking about in his amendment, he is not touching bonuses.

Mr. GUNDERSON. I did not say that.

Mr. GOODLING. He is talking about those that we go out and purchase, that are not necessarily surpluses, in most cases are not surpluses. And we go out and buy those commodities.

But let me tell you what your school food services people, and they are beginning to have a change of heart on this whole thing, say. Originally, they thought that it was the best to get all and, of course, they wanted all. But let me tell you what happens.

When we go out and we buy the commodity, it means first of all they do not buy that commodity in their local district or where they are probably going to get better quality. The cost involved is on the Federal level. We buy it, we store it, we ship it, we then ship it to the State. The State then stores it. The State then pays the freight to get it onto the school district. The school district then, lo and behold, in many instances, has to send it back out and have it processed.

Now if you can show me how anything can be more expensive than that

whole thing, I do not know. But that is not the point that I am arguing.

The point I am arguing, if you have a philosophy, which I understand the two gentleman from Texas have, a philosophy that says you do not try to save the school lunch program, that that is not important because we know that you have to make sure that the paying customer is participating in order to keep that national school lunch program, then you have to be consistent. Then you do not take tax dollars in cash, or you do not take tax dollars in commodities. Give them their bonus commodities, but, you see, then we will get those who make $70,000 and above. They seem to know how, the group who is a family of four, and I know some lovely families of four. I have one of my own and my whip has one. But let me tell you, a family of four, when you are talking about $18,000, is a little bit different than a family of four when you are talking about $70,000.

I get into this argument all of the time.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

(By unanimous consent, Mr. GOODLING was allowed to proceed for 3 additional minutes.)

Mr. GOODLING. All I am trying to point out to you in relationship to your accepting this amendment is that it is not consistent with your philosophy, because we use tax dollars to buy those commodities in order to distribute them, many of which are not surplus commodities. All bonuses are surpluses, but those other commodities are not.

But let me get back to some of the other issues in relation to the gentleman's amendment. It is difficult to stand up and argue that hey, somehow or other there should not be any tax dollars going to $27,000 families of four and above. That is difficult to argue.

But let me point out several things in relationship to the gentleman's amendment. First of all, in your "Dear Colleague," I guess the thing that scares me most about your amendment is that we really do not have any statistics. We really have no way of knowing. In your "Dear Colleague," you say that there will be people who will get up and say that you are going to devastate the program in relationship to free and reduced-price youngsters, and that is not so. That is the way you say in your amendment.

All I say is I do not have any statistics. You may be right. We never had this before. I have no statistics to prove whether you are right or whether you are wrong.

I do know that every time you reduce your reimbursement by 1 cent to the paying customer, you lose 1 percent of the participants in the school lunch program. I do know that after reconciliation in 1981 we lost 3 million students. Why? In most instances because the schools dropped the national school lunch program. That eliminated them from having to worry about free- and reduced-priced meals.

One other question and concern that I have. I am not quite sure how this works. You now added a fourth tier.

□ 1525

I am assuming now that everyone in your school district, in my case it will be most everyone with one or two school districts excepted, will have to bring in some kind of verification. In other words, in order for the school district to get the reimbursement, they will have to prove to the Secretary that, as a matter of fact, those people are not making more than $27,000.

I assume that is what the gentleman is saying.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania has expired.

(By request of Mr. ARMEY and by unanimous consent, Mr. GOODLING was allowed to proceed for 3 additional minutes.)

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

Mr. GOODLING. I would be happy to yield to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Chairman, first of all I would like to address the question of my philosophy. My philosophy is very simple in this case: Yes, I want to see the School Lunch Program for the youngsters who need it; yes, I understand we have to have a program in place; yes, I see a difference between commodities that are purchased and moved even if they are bought, purchased, and moved, the incremental cost for that is rather nominal for these few additional students; yes, I understand we do not want the poor families to be paying higher taxes to support a program that feeds the children of relatively wealthy families, at least upper and middle income families.

As far as the dropoff figures are concerned, and I do not know where the gentleman got these figures, but I do not find figures that say, from the Department of Agriculture, that there were 3 million. I find 2 million. We can quibble about these figures.

Mr. GOODLING. Taking back my time, I read from the gentleman from Texas' school lunch and child nutrition director, in 1981-82, after a 5½-cent reduction in reimbursement for paid lunches from the previous year:

> Statewide participation decreased by 4 million paid lunches. This represented a loss in average daily participation of over 23,000 students. Can you imagine then what a 12-cent cut would do?

I think I can document those figures. In fact, I have them here and can show them to the gentleman. They are not my figures.

You know, we get figures from OMB, we get figures from the Agriculture Department. Those are usually tough to get.

Mr. ARMEY. If the gentleman will yield, obviously we are going to have a conflict in figures. I think we need to go then to the principle. I again lay the principle on the table: Should the children and the parents of the children of the poor families in America be asked to pay taxes so that we can provide free lunch to the children of families who are making 250 percent or more of the poverty level? It is that kind of regressive transfer that is satisfactory to the gentleman?

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania [Mr. GOODLING] has again expired.

(By unanimous consent, Mr. GOODLING was allowed to proceed for 1 additional minute.)

Mr. GOODLING. Again, I want to make it clear that we do not have a subsidy for paying customers. That has been something that has been thrown around here year, after year, after year. The Congress of the United States, as was pointed out by Mr. FORD, never talked about poor children; we never talked about free and reduced when they introduced the legislation. They talked about poor nutrition. They said it ought to do something about poor nutrition. We had to have a hammer over the heads of the local districts. They said that hammer was that if you are going to get reimbursement, you must participate in the national School Lunch Program. If you do not participate, you do not have to feed anybody. Many school districts after 1981 did just exactly that. So there are an awful lot of people.

My statistics that I was reciting come from the Congressional Research Service, the Library of Congress. They might even be more legitimate than from the Agriculture Department.

They indicated that in 1981 there were 26 million. They indicated that in 1982 there were 23 million. Now, if my arithmetic is correct, that is 3 million.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendments.

Mr. Chairman, again, I would hope that we would oppose the amendment and the substitute and the amendment thereto, I think Mr. GOODLING has pointed out the inconsistencies in the amendment to the substitute. But let me suggest to you that the substitute and the previous amendment, the underlying amendment, are simply here

to gut the program. It is as if we have learned nothing since 1981. The evidence is clear and the evidence is convincing that when we cut the cash subsidy to the paid lunch programs under some notion that somehow we were providing an unjustified subsidy, both paid and poor children dropped out of the program. The paying children have started to come back, but the poor children have stayed away. Then when you take in the substitute, it is not the notion that somehow this is fairness and equity. We know about this kind of documentation. The Reagan administration ran a pilot program among poor children, among the free lunch programs. And they found out that the vast majority of their savings did not come from waste, fraud, and abuse but came from the legitimately qualified poor children who dropped out because their parents were intimidated or would not send the verification and the documentation to those school districts, and about 7 percent of the children dropped out of that program.

If you extrapolate that nationwide, you are talking about almost 1 million children who would continue to drop out because of that kind of intimidation. This amendment is designed for one purpose and one purpose only, and that is to gut this program.

That is what the substitute does. The amendment, the underlying amendment that deals with taking away the paid meal, I will tell you what else it does. It is a foolish amendment, because if you have so much concern for poor children, I assume you would be back here suggesting that if the local districts did not feed these poor children that we should. But I have not seen anybody suggest that in an amendment to cushion those districts or to cushion those poor children. The fact of the matter is, as Mr. GOODLING pointed out, numerous districts simply made the decision to close down the lunch program for poor children; rich or poor, they closed down the program and poor children had nowhere else to go.

Let us also understand something, that in many instances not only are the poor children a minority within the power structure of the school district, they happen to be minority children with a minority in the power structure of the school districts. And a good number of school districts around this country have decided they are not going to feed poor children, or black children, or Hispanic children, or other minorities. They simply decided politically they will take their money and they will do something else with it.

That is why we keep paying children in the School Meals Program. I had an amendment several years ago to do exactly what you wanted to do. But what became clear was that, if those children fled the program, school districts would make a political decision which would disenfranchise poor children from the right to have nutrition, from the right to have an equal opportunity to learn and a nutritional balance so they could do that.

That is the history of this program, and we ought not to deny it. We ought not to deny that that is the decision that local districts have made each and every time. They did not make the decision, "Oh, we will run a little program over here for the poor children, we will run a nice program, we will make sure that happens." They dropped them. They dropped them like a hot potato. Why? Because we cut 5 cents.

Now we are talking about cutting 12 cents. And when we get done cutting the 12 cents, we are taking the program where Mr. BARTLETT just had an amendment to ask for a simplification study, and we are going to make it more complicated. So we are not just going to punish the poor children, we are not just going to punish the rich children, we are going to punish the school districts now, because they are going to have to go through a program that this administration has already repudiated.

Do you start to get the drift of my conversation here? These amendments to the substitute are just flawed on their face. They have been tried the entire 10 years I have been in the committee. We have been over this ground, and each and every time the detriment has run to the poor children of this Nation, the very children that this administration tried to suggest that they cared about in terms of the safety net. This is the untying of the safety net, this is the one that is going to allow an awful lot of children who have nowhere else to go for half of their daily requirements in terms of nutrition, they are going to go right through this net and hit the ground. And I've got news for you, not one of you is going to come forward and suggest that we augment the budget to pick those children up and to feed them. The school districts that have 10 or 20 percent of these children in their school districts are not going to do it, because the politics of this Nation at the moment are elsewhere. So you can join up and throw these children to the ground or you can stick with the committee bill and understand that this is how we pay the overhead.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. MILLER of California. Let me tell you that these paying children contribute $1 billion to this program. It would be far more expensive for you to make the decision that we should feed poor children and only poor children because in fact the paying children are helping with the overhead and the totality of the costs of this program. So we have an amendment that, if you look at it from the bottom, the top, or sideways, it makes no sense, and the Congress ought to reject it.

We have been over this ground, we have tried these test programs, we have had them from the Senate and the House. All of them, all of them have been a flop, except for one thing that they have done.

So open up your eyes, they have punished poor children. That has been the end result every time we have approached this subject.

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

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. PENNY. I thank the gentleman for yielding.

Mr. Chairman, the bottom line here is, whatever approach you take, these kinds of amendments get at the infrastructure that is necessary to be sure that a school lunch program is offered.

Mr. MILLER of California. Exactly.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. MILLER] has again expired.

(On request of Mr. BOLAND and by unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. MILLER of California. That is exactly the point. There is a certain cost for a district to maintain the overhead and the integrity of the program, and if we rip out part of that cost there is no evidence that it is being made up elsewhere.

Mr. PENNY. Mr. Chairman, would the gentleman further yield?

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. PENNY. I thank the gentleman for yielding.

Mr. Chairman, I say to the gentleman this is the mechanism that we have used over time to ensure that the School Lunch Program is in place.

Mr. MILLER of California. Exactly.

Mr. PENNY. Any dismantling of this funding is going to make it less likely that school lunch programs will be in existence. So it is not fair to make an argument that somehow we are only affecting wealthy students or wealthy families by making this kind of a reduction, but you are in fact voting to eliminate programs, and when you eliminate programs you are denying eligibility to a decent lunch to poor children across America. I oppose the amendment and speak in support of the committee provisions.

Mr. MILLER of California. Let me just say to my colleague that he is ab-

solutely on point. You know, the difference between rich and poor is that the rich people have a lot of alternatives. If my son does not get a school lunch, he can go to Burger King or McDonalds, or we can pack him a lunch, or I can take him out to lunch. He has a zillion alternatives.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. MILLER] has again expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. MILLER of California. Poor children do not have alternatives. Because the majority of the poor people, working poor people who are trying to stay in the marketplace, they run out of food at the end of the month, they run out of food at the end of the week. They do not have the alternative that the Miller boys have. So the people who are being punished, as you point out, each and every time we have done this, the program has been eliminated and the poor children have suffered because there is no alternative.

You know, we are going to have the agriculture bill up here, and not everyone in that program is going to be a poor, bankrupt farmer. You have to put together the coalition. In this case, this is the only way we can maintain the program. To do less than this is to be more expensive.

Mr. FORD of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Tennessee.

Mr. FORD of Tennessee. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from California.

Mr. Chairman, I would like to say that when we look at the trends among children in this Nation and if we look at the information and data provided by Mr. MILLER earlier, when we talk about 14 million or 22.4 percent of all the children in this Nation who are living below the poverty level, we know we are addressing the nutrition program today. But we ought to even be about the business of addressing the real problem that children are faced with, and this just happens to be one of them. If we cut this nutrition program or cut the cash payments to the nutrition program, we will be doing nothing but adding on to the additional 1 million or 1.5 million children who would be suffering below the poverty level.

Mr. BARTLETT. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of the amendments.

Mr. Chairman, the House has struggled with this section of the bill. I think we have struggled with it, with three different proposals, any one of which would have an improvement over the way and the philosophy that the program is run now. I have listened carefully to the debate. Some have said that somehow the School Lunch Program is not or should not be a poverty program. I would contend that the American people I do not think agree with that, that the School Lunch Program should provide for school lunches and in some cases school breakfasts for low-income children who otherwise would be hungry. Others have said that either my original amendment passes, or if the gentleman's substitute passes, somehow that would mean a price increase for schoolchildren in paying for their lunch. Mr. Chairman, it would mean a price increase for schoolchildren who are not poor perhaps; perhaps it would mean that your children and mine would be required to pay $1 for a school lunch that costs $1. It has been said that the paid lunches, that is of the nonneedy students, contribute $1 billion a year to the cost of running the program.

The fact is that is not precisely so. Those children pay $1 billion approximately to purchase their lunches. The only difficulty is, the Federal taxpayers pay another $250 million for those same lunches for those same schoolchildren who are not needy.

□ 1540

It comes down to a question of philosophy; whether the Armey amendment is accepted, or my amendment is accepted, it comes down to the question of, do we want to continue to pay 12 cents in cash, collected from all of the taxpayers, rich and poor alike, to subsidize lunches for children who are not poor.

Now, there are a lot of ways to eliminate that. We can eliminate it, as my amendment does; or we can, as the gentleman from Texas has suggested, we could say, OK, we will subsidize that 12 cents per lunch only for those children who are from families of 250 percent over the poverty level.

Now, would that require everyone to fill out a form? No. Or an application or statement of income? It would only say that those children who are eligible for that subsidy simply be required to do what all the other children do who are eligible for a subsidy; and to say and to state their income; no additional paperwork other than what is in the program right now.

Now, there are a lot of ways to control costs in the School Lunch Program. I have offered five amendments, many of which came from the committee and many of which came originally from the ranking Republican member of the committee; either at the budget committee or in the full committee.

In all of them there is an objection to it on this basis or an objection to it on that basis. The bottom line comes down to, the program is, I think, unintentionally, by this Congress, including current law and H.R. 7, the program will increase in its cost at approximately 6 to 7 percent a year assuming the same number of recipients. That is feeding no additional low-income children.

So somehow, whether it is the committee or the Congress or the full House, or at some point in the program, if we are going to save the School Lunch Program for the entire Nation, we are going to have to make some modest reforms so we can control its cost.

Now, someone has said from time to time that somehow all of these amendments, all they do is gut the program or eliminate the program. In fact, amendments like this may well be the savior of the program, because of House of Representatives passed a bill last year that also went nowhere, and perhaps if we continue to pass unrealistic legislation that makes changes such as in the 6-cents School Breakfast Program that need to be made, but if we do not adjust the cost, and, Mr. Chairman, the School Lunch Program will continue to become an anachronism; we will not get any changes made either here or in the other body, or finally into law.

So I would suggest that in many ways, it is those of us who are trying to make some reforms to turn the focus of the School Lunch Program to assisting low incomes students that will ultimately save the program.

Mr. LOTT. Will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman.

Mr. LOTT. Mr. Chairman, I would like to join the gentleman from Texas [Mr. BARTLETT] in supporting the Armey amendment. I do not know the details of the School Lunch-Child Nutrition Program that those gentlemen that serve on the committee know; I have got a lot of questions about it, and I have been listening to some of the debate here.

I am certainly very interested in what the gentleman from Pennsylvania [Mr. GOODLING] has to say, but the fact remains.

(By unanimous consent, Mr. BARTLETT was allowed to proceed for 2 additional minutes.)

Mr. LOTT. Will the gentleman continue to yield?

Mr. BARTLETT. I yield to the gentleman.

Mr. LOTT. Mr. Chairman, under this program clearly the cost is going to go up year after year. I do not think there is any doubt about that, and I cannot support that type of increase with the questions I have about the way some of the program is run.

The second part is, clearly there are some people that are entitled or eligible for the school lunch program that are not in the poverty level. That is

what the gentleman from Texas is trying to get at.

I cannot defend to my constituents how the majority of the children in my hometown, a blue collar town, shipyard workers, that type of person; the majority of their children would be eligible for the School Lunch Program even though they could pay for those lunches unless there is some limitation.

Maybe this is not the best way to do it, but I do know this; there is general dissatisfaction with the fact that the School Lunch Program is supposed to be targeted, I thought, for poor children, is as a matter of fact also going to children in the moderate-income level almost.

Certainly, at 250 percent of poverty level is not too much to ask for. There must be some restrictions. Let us make sure the program is aimed at the children that are genuinely in need of the school lunch program, and that are generally poor children and not allow it to continue to go to those that are not needy.

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

Mr. Chairman, I thought we had just accepted, 30 minutes ago now, the amendment of the gentleman from Texas to simplify the program.

If there has been any confusion and chaos introduced, it seems to me that it has been in the last 30 minutes. The situation is, we have an attempt to try to correct or to sanitize one amendment after the other.

Mr. ARMEY attempted to sanitize Mr. BARTLETT's amendment, which is devastating and flawed; then Mr. PETRI comes in and tries to purify Mr. ARMEY's amendment.

So we have a series of attempts to rewrite this bill based on ad hoc reasoning on the floor of the House, which I submit is not the way we should be legislating. Our legislation should be based on testimony by expert witnesses, committee deliberations, analyzing and reviewing for the purposes of improvement legislation within the committee is jurisdiction and then by the Members from the various committees that have had some experience in this field, and understand the devastating effect that the original amendment would have on this program. Certainly Mr. ARMEY, in trying to correct it commits, in my opinion, the same mistake; to say that $27,000 income of a family today is a high income bracket does not square with the facts of life.

Now, obviously, it sounds good; we might attempt to give it some consideration, but it has been stated over and over again that when you do away with the paying students, you affect the infrastructure of the program. You destroy the program because you make it less economical; it is much harder to operate; and once you destroy the program, you destroy it not only for the wealthy, the so-called wealthy who have other alternatives, but you also destroy it for the poor people; for the poor children, children who come from the lower socio-economic level of our society.

Now, we already have three classes that we deal with, which is unfortunate. As the gentleman from Michigan [Mr. FORD] said, this program originated in 1946; it was not originated as a welfare program; even the students who pay reduced amounts or do not pay at all was an issue that came up in the 1960's and we went in that direction.

We now have three classes: The poor, those who are half-rich and then those who are supposed to be rich. Now this amendment would introduce those who are richer than the rich.

So we are beginning to stratify the program and to tell children who come to American schools that you are now going to be identified in terms of the homes from which you come.

The gentleman from Texas [Mr. BARTLETT] says: Well, it is easy; just eliminate those $27,000 and over. How do you eliminate them? You have to have some verification, and in doing so, you have to ask everybody, What is your income? You cannot eliminate them unless you can identify them. Nobody is going to come forward and volunteer.

So it introduces a system of documentation, of verification in which you have to find someway in this system to require some documentation of verification from everybody.

Now, are you going to ask the wealthy to turn their tax forms over? How can their financial status be verified? Are you going to simply accept the fact that everybody is truthful and everybody is going to come forward and volunteer.

So it introduces more confusion, chaos, and in my opinion, a very un-American system into American education.

I am sure that if I had introduced the Armey amendment to begin with, Mr. ARMEY might have looked at me and said, "You are introducing an element of socialization. You are going to take from the rich and you are going to give to the poor. You are going to redistribute the wealth in America."

Well, I do not think that is what he intended to do, but it sounds like he is attempting to do that in this program, and this creates a very confusing, chaotic situation, when it really is not.

So the Basic issue is this: Do the Members really support the program? We know that there are some reforms that could be made; and some have been made, but this is not the way to do it.

□ 1550

Those of us, let us say, in this House who have children in public schools, are we to say that our children are not, in a sense, adequately supported by us? Those who have high incomes certainly are going to pay much more toward public education. So it is not true that they are getting a free ride. None of us will be getting a free ride. Those of us who are perhaps fortunate to have high incomes certainly are paying much more of our income proportionately than are the poor who get the reduced-price or free lunches. So we are paying. We are paying more in State taxes, we are paying more in property taxes, and so forth. So it is not true that there is a free ride even for those in the so-called high-income brackets.

So I think that we should look upon this program as it was looked upon when it was originated in 1946, as a national policy. It is a national policy of this Nation to provide nutrition, to provide a healthy body for an individual who has a capacity for learning. That is a national policy. If a person is hungry, there is not much motivation to do anything else. We are not going to gut these nutrition programs by introducing these novel ideas that mean well but unfortunately have a very disastrous consequence. I ask the body to reject all three amendments because it is merely an attempt to rearrange the decks on the Titanic. Neither one adds anything that has not been thought of before. I think the overall effect of them, even as they are attempting to amend them, would be devastating to the program.

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

Mr. Chairman, again we are at one of those places where it appears as though there is no length to which this House will not go to spend money, because literally what we are talking about here in the Armey amendment and the Petri amendment that is attached to it is the question of whether or not the poor should pay taxes to fund a subsidy to the rich. That is what this is all about. The Armey amendment says that people making more than $27,000 a year should not receive a subsidy from the taxpayer, and the Petri amendment says, yes, and particularly it should not be a cash subsidy. In other words, the poor should not have to pay taxes in order to give additional cash through the Government to the rich.

And what do we hear argued here on the House floor? "Well, of course they should. Why, the rich pay a lot of additional in taxes. There are all kinds of reasons why the poor ought to give some of this to the rich. And forget about the deficit, my friends. Forget about the fact that we have got $200

billion worth of deficit. Of course, in that deficit year, we ought to fund the rich. We ought to be giving as much as possible to the rich in this program."

I just heard arguments here a little while ago talking about the poor, how this program ought to be directed toward the poor. I agree with that. But how you can come 180 degrees now and oppose the Armey amendment that suggests all the money ought to go toward the poor and we ought to stop subsidizing the rich is beyond me. But that is exactly what we are doing. If you do not accept the Armey amendment, what you are suggesting is that the taxpayers of this country ought to subsidize the children of the $50,000 a year lawyer who sends his kids to the public schools, that they ought to be subsidizing the children of the $75,000 a year Congressman who sends his kids to public school, that they ought to be subsidizing the $100,000 a year doctor who sends his kids to the public school, that they ought to be subsidizing David Rockefeller's kids, or whoever is out there; if they are going to the public schools, by golly, the $17,000 a year working family in this country ought to subsidize them.

That is just terrible. That is rotten government. And it is particularly rotten government at a time when you have got multibillion dollar deficits. And I think it is high time that we understand that that is indeed a real problem. The deficit problem is real. Here is a chance to save $188 million and do so by saying we are not going to subsidize the rich out of taxpayer's money. That is precisely what you are able to do if you vote for the Armey amendment and the Petri amendment. We will stop subsidizing the rich with taxpayers' money, we will save a little money on the deficit, and we will reserve the program for the poor. If you vote differently, then all I have got to say is, we will find any way here to spend the money, because that is precisely what we are going to be doing, we are going to be spending $188 million to give the rich additional subsidies.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the substitute and the amendment.

There is an old saying, "Don't let your mouth write a check that your butt can't cash."

I think there is one particular thing we should all be discussing here. I have never seen so many emotional speakers on the floor of the House when we start talking about children, nutrition, poverty, educational opportunity, hunger, rights. But when we start talking about foreign aid and when we start talking about the defense areas, I never hear anybody rise and discuss the deficit and busting the bank, the Treasury.

Now, if you listened to the last impassioned speaker—and I certainly respect his ability to orate and articulate—I would like to say this: If you were not apprised of the issue, you might be dissuaded from a position of common sense. Here is the position we are dealing with: At bottom here and at stake is the fact that somewhere in the Halls of this Congress the Members here took at issue educational opportunity and that it be fair and equal for all. What happened in 1981 is they emasculated this particular program, and if this particular bill goes without any amendments, it will restore less than 25 percent of those cuts made in 1981.

Now, let us look at $188 million. And let us look to maybe next week, when you will be on the floor with $10 billion additional for those $700 toilet seats.

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

Mr. TRAFICANT. I will not yield at this time. I would like to maintain my time to make my point. I believe there has been an adequate time to discuss the particular amendment that has been offered and the substitutes.

My position is strictly this: This committee has taken an endless amount of time in deliberating the issues, and since 1946 this particular Congress has steadfastly offered and insured educational opportunity and to make sure that hungry kids just do not learn, that that would be stricken, perhaps, in the greatest nation of all. They have risen to a point when in 1981 we took a big step backward.

Now, two wrongs are not going to make a right. I believe the gentleman here is well qualified. He understands the educational position. But there is a bottom at the core of this, a philosophical difference. I am not so sure we are really hearing the truthful messages here, that we are now being fragmented on issues that are not really at the core.

So let us not be confusing poverty with the positions that are so-called manifest at this point on the other side.

My position is right to the point. I think that the chairman of this committee, the members of this committee, has reviewed all of these factors. They have taken on probably the best measure they possibly can to ensure an equal educational opportunity for all and no demagoguery is going to infringe upon that.

And, finally, to maybe restore the very dangerous acts that were taken in 1981.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment to my substitute amendment.

Mr. Chairman, I will not take 5 minutes. I believe this debate has gone on long enough. I think the point is clearly made. I think my friend from Pennsylvania, Mr. WALKER, made it very well. The question is: At what point do we draw the line?

Now, I did not define the poverty line. I understand that $27,000 a year is not wealthy. But the poverty line is drawn, and I have said if you are going to 250 percent of that, then you ought to be able to pay that additional 12 cents on your youngster's lunch. I am not establishing a fourth category. I am putting a lid on the third category. I am saying there has got to be a place where we can draw a line in this country on spending, because if we cannot do that and if we cannot do it at 12 cents a day for the youngsters of the family that is making 250 percent of poverty, we cannot draw the line, then inflation goes out of control, spending is out of control, taxes are out of control, and those families out in the hollows of Kentucky who are having so much difficulty right now will be so far in debt trying to pay their taxes that they will not be able to buy the other two meals a day that their youngsters need.

We have to be very careful about that. When you substitute a paternalistic redistribution of income in America from the poor to the rich, then the victim is the truly needy in America, and I say that is not fair. I am asking the Members of this House, with me, to find a place where you can draw a line on spending, where you can draw a line on taxing, give the American wage-earner the right to keep the income they earn. That is a far better thing than taking it away from the poor and transferring it to the rich, as this program would do.

PARLIAMENTARY INQUIRY

With those statements, Mr. Chairman, I would like to ask a parliamentary inquiry, because, quite frankly, I am not sure where we are on this. But I suspect that where we are now is at a point where I might appropriately call for a vote on the Petri amendment to my substitute amendment.

The CHAIRMAN pro tempore. That is the first vote. The Committee will vote first on the Petri amendment to the Armey substitute for the Bartlett amendment.

Mr. ARMEY. If it is in order at this time, Mr. Chairman, I would like to yield back the remainder of my time and ask for that vote.

Mr. DARDEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to this amendment.

Mr. Chairman, I rise today in opposition to the this substitute amendment or any amendment which would eliminate or reduce the cost subsidy for nonneedy students. As originally enacted in 1946, a major purpose of the National School Lunch Program was to enhance the nutri-

tion of the Nation's children. The program was developed as a public health and educational service and not as a welfare or income transfer program. The elimination or reduction of the current case subsidy for all school lunches would change this 40-year-old success story into another welfare program stratified by class and income. The cash subsidy is paid to the schools to support the basic infrastructure of the program for all students. If the subsidy is eliminated, the Congressional Budget Office estimates that 17,900 schools will be forced to end participation in the School Lunch Program. As a result over 5 million students will not have access to any type of School Lunch Program. On behalf of all children in the Seventh Congressional District of Georgia, where in the 1983-84 school year over 9 million meals were served under the National School Lunch Program, I urge my colleagues to defeat this amendment and retain this important nutrition service.

Even J.R. Ewing, a constitutent of the author of the amendment, would vote against this.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

My colleagues, this amendment, in large measure, and particularly the arguments of some in support of it, indicate to me a real—and I do not say this lightly—lack of understanding of how this program works, number 1, and, beyond that, how taxing policy in America works.

There has been some objection expressed in the well to a tax policy that appears to tax the poor so that rich kids can get reduced-price lunches. Well, to begin with, we do not tax the poor in this country, because the poor do not have enough income to tax. But let us say that the question is, Should we tax lower-middle-income kids in order that rich children have access to reasonably priced nutrition? The answer is yes, oh, sure, we should, because our taxing system is universal and it taxes the lower-middle-income family and the rich family, and under the genius of our tax system the rich family pays a lot more for lunch for lower-middle-income kids than the lower-middle-income family has to pay in taxes to feed the rich kids. You see, it is simple. And I think most Americans understand that. They understand that, of course, rich and lower-middle income should be taxed alike and that we should take money out of the Treasury to help pay for reasonably priced nutritional lunches for all kids, rich and poor alike.

So one needs to understand the genius of the American tax system.

And then another point I might offer my colleagues is this: This is a good business practice. Many of our colleagues on the other side of the aisle have convinced many colleagues on my side of the aisle that we ought to run this Government more like a business. Well, in this program we do. We use the reduced prices for the upper-middle-income kids as what American business calls a loss-leader item. We use it to get the other kids in the door. Without it, the other kids cannot get in the door because the program shuts down. Unless you have all of the kids coming in, many of them buying the lunches, even at a slightly reduced price for the well-off kids, you cannot keep the doors open. The best businesses in America use that theory. So we want to continue to use it for this program, which has become one of the shining examples of how our schools can do more than simply educate our children. They can check for their good health, they can provide them with good nutrition. And, yes, they can even provide us with our star center fielders or quarterbacks for our favorite sports teams. The schools can do a great deal. And one of the reasons they can do it, my friends, is because the American people have understood the genius of having our children well fed and the genius of a tax system that takes from lower middle, upper middle, and the rich alike, puts it in a pool and then takes the money and shares it with all of our children.

□ 1605

These amendments would begin to rupture that system, so I urge my colleagues to look very, very closely at these amendments. When you do, I hope you will join us in voting "no."

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. PETRI] to the amendment offered by the gentleman from Texas [Mr. ARMEY] as a substitute for the amendment offered by the gentleman from Texas [Mr. BARTLETT].

The question was taken; and the Chairman pro tempore announced that the noes apeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 254, not voting 6, as follows:

[Roll No. 310]

AYES—174

Archer
Armey
Badham
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boulter
Breaux
Broomfield
Broyhill
Burton (IN)
Callahan
Campbell
Carney
Carper
Chandler
Chappell
Chappie
Cheney
Clinger
Coats
Cobey
Coble
Coleman (MO)
Combest
Coughlin
Courter
Craig
Crane
Daniel
Dannemeyer
Daub
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Duncan
Eckert (NY)
Edwards (OK)
Emerson
Fawell
Fiedler
Fields
Franklin
Frenzel
Gallo
Gekas
Gingrich
Goodling
Gradison
Gregg
Gunderson
Hansen
Hartnett
Hiler
Hillis
Holt
Hopkins
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Johnson
Kasich
Kemp
Kindness
Kolbe
Lagomarsino
Latta
Leach (IA)
Leath (TX)
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Martin (IL)
Martin (NY)
McCain
McCandless
McCollum
McEwen
McGrath
McKernan
McMillan
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Monson
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Nelson
Nichols
Nielson
O'Brien
Oxley
Packard
Parris
Pashayan
Petri
Porter
Ray
Regula
Ritter
Roberts
Roemer
Rogers
Roth
Rowland (CT)
Rudd
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Skelton
Slaughter
Smith (NE)
Smith (NH)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Strang
Stump
Sundquist
Sweeney
Swindall
Tauke
Tauzin
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Wolf
Wortley
Wylie
Young (FL)
Zschau

NOES—254

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnes
Bates
Bedell
Beilenson
Berman
Biaggi
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Brown (CO)
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Carr
Chapman
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coyne
Crockett
Darden
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Edgar
Edwards (CA)
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Grotberg
Guarini
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hendon
Henry
Hertel
Horton
Howard
Hoyer
Hubbard
Jacobs
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
Kramer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lightfoot
Lipinski
Lloyd
Lowry (WA)
Luken
Lundine
MacKay
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade

McHugh	Ridge	Swift
McKinney	Rinaldo	Synar
Mica	Robinson	Tallon
Mikulski	Rodino	Thomas (GA)
Miller (CA)	Roe	Torres
Mineta	Rose	Torricelli
Mitchell	Rostenkowski	Towns
Moakley	Roukema	Traficant
Mollohan	Rowland (GA)	Traxler
Moody	Roybal	Udall
Morrison (CT)	Russo	Valentine
Mrazek	Sabo	Vento
Murphy	Savage	Visclosky
Murtha	Scheuer	Volkmer
Natcher	Schroeder	Walgren
Neal	Schumer	Watkins
Nowak	Seiberling	Waxman
Oakar	Sharp	Weaver
Oberstar	Shelby	Weiss
Obey	Sikorski	Wheat
Olin	Sisisky	Whitley
Ortiz	Slattery	Whitten
Owens	Smith (FL)	Williams
Panetta	Smith (IA)	Wilson
Pease	Smith (NJ)	Wirth
Penny	Solarz	Wise
Pepper	Spratt	Wolpe
Perkins	St Germain	Wright
Pickle	Staggers	Wyden
Price	Stallings	Yates
Pursell	Stark	Yatron
Quillen	Stokes	Young (AK)
Reid	Stratton	Young (MO)
Richardson	Studds	

NOT VOTING—6

Addabbo	Green	Rahall
Bevill	Long	Rangel

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore [Mr. WILLIAMS]. The Chair will advise the membership that their votes are being recorded. However, the device on the wall behind the Chair is currently inoperative.

The Chair will further inform the membership that if they wish to check for a certainty that their votes are being recorded, they may do so at the teminals on the floor. Their votes are being shown on those terminals.

□ 1625

Mr. EVANS of Iowa changed his vote from "aye" to "no."

Messrs. LEACH of Iowa, HUTTO, and CHAPPELL changed their votes from "no" to "aye."

So the amendment to the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

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

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

Mr. LOTT. Mr. Chairman, I would like to inquire as to what will be the procedure from now on as far as taking the votes is concerned. Obviously, there was a lot of confusion on the last vote. As we proceed to what we understand will be another recorded vote right after this vote, what will be the procedure for taking that vote and others behind it?

The CHAIRMAN pro tempore. The Chair will be happy to answer the gentleman.

The question has been raised as to what the intention of the Chair is with regard to any further votes.

The vote tallying system is working; the displays on both sides in the Chamber and above the Speaker are not. However, Members can verify their votes either by putting their cards in any of the slots and seeing it reported back to them or by verifying their votes at any of the television screens on the computers in the back of the Chamber or at the various leadership desks.

It is the intention of the Chair to proceed with any further votes, and the Chair is informed that everything is being done to restore the display portion of the votes. The Chair would point out that on the last vote only six Members did not vote, which indicates that the membership has a clear idea of what the procedure is.

The second question asked by the gentleman from Mississippi is: Where are we in the parliamentary situation?

We have just defeated the Petri amendment to the Armey substitute for the Bartlett amendment. The next vote in order will be on the Armey substitute for the Bartlett amendment,

Mr. LOTT. I thank the Chair for that clarification, and, Mr. Chairman, I move to strike the last word for the purpose of learning the schedule for the balance of this week and for next week. There has been a lot of interest and concern about when recorded votes would occur on Monday of next week or other days of next week, and I believe the distinguished majority whip is ready now to make an official announcement on that.

The CHAIRMAN pro tempore. The gentleman from Mississippi [Mr. LOTT] has moved to strike the last word and is recognized for that purpose.

LEGISLATIVE PROGRAM

Mr. LOTT. Mr. Chairman, I am glad to yield to the distinguished majority whip, the gentleman from Washington [Mr. FOLEY], so we can learn the schedule for the balance of this week and also for next week, with particular reference to the handling of the agriculture bill on Friday, Monday, and/or Thursday of next week.

Mr. FOLEY. Mr. Chairman, I thank the distinguished Republican whip for yielding.

Mr. Chairman, it has been recently decided to amend the schedule for next week. First, let me say that we will continue with this bill tomorrow if it is not completed this evening, and we will then take up the Amtrak authorization legislation.

On Friday, it is our intention, subject to a rule being granted, to consider the rules on the Agriculture Act of 1985 and on the Arts and Humanities legislation. So there will be two rules on Friday. In addition to that, general debate on the farm bill will be taken on Friday.

On Monday, the House will meet to have general debate only on the Arts and Humanities legislation. There will be no substantive votes on Monday.

Mr. Chairman, we will also undertake suspensions on Tuesday, and votes will be postponed on suspensions, if any votes are ordered, until Thursday. So votes on suspensions considered on Tuesday will be taken on Thursday, and there will be amendments to the farm bill which will begin on Thursday. Members should be advised that we may be in rather late on Thursday.

Mr. LOTT. Mr. Chairman, if I may ask a couple of questions to magnify a couple of points the gentleman made, we do expect to take up amendments and go perhaps late on Thursday, taking up amendments on the farm bill, although it may not even then be possible to complete the bill on Thursday; it will depend on how the debate goes and how the amendments go, is that correct?

Mr. FOLEY. The gentleman is correct. There will be a rule requested, I believe, that will place some limitation on the time for amendments.

Mr. LOTT. But the gentleman expects no votes whatsoever on Monday?

Mr. FOLEY. With the usual reservation that a procedural vote could be ordered, but no legislative votes would be taken on Monday, the gentleman is correct.

Mr. LOTT. Backing up further, Mr. Chairman, let me ask the distinguished majority whip this question: On Friday there could conceivably be a couple of votes on those rules?

Mr. FOLEY. Yes. There will be two rules considered on Friday subject to Rules Committee action, and those could result in two rollcall votes, one on each rule. No other amendments will be considered on Friday. General debate only on the farm bill will follow the consideration of the rules, and the House will adjourn at 3 o'clock.

Mr. LOTT. Finally, does the gentleman have any idea about the intentions of the Chair as to how late we will go tonight on this legislation?

Mr. FOLEY. The hope is to conclude the legislation tonight, and we are not yet in a position to advise the House on how late that might be. I would hope it would be earlier rather than later.

Mr. LOTT. I thank the gentleman for that information, and I am glad we finally have it clarified. I think we have taken a week to reach this point.

Mr. FOLEY. Let me say to the gentleman that I do not think we would be going beyond 6 o'clock tonight.

Mr. LOTT. That would be very fine for tonight.

I am sorry that we could not make this announcement last Thursday, but that is the way things go. At least now

we know that we will not be having votes on Monday.

Mr. Chairman, I thank the gentleman for that information.

The CHAIRMAN pro tempore (Mr. SWIFT). The question is on the amendment offered by the gentleman from Texas [Mr. ARMEY] as a substitute for the amendment offered by the gentleman from Texas [Mr. BARTLETT].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 279, not voting 9, as follows:

[Roll No. 311]

AYES—146

Archer
Armey
Badham
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boulter
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Callahan
Campbell
Carney
Chandler
Chappie
Cheney
Coats
Cobey
Coble
Combest
Coughlin
Courter
Craig
Crane
Daniel
Dannemeyer
Daub
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Duncan
Eckert (NY)
Edwards (OK)
Emerson
Fawell
Fiedler
Fields
Franklin
Frenzel
Gallo
Gibbons
Gingrich
Gradison
Green
Gregg
Grotberg
Hall, Ralph
Hansen
Hartnett
Hiler
Hillis
Holt
Hopkins
Hunter
Hyde
Ireland
Johnson
Jones (OK)
Kasich
Kemp
Kindness
Kolbe
Kramer
Lagomarsino
Latta
Leath (TX)
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Martin (IL)
McCain
McCandless
McCollum
McEwen
McMillan
Meyers
Miller (OH)
Miller (WA)
Molinari
Monson
Montgomery
Moore
Moorhead
Myers
Nielson
O'Brien
Olin
Oxley
Packard
Porter
Ray
Regula
Ritter
Roberts
Roemer
Rogers
Roth
Rowland (CT)
Rudd
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Slaughter
Smith (NE)
Smith (NH)
Smith, Denny
Snyder
Solomon
Spence
Stenholm
Strang
Stump
Sundquist
Sweeney
Swindall
Tauzin
Taylor
Thomas (CA)
Vander Jagt
Walker
Whitehurst
Whittaker
Wylie
Zschau

NOES—279

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Berman
Biaggi
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Brooks
Brown (CA)
Bruce
Bryant
Burton (CA)
Bustamante
Carper
Carr
Chapman
Chappell
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coyne
Crockett
Darden
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Edgar
Edwards (CA)
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gray (IL)
Gray (PA)
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hendon
Henry
Hertel
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Jones (NC)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lightfoot
Lipinski
Lowry (WA)
Luken
Lundine
MacKay
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McGrath
McHugh
McKernan
McKinney
Mica
Mikulski
Miller (CA)
Mineta
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Price
Pursell
Quillen
Reid
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schuette
Schumer
Seiberling
Sharp
Shelby
Sikorski
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauke
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitley
Whitten
Williams
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)

NOT VOTING—9

Addabbo
Bevill
Lehman (CA)
Lloyd
Long
Michel
Rahall
Rangel
Wright

□ 1640

Mr. JACOBS changed his vote from "aye" to "no."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. BARTLETT].

The amendment was rejected.

□ 1655

Mr. HAWKINS. Mr. Chairman, I ask unanimous consent that the remaining sections of the bill be open to amendment at any point, and printed in the RECORD.

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

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 12. RESTORATION OF CERTAIN KINDERGARTENS TO SPECIAL MILK PROGRAM.

Section 3(a) of the Child Nutrition Act of 1966 is amended in the first sentence immediately before ", and (2)" by inserting "(except that the preceding limitation shall not apply to kindergarten programs in such schools)".

SEC. 13. ADDITIONAL FUNDING TO IMPROVE SCHOOL BREAKFAST PROGRAM MEAL PATTERN.

(a) ADDITIONAL FUNDING.—Section 4(b) of the Child Nutrition Act of 1966 is amended by inserting at the end thereof the following paragraph:

"(3) The Secretary shall increase by 6 cents the annually adjusted payment for each breakfast served under this Act and section 17 of the National School Lunch Act to assist States in improving the nutritional quality of such breakfasts, to the extent feasible.".

(b) NUTRITION REQUIREMENTS.—The Secretary of Agriculture shall review and revise the nutrition requirements for meals served under the school breakfast program to improve the nutritional quality of such meals, taking into consideration both the findings of the National Evaluation of School Nutrition Programs and the need to provide increased flexibility in meal planning to local school food service authorities. Not later than one hundred and eighty days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations to implement such revisions.

SEC. 14. EXTENSION OF OFFER VERSUS SERVE PROVISION TO THE SCHOOL BREAKFAST PROGRAM.

Section 4(e) of the Child Nutrition Act of 1966 is amended—

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

(2) by inserting at the end thereof the following new paragraph:

"(2) At the option of the local school food authority, students in schools that participate in the school breakfast program under this Act may be allowed to refuse not more than one item of such breakfast which they do not intend to consume, and any such refusal of such offered food item shall not affect the full charge to the student for a breakfast meeting the requirements of this section or the amount of payments made under this Act to any such school for such breakfast.".

SEC. 15. STATE ADMINISTRATIVE EXPENSES STUDY.

Section 7 of the Child Nutrition Act of 1966 is amended by inserting after subsection (i) the following new subsection:

"(j) The Secretary shall conduct a study of the allocation formula and procedures

under section 7 of the Child Nutrition Act of 1966. Such study shall provide information on State costs and contributions for administrative expenses, as well as the merits of a State matching requirement. The Secretary shall submit a report of such study to the Congress, together with any recommendations, by January 31, 1986.".

SEC. 16. COSTS FOR NUTRITION SERVICES AND ADMINISTRATION.

(a) DEFINITION.—Section 17(b) of the Child Nutrition Act of 1966 is amended—

(1) by striking out paragraph (1),

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively; and

(3) by inserting after paragraph (3), as so redesignated, the following new paragraph:

"(4) 'Costs for nutrition services and administration' means costs that shall include, but not be limited to, costs for certification of eligibility of persons for participation in the program (including centrifuges, measuring boards, spectrophotometers, and scales used for such certification), food delivery, monitoring, nutrition education, outreach, startup costs, and general administration applicable to implementation of the program under this section, such as the cost of staff, warehouse facilities, transportation, insurance, developing and printing food instruments, and administration of State and local agency offices.".

(b) CONFORMING CHANGES.—Section 17 of the Child Nutrition Act of 1966 is amended—

(1) by striking out "administrative funds" each place it appears in subsections (f)(11), (h)(2), (h)(3), and (h)(4), and inserting in lieu thereof "funds for nutrition services and administration"; and

(2) by striking out "administrative costs" each place in appears in subsection (h) and inserting in lieu thereof "costs for nutrition services and administration".

SEC. 17. STATE ELIGIBILITY FOR WIC FUNDS.

Section 17 of the Child Nutrition Act of 1966 is amended in subsection (c) by inserting after paragraph (3) the following new paragraph:

"(4) A State shall be ineligible to participate in programs under this section if the Secretary determines that State or local sales taxes are collected within that State on purchases of food pursuant to this section.".

SEC. 18. COORDINATION WITH AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM.

Section 17(f)(1)(K) of the Child Nutrition Act of 1966 is amended by inserting "the aid to families with dependent children program," after "child abuse counseling,".

SEC. 19. IMPROVING STATE AGENCY ADMINISTRATIVE SYSTEMS.

Section 17(g) of the Child Nutrition Act of 1966 is amended in the second sentence by inserting "providing technical assistance to improve State agency administrative systems," after "health benefits,".

SEC. 20. PRIORITY FUNDS FOR WIC MIGRANT PROGRAMS.

(a) PRIORITY FUNDING.—Section 17(g) of the Child Nutrition Act of 1966 is amended by inserting at the end thereof the following: "Of the sums appropriated for any fiscal year for programs under this section not less than nine-tenths of one percent shall be first available for services to eligible members of migrant populations. Such migrant services shall be provided in a manner consistent with a State's priority system for program participation.".

(b) ACCOUNTABILITY. —To the extent possible, accountability for migrant services under section 17(g) of the Child Nutrition Act of 1966 (as amended by subsection (a) of this section) shall be conducted under regulations in effect on the date of the enactment of this Act.

SEC. 21. PAPERWORK REDUCTION.

Section 17(h)(1) of the Child Nutrition Act of 1966 is amended by inserting at the end thereof "The Secretary shall limit any such documentation required under the preceding sentence to a minimal level.".

SEC. 22. APPORTIONMENT OF FUNDS.

Section 17(i) of the Child Nutrition Act of 1966 is amended—

(a) by inserting "(1)" after "(i)"; and

(b) by inserting after paragraph (1) (as so designated) the following new paragraph:

"(2) Notwithstanding any other provision of law, funds appropriated for a full fiscal year under this section shall be apportioned in such manner as shall ensure that not less than 70 per centum of the total funds appropriated for such fiscal year are obligated or expended by July 1 of such fiscal year, except that such requirement shall not apply to any supplemental appropriations enacted after January 1 of such fiscal year or to any funds reallocated pursuant to paragraph (1).".

SEC. 23. EXPENDITURE OF FUNDS FOR THE SPECIAL SUPPLEMENTAL FOOD PROGRAM.

(a) EXPENDITURE OF FUNDS.—Section 17(i) of the Child Nutrition Act of 1966 is amended by inserting after paragraph (2) (as so designated in section 22 of this Act) the following new paragraph:

"(3) Notwithstanding any other provisions of law, not more than 2.5 per centum of any State's allocation under this section for supplemental foods for any fiscal year may be expended by such State for expenses incurred under this section for supplemental foods during the fiscal year preceding the fiscal year for which the sums were appropriated.".

(b) APPLICATION.—The amendments made by subsection (a) shall not apply to appropriations made before the date of enactment of this Act.

SEC. 24. NATIONAL ADVISORY COUNCIL.

(a) VACANCIES.—Section 17(k)(1) of the Child Nutrition Act of 1966 is amended by inserting at the end thereof "The Secretary shall fill any vacancy in the Council within ninety days.".

(b) MEETINGS.—Section 17(k)(3) of the Child Nutrition Act of 1966 is amended—

(1) in the first sentence by inserting immediately before the period "and shall ensure that the Council meets at least once every twelve months"; and

(2) by striking out the second sentence.

SEC. 25. STUDY OF CHILD NUTRITION PROGRAMS.

The Child Nutrition Act of 1966 is amended by inserting at the end thereof the following new section:

"STUDY OF CHILD NUTRITION PROGRAMS

"SEC. 21. The Secretary shall conduct a study of the effect on families of the school breakfast program, the child care food program, and other programs under this Act. Such study shall consider whether alternative nutrition delivery programs would strengthen families. The Secretary shall submit a report of such study to the Congress, together with any recommendations or proposals for legislation, by January 1, 1987.".

SEC. 26. LIMITATION ON CHANGES IN INCOME FOR PROGRAM ELIGIBILITY.

The Secretary may not make any change in the method of calculating income, as in effect on January 1, 1985, used to determine eligibility for free or reduced-price meals, food supplements, or other assistance under the National School Lunch Act or the Child Nutrition Act of 1966, which would result in any reduction in, or denial of, such assistance, except as specifically directed in an enactment of law. The limitation under this section shall take effect on the date of the enactment of this Act and shall be effective through fiscal year 1986.

SEC. 27. EXTENSION OF ALTERNATIVE MEANS OF ASSISTANCE.

(a) EXTENSION.—Upon request to the Secretary of Agriculture, any school district receiving all cash or all letters of credit in lieu of commodities under the school lunch program on January 1, 1985, shall continue to receive all cash in lieu of commodities or all letters of credit in lieu of commodities through the school year ending June 30, 1987. Such school districts shall receive bonus commodities in the same manner as such commodities are made available to any other school district participating in the school lunch program.

(b) COMPENSATION.—

(1) Upon request of a participating school district (and after consultation with the Comptroller General of the United States with respect to accounting procedures used to determine any losses), the Secretary of Agriculture shall provide cash compensation, subject to the availability of funds, to a school district which was participating in the school lunch pilot project study on or before the date of the enactment of this Act for losses sustained by the district as a result of the alteration of the methodology used to conduct the study during the school year ending June 30, 1983.

(2) For purposes of this subsection the term "school lunch pilot project study" means the study provided for in the last proviso of the matter under the heading "CHILD NUTRITION PROGRAMS" in title III of the Act entitled "An Act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1981, and for other purposes", approved December 15, 1980 (94 Stat. 3113).

(3) There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 28. NATIONAL DONATED COMMODITY PROCESSING PROGRAMS.

(a) REPROCESSING AGREEMENTS.—Whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary of Agriculture, the Secretary shall encourage consumption of such commodities through agreements with private companies under which the commodity is reprocessed into end food products for use by eligible recipient agencies. The expense of such reprocessing shall be paid by such eligible recipient agencies.

(b) SETTLEMENT OF ACCOUNTS.—To be eligible to enter into any agreement with the Secretary of Agriculture under subsection (a), a private company shall annually settle all accounts with the Secretary and any appropriate State agency regarding commodities processed under such an agreement.

SEC. 29. TECHNICAL AND CONFORMING AMENDMENTS.

(a) SCHOOL LUNCH PROGRAMS.—The National School Lunch Act is amended—

(1) in section 12(d) by inserting at the end thereof the following new paragraph:

"(9) 'Secretary' means the Secretary of Agriculture."; and

(2) by redesignating the second section 22 as "SEC. 23.".

(b) CHILD NUTRITION PROGRAMS.—The Child Nutrition Act of 1966 is amended—

(1) in section 4(a) by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services";

(2) in section 17(e)(2) by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services";

(3) in section 17(k) (1) and (2) by striking out "Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Health and Human Services"; and

(4) in section 19(d) (2) and (3) by striking out "Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Health and Human Services".

SEC. 30. EFFECTIVE DATES.

(a) GENERAL PROVISION.—Except as otherwise provided, the provisions of this Act shall take effect on the date of the enactment of this Act.

(b) EXCEPTIONS.—

(1) The provisions of sections 4, 5, 7, 11, 15, 16, 18, 19, 20, 21, 22, 23, and 25 shall take effect on October 1, 1985.

(2) The provisions of sections 9, 12, and 13 shall take effect July 1, 1985.

(3) The provisions of section 17 shall apply to a State beginning with the fiscal year which commences after the end of the first regular session of the State legislature following the date of the enactment of this Act.

(4) The provisions of section 28 shall take effect July 1, 1985 and shall not have effect after October 15, 1987.

AMENDMENT OFFERED BY MR. HAWKINS

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

The Clerk read as follows:

Amendment offered by Mr. HAWKINS: Page 18, strike out lines 17 through 21, and insert in lieu thereof the following (and redesignate the subsequent paragraphs accordingly):

(2) The provisions of sections 4, 5, 7, 9, 11, 12, 13, 15, 16, 18, 19, 20, 21, 22, 23, and 25 shall take effect on October 1, 1985.

Mr. HAWKINS. Mr. Chairman, this is only a technical amendment. It changes the effective date of the bill to October 1 rather than July 1 as some of the provisions did require.

I am offering this amendment at the request of the Budget Committee inasmuch as the budget resolution was adopted later than what we had anticipated. This brings the bill into complete compliance with the budget resolution.

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

Mr. HAWKINS. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I commend the gentleman for his amendment.

Mr. Chairman, I want to say how much I respect the chairman of the committee and have enjoyed the opportunity to work with him on this and on other issues, and I support the gentleman's amendment.

Mr. HAWKINS. I appreciate the generous remarks of the gentleman from Texas.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. HAWKINS].

The amendment was agreed to.

Mr. LEHMAN of Florida. Mr. Chairman, as chairman of the Prevention Strategies Task Force of the Select Committee on Children, Youth, and Families, I am pleased to join with my colleagues in support of H.R. 7, to extend and improve our Federal child nutrition programs.

Passage of this bill is an important step in addressing the continuing, serious problems of hunger, malnutrition, and inadequate nutrition faced by millions of needy children and their families. We know that these problems have not gone away. If left unattended or treated casually, the problems only increase, creating greater jeopardy for the healthy development of children and their families, and requiring more costly intervention later on.

The several programs included in H.R. 7 have made important contributions to the good nutrition and healthy development of the women and children lucky enough to participate in the program.

For example, we know that, without the School Breakfast Program, most of the children served by the program—the vast majority of whom are poor—would not eat breakfast. We also know that, because of the School Lunch Program, poor children have gotten one third of their recommended daily allowance of nutrients every school day. At the same time, the School Lunch Program has allowed for the provision of nutritional benefits to all students in participating schools.

My colleagues and I on the select committee have also had the opportunity to learn a great deal about the program benefits and cost effectiveness of the Special Supplemental Food Program for Women, Infants and Children [WIC]. Recently, the select committee reviewed the program for its staff report, "Opportunities for Success: Cost Effective Programs for Children," which cites the major research findings concerning WIC along with seven other children's programs.

WIC program participation has shown dramatic effects: It is consistently associated with reductions in the incidence of neonatal mortality, low birthweight and prematurity, and can result in savings of as much as $3 in immediate hospital costs for every $1 expended in the prenatal component of the program.

H.R. 7 continues and enhances these valuable child nutrition programs. The bill provides for a modest increase in funding, and we included the H.R. 7 funding levels in the budget resolution approved only a few weeks ago. The added small investment will allow us to maintain services and make much needed improvements in the School Breakfast Program, as well as some limited expansion of WIC, which now serves only about one-third of those potentially eligible.

The importance of the array of nutritional services offered under H.R. 7 cannot be overstated. I urge my colleagues to join me in supporting this legislation.

Mr. EDGAR. Mr. Chairman, I rise in support of H.R. 7 which reauthorizes many important child nutrition programs including the universally applauded Women, Infants and Children [WIC] Program. It also includes a modest increase in funds for WIC and the School Breakfast Program. All funding levels included in this legislation fall within the guidelines of the first budget resolution.

The Women's Agenda of Pennsylvania has reported that "improved health care for expectant mothers would cut in half the mental retardation rate." More specifically, there is good evidence that babies born to mothers in the WIC program were 16 to 20 percent less likely to have below-normal birthweights. The House Select Committee on Children, Youth and Families issued a report recently that found that for every $1 invested in prenatal nutrition, the Government saves $3 that would have been spent in correcting the health problems associated with low birthweight.

We should not forget that the growth level included in H.R. 7 is still not sufficient to meet demand. Even with its current record of success, the WIC Program is serving only one-third to a half of the people who qualify. In the present political climate, however, this bill is the best option.

If we do not invest in the future by nurturing our children, our society will inevitably suffer. Unfortunately, Government policies on all levels have allowed our children to fall behind all other age groups. The Congressional Budget Office recently reported that children make up the largest block of poor people in the country. Their poverty rate in 1983 was 22.2 percent, as compared to the 12.7 percent rate for the rest of the population. We must do all we can to reverse this trend by bolstering effective programs for children. The programs included in H.R. 7 begin to do just that.

Mr. PENNY. Mr. Chairman, the five programs reauthorized by H.R. 7 are vital to a healthy America. Schoolchildren, pregnant women, infants, and preschool children rely on these programs to provide a minimum nutritional level to maintain health, growth, and well-being.

It is obvious that these important nutrition programs have improved the nutrition and the health of millions of Americans. As a farm State legislator, I would like to share another perspective as we move forward with the reauthorization of H.R. 7.

Farmers in America are involved in the noble endeavor of trying to feed a hungry world. It seems to me that there is something a bit inconsistent in a public policy that would allow us to build up tremendous surpluses of milk and grain when we have

nutrition needs in America. Farmers want to meet the needs of the hungry here at home and around the globe and it is for that reason that there is strong support for this proposal in our farm areas.

H.R. 7 will help us see to it that in America we do take care of the nutritional needs of our citizens.

Mr. COATS. Mr. Chairman, H.R. 7, which would reauthorize five expiring child nutrition programs, including the WIC Program, is a bill worthy of our support. WIC provides vital nutrition and health services to low-income pregnant women, and to postpartum women, infants, and children through age 4 who are at nutritional risk. Let me say that the budget resolution that we adopted in August permits the enactment of H.R. 7 with the $121 million increase over the current services level for fiscal 1986, $60 million of which will be directed toward the WIC Program. This new money will extend eligibility to those pregnant women who are not financially able to obtain proper nutrition, and to infants and children under age four. It is clear to me that the reason the budget resolution permitted this modest increase is due to the fact that: First, these programs are targeted to the poor; and second, these programs have been shown to be cost-effective.

There is overwhelming empirical evidence available to document that WIC participation is associated with a decreased incidence of low birthweight babies and neonatal mortality. There is no question that WIC participation by pregnant mothers can mean a real difference in the lives of their infants. The hidden costs for failing to provide WIC services include: the expense of neonatal intensive care, which could cost as much as $100,000 per infant; the difficulty that mothers have in forming attachments to sick infants, which can lead to a decrease in the critical bonding between mother and child; increased incidences of child abuse among low-birthweight babies; delayed speech development has been observed in these babies; learning disabilities are common. In short, the failure to provide needed nutritional and health services to pregnant women has serious implications for the infant's potential in terms of education and future employment.

As the ranking Republican member of the Select Committee on Children, Youth, and Families, may I recommend to my colleagues a recent bipartisan staff report entitled: "Opportunities for Success: Cost Effective Programs for Children." This report cites the cost benefit analyses done on the WIC Program and also presents data that shows the relationship between participation and positive pregnancy outcomes.

In short, WIC is one Federal program that is effective, on target, cost-effective, and deserving of reauthorization. I believe that WIC represents a critical strand of the family's social safety net. Clearly, an investment in children's nutrition is a solid investment with a high yield in terms of enhancing children's overall quality of life, improving educational readiness and positively affecting future employability.

Mr. KLECZKA. Mr. Chairman, I rise today in strong support of H.R. 7, the School Lunch and Child Nutrition Amendments of 1985 as reported by the House Education and Labor Committee.

This bill extends five child nutrition programs through fiscal 1988 which are of great importance to our Nation's children. These reauthorized programs have proven to be extremely important in eliminating hunger and improving nutrition among children. Furthermore, these programs are cost-effective. Unfortunately, however, they have borne more than their share of the budget cuts in recent years.

In addition to the simple reauthorization, H.R. 7 provides $121 million in additional funds for WIC and child nutrition programs. I share the concern of my constituents and my colleagues about the Federal budget deficit. However, we would be foolish to seek short-term savings which will result in long-term cost increases. For example, for every $1 invested in the WIC Program, $3 are saved in terms of later expenditures for health costs.

Let me also reemphasize that the funding levels authorized by H.R. 7 are within the spending limits in the first budget resolution for fiscal year 1986. I feel that the $121 million increase is a fiscally responsible and important to the effective operation of these programs. It is a small step toward restoring the funding which was cut in 1981.

I am concerned by several amendments which have been proposed which would weaken this bill. Our overriding concern in considering this legislation should be the welfare of our Nation's children. We must do all we can to assure they receive nutritionally balanced meals, and studies have shown that the school lunch and child nutrition programs are nutritionally important to children of all income levels. Reducing cash subsidies for some students threatens to shut down nearly half of the school lunch programs throughout the country. This is a sacrifice that I do not feel we can afford to make.

I commend the Education and Labor Committee for their fine work on this measure, and I urge my colleagues to support H.R. 7 as reported by the committee.

Thank you.

Mr. RICHARDSON. Mr. Chairman, I rise today in strong support of the School Lunch and Child Nutrition Act. While this program reauthorizes five expiring child nutrition programs, I would like to focus here on one of these—the WIC Program. In my home State of New Mexico we have over 63,000 individuals eligible for the WIC Program—of these 63,000 eligible participants less than one-third are currently receiving the help they need. The need for the WIC Program clearly exists. We need to not only keep this program alive—but also to expand it as much as possible within our fiscal constraints.

The bipartisan support for this bill is evident. H.R. 7's funding levels have been approved in the House/Senate budget resolution. I believe that it is significant that the conferees, even with their deep concern over the deficit, felt that this program should not only be continued at current levels, but should also receive a modest increase in funding. WIC is acclaimed as one of the Federal Governments most successful programs. For every $1 we invest in this program we get $3 back. Not only is this program a wise investment in our children's future, but it also saves a great deal of money. The average cost for a hospital stay of an infant suffering from low-birthweight is $60,000. The average cost of WIC is $400 per year. WIC helps to prevent low-birthweight and neonatal problems requiring hospitalization.

I would like to strongly urge all of my colleagues to support the School Lunch and Child Nutrition Amendments of 1985. These programs have clearly shown that they deserve our support as sound investments in our children's future. This is what President John F. Kennedy had to say on the issue over 20 years ago:

> The prevention of future adult poverty and dependency must begin with the care of dependent children—those who must receive public welfare by virtue of a parent's death, disability, desertion or unemployment. Our society not only refuses to leave such children hungry, cold, and devoid of opportunity—we are insistent that such children not be community liabilities throughout their lives. Yet children who grow up in deprivation, with adequate protection, may be poorly equipped to meet adult responsibilities.

The School Lunch and Child Nutrition Amendments of 1985 address this societal obligation—a small amount of money spent now helps to solve future problems and to prevent a need for larger future expenditures.

Mr. FORD of Michigan. Mr. Chairman, I rise today on behalf of H.R. 7, the School Lunch and Child Nutrition Amendments of 1985, providing for the reauthorization of five expiring programs. These programs are: the Supplemental Food Program for Women, Infants and Children, popularly called WIC; the Summer Food Service Program, serving low-income children; the Commodity Distribution Program providing support for both children and older Americans; the State Administrative Expenses Program [SAE]; and the Nutrition Education and Training [NET] program.

Although the House passed legislation reauthorizing these five programs last year by a vote of 343 to 72, the Senate failed to act on similar bills. Thus, the programs were temporarily authorized under the continuing resolution which expires at the end of this month—only a few days from now.

The bill passed by the House last year contained increases in funding amounting to $378 million over current services. Although H.R. 7, which was reintroduced this year, included identical provisions, the chairman and members of the Education and Labor, during subcommittee markup, adopted a substitute which cut the $378 million in increases to the absolute minimum of $121 million. This $121 million is provided for and assumed in the first

budget resolution for fiscal year 1986 recently approved by the Congress.

Last Thursday, September 12, there was much rhetoric on the floor of the House when it began consideration of H.R. 7. A few of our colleagues were using dollar figures that, if held up to the light of day, could not withstand our scrutiny if we are to be honest with ourselves and the public. The real reason those dollar figures won't hold up is because those figures were accompanied by claims that H.R. 7 contains NEW Program authority.

There were claims also that H.R. 7 contains NEW entitlements, and large increases in existing programs. None of those statements are true. There are only five programs being reauthorized—not authorized as new programs. There are no new programs in the bill. There are not any entitlements in the bill. There are no single large increases in the bill. In fact, current policy spending for these five programs now stands at $5.640 billion, and H.R. 7 spending stands at $5.761 billion—a level representing the modest $121 million in increases recommended in H.R. 7 and, I repeat, a sum that is provided for and assumed by the first budget resolution recently adopted for fiscal year 1986.

Last week, some of my colleagues were heard to say that since the National School Lunch Act is a permanent program which requires no reauthorization, they have to take every opportunity that presents itself to bring up the subject, and that this bill presents such opportunity. They claim it is necessary to mention that permanent status of the School Lunch Act as though there is some criminal element in a program that is permanent. Permanent programs, they complain, are ongoing, continuous funding mechanisms that eat up the Federal budget, and the American taxpayer needs to hear about it.

Regrettably, some of my colleagues last week presented dollar figures that assumed a reauthorization of these 5 programs for 5 years. H.R. 7, however, is a 3-year bill—through 1988, not through 1990—and so the dollar figures were too high in terms of cumulative Federal costs over the life of the bill. They say the cost of feeding hungry children in the United States is too high. The 1981 reconciliation of the budget cut these programs by $1.5 billion which was effective immediately, and since that time, the cumulative total of funding losses for child nutrition amounts to a whopping $5.2 billion. Three million children have been cut from school lunch programs, and 1 million of those children were from low-income homes.

H.R. 7, obviously, is not attempting to restore the programs to their full, pre-1981 funding levels. But we are trying to add a modest sum of $121 million to provide for the essential nutritional needs of poor children.

The largest increase in H.R. 7 is $60 million for the WIC Program. The WIC Program is proven to be successful, assisting poor, pregnant women give birth to healthier, full-term babies. For those women who breast feed, postnatal nutritional needs are met so that the babies remain healthy. We know that among poor pregnant women, premature births occur more frequently, and the result is low birth weight, birth defects, and developmental problems. Such problems require hospitalization of these babies for up to 30 days or more after birth, and the cost for such babies is $2,000 a day. Poor parents obviously cannot pay $2,000 a day for 30 days or more—and so the costs are borne by the American taxpayer through Federal support for health care and other welfare programs for the poor. The overall costs of the WIC Program is a wise investment that pays off on a three-for-one basis—for every $1 invested, $3 are saved in later medical costs. The modest $60 million increase will bring approximately 120,000 additional women and children into the program next year.

The second largest increase in H.R. 7 is for school breakfasts, which will be increased by 6 cents per meal served, at a cost of $42 million. The 6-cent increase in subsidy payments will go to improve the nutritional quality of breakfasts served. Recent USDA and GAO studies reveal that breakfasts now served are lacking in vitamins A, B_6, and iron. Breakfast programs are cost effective and highly targeted to the poor, and are found in predominantly low-income areas. Recent studies show that 90 percent of participants in the breakfast programs—3.3 million children—are from low-income homes.

The third largest increase in H.R. 7 is the Special Milk Program, at a cost of $15 million. In 1981—again during the omnibus budget reconciliation—certain kindergarten children were eliminated from participation in the Special Milk Program because they attended schools that participated in the regular school lunch program which includes milk. Yet kindergarten children attend school in split sessions and thus are not in school during the time school lunches are served. They have no access to milk at all during their brief school day. The $15 million in H.R. 7 would restore special milk to kindergarten children. The 1981 restriction cut 1 million children out of the program—and since 1981 the fastest growing segment of our population has been in the under-5-years-of-age group. These children are now ready for kindergarten, and should be able to have at least one milk break during school hours. Milk is an essential daily requirement for growing children's teeth and bones.

Finally, H.R. 7 contains a small increase of $3 million that would assist in raising the tuition ceiling of private schools from $1,500 to $2,500 annually, allowing them to participate in the School Lunch Program. In 1981, when the $1,500 tuition ceiling was imposed, 212 Catholic secondary schools were barred from the program, affecting 144,533 children. Another 288 private, non-church-related schools were also affected. If the tuition ceiling is not raised, the U.S. Catholic Conference predicts that an additional 241 Catholic schools, affecting 207,414 children, will be barred from the School Lunch Program by September 1986 when tuitions are expected to increase.

Mr. Chairman, I will conclude my remarks by reminding my colleagues that the National School Lunch Program was enacted in 1946 in order to safeguard the health and well-being of all our children, regardless of income. These child nutrition programs contained in H.R. 7 are as vital to our national security as the defense spending bill, because hungry children cannot learn, and a nation of high technology, particularly the military and defense demands for intellectual skills, cannot afford an uneducated society.

I know there are other amendments pending, and I will conclude my opening remarks at this time.

I urge my colleagues to vote for H.R. 7 without substantive amendments that would reduce funding below that assumed in the first budget resolution through elimination of the paid lunch subsidy, or the delay of the COLA for family day care providers, or the imposition of a means test for child care programs, or a reduction in the reimbursement rate for free and reduced price meals.

Mr. CONYERS. Mr. Chairman, I rise in support of H.R. 7, the School Lunch and Child Nutrition Amendments of 1985. This bill extends five expiring child nutrition programs which are vitally important to the health of our Nation's young children.

We are seeing an ever-increasing hunger crisis in our Nation. It is directly related to the realities of poverty, and the stark facts regarding who is poor in America. Currently at least two out of every three adults who are poor in this country are women. Therefore, poverty and its accompanying problems of obtaining food, overwhelmingly affect women who are raising small children.

The largest budgetary portion of the School Lunch and Child Nutrition Amendments targets an increase in spending for the Supplemental Feeding Program for Women, Infants and Children [WIC], which would allow for extended services to 120,000 more pregnant women and small children. The administration wants to reduce funding for the WIC Program at a level that in no way maintains its present caseload. With the high rates of infant mortality among the children born to teenage women, we can hardly afford to reduce programs that have helped to prevent nutritional deficiencies during and after pregnancy.

In addition, H.R. 7 allows for continued budgetary strength in the school lunch programs, which presently serve some 24 million children in our Nation's schools. Again the administration seeks drastic cuts in this area. Somehow it believes that restricting support for school lunches to only low-income children will eliminate much needed Federal dollars. This kind of thinking shows no consideration for the overall effect these cuts will have on our schools' ability to even deliver current programs.

The majority of the lunches served in 21 percent of the schools fall in the category

51-059 O-86-43 (Pt. 17)

of paid lunches. If funding for this category is eliminated, these schools lose up to 80 percent of the Federal support for their entire lunch program. This involves 11.6 million, or nearly half of the 24 million children currently receiving federally subsidized school lunches. Again, we are sacrificing our responsibility to provide for the welfare of all of our children.

As a cosponsor of H.R. 7, I strongly urge my colleagues to pass this important legislation. We are simply reauthorizing a continuation of five programs already established to provide for child nutrition. If we continue to allow the administration to make budget cuts in areas that improve the quality of life, then high risk pregnant women and small children with considerable health needs will continue to suffer.

Mr. BRUCE. Mr. Chairman, I rise today in support of H.R. 7, the Naitonal School Lunch and Child Nutrition Act.

This bill extends five important child nutrition programs, including school breakfast, the special milk program for kindergarten children, and WIC, the Women, Infants, and Children supplemental feeding program.

Together, these programs plus the national school lunch program, provide well-balanced, nutritious meals to over 1.1 million Illinois school children each day. In addition to being good for children, these programs are good for the Illinois economy. Last year the school lunch program alone purchased $41 million in school commodities from Illinois farmers.

As a member of the Education and Labor Committee, I strongly supported the continuation of these programs. I believe their benefits are well documented. Time and again, proven studies have indicated that these programs provide the vital nutrients to ensure healthy growth; and we know that healthy, well-fed children are better prepared to learn in school. In addition, numerous studies have shown that these programs more than pay for themselves. Studies on the WIC program have shown that for every $1 spent in the program, $3 is saved in later medical costs.

Mr. Chairman, even though the benefits of this program are evident, there are some who would propose changes—changes which will threaten to cut millions of children from these important services.

Specifically, I strongly oppose an amendment which would cut the 12.5-cent cash subsidy under the National School Lunch Program. There is no doubt that these changes are complex, but the effect of this amendment is far more reaching than some would have us believe.

Currently, the program reimburses schools, through a combination of cash and commodities, for all full-paying students participating in the program. Additional funds are given so that low-income students can participate in either a free or reduced priced meals. The subsidy proposed to be reduced is not a cash subsidy to paying students, but is used by schools to run the basic operations of the school lunch program for all children.

What is a little more difficult to understand, is that for many schools across the country which do not serve large numbers of free or reduced priced lunches, the program is no longer cost-effective to operate without this subsidy. The effect of this amendment, therefore would be not only to close out paying students to a USDA nutritionally balanced meal as some would have us believe, but to deny those nutritional standards to many poor and middle-income students as well.

If this amendment were to pass, it would put school lunch programs in 390 Illinois schools in jeopardy. These are schools where 20 percent or less of the feeding program serves subsidized lunches to low-income children. This could mean that almost one-third of the sponsors currently operating in the State of Illinois would be forced to drop out of the program. Schools in Crawford, Champaign, Effingham, Douglas counties would be forced to close their programs, and throughout the State, over 140,000 students would no longer receive a nutritionally balanced meal.

Mr. Chairman, like my other distinguished colleagues, I am concerned about the budget deficit, and in fact have voted to cut over $9 billion in unnecessary spending this year. But we should not be misled about H.R. 7. This bill is within the budget targets passed by both this House and our colleagues in the Senate. We should all be concerned about balancing the budget, but I would suggest we look to other areas where billions of dollars in waste and fraud are well documented, and not to areas that provided food for all our children.

Mr. Chairman, when the National School Lunch Program was first passed by Congress in 1946, its purpose was to safeguard the health and well-being of this country's most precious commodity—our children. I'm afraid that proposed amendments will undo what every Congress since that time has reaffirmed. I ask my colleagues to join me in keeping these programs in place and to pass H.R. 7.

Mr. WIRTH. Mr. Chairman, I want to express my strong support for H.R. 7, a bill to reauthorize and provide modest increases for five important child nutrition programs which have absorbed major reductions over the past 4 years.

Child nutrition programs are among the most important services provided by the Federal Government, but they are often misunderstood. These programs reimburse schools and child care providers for the meals they serve to eligible children, and by requiring that balanced, nutritious meals be served, they offer the dual benefits of providing sound nutrition while teaching good eating habits.

We talk about these programs in terms of subsidies, means tests and reimbursements, but they are more like insurance than welfare—insurance against hungry and malnourished kids who cannot concentrate in school because they are in poor health.

The School Lunch Program was created when we discovered that many of our young men were unfit for military service in World War II because of medical problems directly traceable to poor nutrition. At that time, we made a national policy decision to feed our poor children because our national security demands that our adults be well-nourished and physically fit.

Since 1981, the administration has repeatedly attempted to renege on that commitment, slashing funding for all nutrition programs with a particularly sharp blade reserved for those that feed our disadvantaged children. The Child Care Food Program, for example, which feeds children in day care centers and family care homes, has been cut by more than 30 percent. Other programs have fared only slightly better.

While I am sensitive to the need to contain Federal spending, I must emphasize that the House budget resolution assumed full funding of the child nutrition programs contained in H.R. 7. Our colleagues on the Budget Committee took this action because they share my conviction that we have gone far enough in cutting funds for these programs. They agree that we must restore and maintain our child nutrition insurance programs for the well-being of our children and our country.

I am strongly opposed to any amendments to H.R. 7 which would freeze or further reduce funding for the important and highly cost-effective child nutrition programs. In particular, I would like to speak against the amendment to extend the means test to the family day care portion of the Child Care Food Program, because I know that this form of child care is extremely valuable to working parents of very young children.

To fully understand the devastating effect of a means test, it is important to understand the difference between a family day care home and day care center.

Although a means test has been proposed every year since 1981, it has not been required for the family day care program because of the very nature of this type of day care. Family day care providers are essentially neighborhood operations, and the imposition of this burden would surely reduce participation on the part of both providers and parents. People are usually quite reluctant to share sensitive information on their income with their neighbors, and the administrative requirements of a means test would be virtually impossible to meet.

Child Care Food Program reimbursement is not paid to children nor is it paid to their families. It goes to the family day care provider—who typically earns, in my own State of Colorado, less than $1 per hour per child for 10 hour days.

Although family day care providers earn very little for their hard work, working parents cannot afford to give them a raise to cover the additional cost of food. If two children are in full-time care at the rate of $1 per hour per child, the day care bill for that family would exceed $400 per month.

If we reduce participation in this program and cause an increase in the price of child care for those working families who are already barely making it, those families will not be able to afford to work and we

may inadvertently drive them onto the welfare rolls.

Family day care, because it operates out of the home, is very difficult to regulate or monitor. Providers who participate in the Child Care Food Program receive training and actual home visits from sponsoring organizations. In many States, this is the only time these facilities are observed in operation. Given our national concern for the rise in child abuse, it would not be wise to eliminate this already minimal supervision.

More than half of all the children in this country who are cared for outside of their family home during the day are cared for in family day care homes.

Mr. Chairman, the child nutrition programs that these amendments would dramatically weaken represent a tiny fraction of the Federal budget and yet are extremely effective in eliminating hunger among our children. These programs have already made a major contribution to deficit reduction by absorbing large budget cuts. By cutting still deeper, we gain very little, but our children lose a lot.

Mr. RICHARDSON. Mr. Chairman, I rise today in strong support of the School Lunch and Child Nutrition Act. While this program reauthorizes five expiring child nutrition programs, I would like to focus here on one of these—the WIC Program. In my home State of New Mexico, we have over 63,000 individuals eligible for the WIC Program—of these, 63,000 eligible participants, less than one-third are currently receiving the help they need. The need for the WIC Program clearly exists. We need to not only keep this program alive, but also to expand it as much as possible within our fiscal constraints.

The bipartisan support for this bill is evident. H.R. 7's funding levels have been approved in the House/Senate budget resolution. I believe that it is significant that the conferees, even with their deep concern over the deficit, felt that this program should not only be continued at current levels, but should also receive a modest increase in funding. WIC is acclaimed as one of the Federal Government's most successful programs. For every dollar we invest in this program, we get three back. Not only is this program a wise investment in our children's future, but it also saves a great deal of money. The average cost for a hospital stay of an infant suffering from low birth weight is $60,000; the average cost of WIC is $400 per year. WIC helps to prevent low birth weight and neonatal problems requiring hospitalization.

I would like to strongly urge all of my colleagues to support the School Lunch and Child Nutrition Amendments of 1985—these programs have clearly shown that they deserve our support as sound investments in our children's future. This is what President John F. Kennedy had to say on the issue over 20 years ago:

The prevention of future adult poverty and dependency must begin with the care of dependent children—those who must receive public welfare by virtue of a parent's death, disability, desertion or unemployment. Our society not only refuses to leave such children hungry, cold, and devoid of opportunity—we are insistent that such children not be community liabilities throughout their lives. Yet children who grow up in deprivation, with adequate protection, may be poorly equipped to meet adult responsibilities.

The School Lunch and Child Nutrition Amendments of 1985 address this societal obligation; a small amount of money spent now helps to solve future problems and to prevent a need for larger future expenditures.

The CHAIRMAN pro tempore. Are there further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. SMITH of Iowa] having assumed the chair, Mr. SWIFT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 7), to extend and improve the National School Lunch Act and the Child Nutrition Act of 1966, pursuant to House Resolution 262, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 367, nays 59, not voting 8, as follows:

[Roll No. 312]

YEAS—367

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Barnes
Bateman
Bates
Bedell
Beilenson
Bennett
Bentley
Bereuter
Berman
Biaggi
Biliraki
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Brooks
Broomfield
Brown (CA)
Broyhill
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Campbell
Carper
Carr
Chandler
Chapman
Chappell
Chappie
Clay
Clinger
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Daniel
Darden
Daschle
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Grotberg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hendon
Henry
Hertel
Hiler
Hillis
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Leach (IA)
Leath (TX)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowry (WA)
Lujan
Luken
Lundine
MacKay
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Price
Pursell
Quillen
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sharp
Shaw
Shelby
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins

Weaver	Wilson	Wylie
Weber	Wirth	Yates
Weiss	Wise	Yatron
Wheat	Wolf	Young (AK)
Whitehurst	Wolpe	Young (FL)
Whitley	Wortley	Young (MO)
Whitten	Wright	
Williams	Wyden	

NAYS—59

Archer	Fiedler	Porter
Armey	Fields	Roberts
Badham	Hansen	Roth
Bartlett	Hartnett	Rudd
Barton	Holt	Schaefer
Bliley	Hunter	Sensenbrenner
Boulter	Kramer	Shumway
Brown (CO)	Latta	Shuster
Burton (IN)	Loeffler	Smith (NH)
Callahan	Lott	Smith, Denny
Carney	Lowery (CA)	Stenholm
Cheney	Lungren	Strang
Combest	Mack	Stump
Craig	Martin (IL)	Sweeney
Crane	McCandless	Swindall
Dannemeyer	Monson	Vander Jagt
Daub	Moorhead	Walker
DeLay	Nielson	Whittaker
Dreier	Oxley	Zschau
Eckert (NY)	Packard	

NOT VOTING—8

Addabbo	Lehman (CA)	Rangel
Bevill	Long	Waxman
Frost	Rahall	

□ 1710

Mr. ROBERT F. SMITH changed his vote from "yea" to "nay."

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 7, SCHOOL LUNCH AND CHILD NUTRITION AMENDMENTS OF 1985

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill just passed, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 7.

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

There was no objection.

GENERAL LEAVE

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

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

There was no objection.

□ 1725

GENERAL LEAVE

Mr. PENNY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of the special order today by the gentleman from Indiana [Mr. SHARP].

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

There was no objection.

THE ROMANIAN GOVERNMENT SHOULD ALLOW CERTAIN CITIZENS TO EMIGRATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. RUDD] is recognized for 5 minutes.

Mr. RUDD. Mr. Speaker, throughout my years in Congress, I have heard from a number of constituents concerned about citizens of Communist countries who have been approved for immigrant visas to the United States by our Department of State, but were denied permission by their own governments to leave.

Yesterday, a lady who lives in District 4 in the State of Arizona, who fled Romania 16 years ago and is now a citizen of the United States telephoned my office in desperation, requesting assistance. She asked that our Government use its influence to encourage the Romanian authorities to allow her 52-year old brother and his wife, Vasile and Evdochia Preda, permission to emigrate to the United States.

Mr. Preda has already lost his job because of his attempts to leave Romania. He is now on the third day of a hunger strike protesting the Romanian Government's refusal to give him and so many others permission to emigrate from that country.

The State Department periodically presents to Communist authorities the names of those who have repeatedly been denied permission to emigrate in an effort to emphasize the deeply felt belief that persons should not be held in a country against their will.

I am contacting the Department of State to ask that they include Mr. Preda and his wife's names on the list and to do all possible to help them. With this statement, I am calling on the Romanian Government to exercise compassion and allow the Predas and others like them to emigrate from the country.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 5 minutes.

Mr. PEPPER. Mr. Speaker, on Thursday, September 12, 1985, I was unavoidably absent for roll No. 302, the resolution providing for the consideration of H.R. 2266. This bill authorizes appropriations for Amtrak for fiscal years 1986 and 1987, and establishes a commission to study the financial status of Amtrak. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, due to official duties in my district on Thursday, September 12, I missed rollcall votes numbered 302 through 307.

Had I been present, I would have voted: "yes" on No. 302; "present" on No. 303; "yes" on No. 304; "yes" on No. 305; "present" on No. 306; and "no" No. 307.

TO CREATE A NATIONAL COMMISSION TO PREVENT INFANT MORTALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. ROSE] is recognized for 5 minutes.

Mr. ROSE. Mr. Speaker, today, I am introducing legislation to create a National Commission to Prevent Infant Mortality.

A baby born in Western Europe, Japan, Australia, Singapore, or Hong Kong has a better chance of celebrating its first birthday than does an American baby. This is a great tragedy, particulary in the light of the fact that we live in one of the wealthiest and most technically advanced nations in the world.

In my State of North Carolina, there is an infant mortality rate of 13.7 per thousand births; 1,175 babies died in 1982 before turning 1 year old.

Low birthweight is the main cause of infant mortality. Low birthweight is 2 pounds or less. Even though the United States has made great strides in reducing infant mortality since 1965, the decrease in deaths is mainly due to medical and technological advances in keeping low birthweight babies alive. So, if we are to solve the problem of infant mortality, we must fight against low birthweight.

The effects of infant mortality are far-reaching in our society. It is impossible to measure the trauma a family suffers when a baby dies. This is the human cost. There are also the economic costs. Over $1.5 billion is spent every year to keep low birthweight babies alive. If the low birthweight child is permanently handicapped, the later cost of addressing that child's needs will even greater. Clearly, it is much more cost effective to deal with the problem of low birthweight, than to have to deal with its consequences.

The National Commission to Prevent Infant Mortality will provide a well-

thought out and well-organized national policy to prevent infant deaths. It will review present governmental and private efforts to prevent infant mortality and then come up with a national policy that the Federal Government, States, localities, and private groups could adopt to prevent infant deaths. This Commission will make legislative recommendations directly to Congress as to the most effective ways to fight infant mortality. In short, this Commission will set up a comprehensive plan of action to fight infant mortality.

I urge my colleagues to join me in cosponsoring this important legislation.

EDUCATION TECHNOLOGY ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. WIRTH] is recognized for 5 minutes.

Mr. WIRTH. Mr. Speaker, today I am introducing the Education Technology Act of 1985, a bill designed to help our elementary and secondary schools use computers more effectively as learning tools in the classroom. This legislation will help ensure that our next generation of graduates is adequately prepared to meet the challenges of tomorrow's technologically advanced workplace.

In January of this year, the President's Commission on Industrial Competitiveness completed a year-long study of our nation's ability to compete. The Commission's report, entitled "Global Competition, The New Reality," is a thoughtful but resounding indictment of the extent to which we, as a nation, have neglected those aspects of our economy which determine how well we compete in world markets.

In the area of human resource development, one of the primary findings of the study was that "this nation has not effectively used technology to enhance its educational offerings. Interactive computers can be powerful learning tools, yet little educational software has been developed that makes full use of their capabilities. 'Computer literacy' has become the focus of computer use in schools, yet it is the use of computers as a new and more productive way of learning that offers the greatest potential of educational technology."

To remedy this situation, the Commission calls for "sustained Federal support" for a program of research in educational software, to be funded through the National Science Foundation and the U.S. Department of Education. In addition, the report recommends that teachers be trained in the use of computers as well as in the capabilities of quality software. States should be encouraged to provide such training and the Federal Government should aid in these efforts by disseminating information on available software.

Two years ago, I first introduced the Computer Literacy Act to address these very issues. In 1984, that legislation was reported by both the Education and Labor Committee and the Science and Technology Committee. Unfortunately, it was never considered by the full House of Representatives. Yet the need for the legislation has not diminished, and in many ways the arguments for its passage have grown more compelling.

In the past 5 years, the number of computers in schools across the country has risen dramatically. More than 1 million are now estimated to be in use and that figure is expected to double in the next 4 years. While the sheer number of computers has expanded, however, the success with which they have been integrated into our education system remains doubtful. Great technical progress has been made by those teachers and students who have computer access, but as the President's Commission report emphasizes, teachers are still not adequately equipped to tap the vast educational potential of computer technology. If "computer literacy" is no longer adequate to ensure that America has a technologically prepared workforce to carry us into the 21st century, then we must strive for the complete and interactive integration of advanced technology into educational curricula.

Finally, recent studies indicate that schools with the highest proportion of low-income children are still losing ground in the effort to reduce student-to-computer ratios. Students in school districts with the lowest proverty levels are estimated to average one computer for every 57 students while those schools with the highest poverty levels tend to have one computer for every 83 students. Educators across the country express concern about the fate of these "computer have-nots" whose school districts lack funds for sufficient computer equipment and whose parents cannot afford to buy home computers.

In short, without some type of corrective intervention, tomorrow's workers may not be prepared to enter a workplace where technological change has become the rule rather than the exception.

For these reasons, I have introduced the Education Technology Act of 1985, an updated version of the Computer Literacy Act of the 98th Congress. The bill has three purposes. Section I would encourage the development of model educational software and call upon the National Institute of Education and the National Science Foundation, through grants or contracts, to evaluate existing software and make that information readily available to our nation's school districts. The second section would establish teacher training institutes to improve the integration of education technology into the classroom and would extend technological training to adults through model programs to be offered during nonschool hours. The last section of the bill would provide schools still without access to computers with the funds to purchase computer hardware.

Mr. Speaker, I encourage our colleagues in the House to give this bill their strong support so that we can begin, as a nation, to regain our competitive edge at home and abroad.

METHANOL, FUEL OF THE FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. SHARP] is recognized for 60 minutes.

Mr. SHARP. Mr. Speaker, every Memorial Day, in Indianapolis, the premier event in auto racing—the Indy 500—is run. These Indy vehicles run on methanol, a clean, safe, efficient alcohol fuel.

Today, my colleagues and I are introducing a bill which will help methanol become a common consumer fuel as well. Methanol is an alcohol fuel which can be made from a variety of domestic resources—most importantly, coal and natural gas.

It is a liquid fuel; it is safe; it is clean; and it is efficient.

The widespread substitution of methanol for gasoline and diesel fuel in our cars, trucks, and buses will achieve four important national goals: reduction of the trade deficit, improved energy security, better air quality, and more jobs.

BALANCE OF TRADE

Our national bill for imported oil last year was almost $60 billion, over half of our trade deficit. Methanol has the potential to be made entirely from domestic resources. Conversion of 20 percent of U.S. cars to a domestically produced fuel would reduce oil imports by approximately 470 million barrels per year and might reduce the balance of payment deficit by well over $10 billion annually.

ENERGY SECURITY

By the end of the century OPEC may again be able to control the price of crude oil because demand will approach the world's production capacity and they will become the world's marginal producers. They will never be the marginal producer of methanol, however, and we should take steps now to substitute methanol for the 40 percent of our oil that is used for transportation. To the extent we can reduce our demand for petroleum-based transportation fuel we will reduce OPEC's ability to control the market and our vulnerability to their actions.

CLEAN AIR

There are also major environmental benefits of methanol. Methanol buses may forever eliminate the stench and pollution currently associated with intracity buses. If widely adopted, methanol in cars also has the potential to be the single largest contributor to reduction of smog in our cities.

JOBS

A 1984 report by the staff of the Fossil and Synthetic Fuels Subcommittee estimates that conversion of 20 percent of U.S. cars to methanol could create a market for an additional 300 million tons of coal per year if the methanol is produced from domestic coal. This increase in demand for coal would translate directly into 10,000 jobs in the coal mining industry and an undertermined number of other jobs in methanol production.

PROBLEMS OF INTRODUCTION

In short, methanol is a nearly perfect substitute for gasoline. What then prevents methanol from rapidly capturing the transportation fuel market? Two related factors: the lack of vehicles designed to run on methanol, and the lack of readily available retail sales outlets.

The problem is that methanol won't be distributed as a consumer fuel until there are sufficient vehicles able to run on this fuel. Conversely, the vehicle manufacturers will not manufacture methanol-compatible vehicles until the fuel is widely available. This circular problem is commonly called the chicken and egg dilemma.

This bill is designed to stimulate a solution to this problem through a low-cost Federal demonstration program. It continues the work already underway by the Department of Energy, Department of Defense, California Energy Commission, Bank of America, and others. The Federal demonstration fleet will be relatively inexpensive since it will replace conventionally fueled with methanol-fueled vehicles that the Federal Government would have purchased in any case.

COST

Methanol vehicles are not greatly different from those fueled by conventional fuels. Only a few components need to be made compatible with methanol, and manufacturers have testified that methanol cars will be no more expensive than similar gasoline cars when manufactured in similar quantity.

Nor is methanol more costly. Currently, most of the world's methanol is made from natural gas and sells for about $0.45 per gallon in bulk quantities. Because methanol has a lower energy content per gallon than gasoline, and nearly 2 gallons of methanol are required to take a car as far as 1 gallon of gasoline, this price would make methanol very competitive with gasoline if both were equally available to the consumer.

In the long term, methanol may have a cost advantage over gasoline. The United States has abundant coal reserves which can be utilized to manufacture methanol. Estimates vary widely on the cost of manufacturing it from coal, but they tend to be in the $0.80 to $1.20 per gallon range. At these prices, methanol from coal is not economic today.

Generally, however, the price of coal is expected to rise more slowly than the price of oil and natural gas. Sometime early in the next century, methanol from coal will be competitive with gasoline made from imported crude oil. In the meantime, methanol made from natural gas is likely to be available and competitive in price.

PROMOTING COMPETITION

For all of these reasons, methanol is likely to be the fuel of the future. But to capture its benefits more quickly, we need to overcome the chicken and egg problem—to help methanol reach the threshold level of use at which consumers have a choice and methanol can compete.

In order to hasten the day when methanol is competitively viable, this bill proposes an action plan that requires:

Five thousand methanol cars purchased annually by the Government starting in fiscal year 1987;

A long haul, 18-wheel methanol truck demonstration;

A methanol bus demonstration;

That, if the methanol bus demonstration provides satisfactory results, all buses purchased in Clean Air Act nonattainment areas with Federal assistance after 1991 will be required to be methanol buses;

Establishment of an interagency commission to coordinate all the methanol work underway within the Government;

A requirement that all vehicles purchased by the Federal Government be guaranteed by the manufacturer for use on all EPA approved nonstandard fuels; and

An incentive for auto manufacturers to produce methanol compatible vehicles by calculating miles per gallon for purposes of CAFE standards on the basis of the petroleum content of the fuel. Vehicles capable of running on both methanol and gasoline will be counted for CAFE calculations as if the vehicle only ran on methanol. This concept is more fully explained in my 1984 letter to the EPA, which I ask permission to insert in the RECORD at the conclusion of my remarks, along with a copy of the text of the bill itself.

This bill is a follow-on to legislation introduced last Congress—H.R. 4855 and H.R. 5075. It is based on 4 days of public hearings, a 1984 subcommittee staff report, and hundreds of hours of discussion with industry representatives.

Last year the methanol legislation, parts of which were enacted, had over 50 cosponsors. DOE is proceeding with a preliminary vehicle fleet. This bill is the next logical step in the Government's role to prove the potential and accelerate the adoption of melthanol as an alternative to gasoline.

The current surplus in crude oil supplies gives this Nation the opportunity to develop its alternative fuels. Methanol is one of the best of these alternative fuels, and this bill is necessary to advance its development.

H.R. 3355

A bill to develop a national methanol energy policy and to coordinate efforts to implement such policy

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

SECTION 1. SHORT TITLE.

This act may be cited as the "Methanol Energy Policy Act of 1985".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that—

(1) the achievement of long-term energy security for the United States is essential to the health of the national economy, the well-being of our citizens, and the maintenance of national security;

(2) the protection and improvement of the Nation's air quality is essential to our citizens' physical health;

(3) the displacement of energy derived from imported oil with domestically produced energy will contribute to an improved international trade balance for the United States and increased employment opportunities for our citizens;

(4) the Nation's security, environmental, and economic interests require that the Federal Government should assist a clean-burning domestically produced transportation fuel to reach a threshold level of use at which it can successfully compete with petroleum-based fuels;

(5) methanol is the alternative liquid fuel with the best technological and economic prospect of displacing significant quantities of petroleum-based transportation fuel;

(6) there are proven coal reserves in the United States sufficient to provide methanol for transportation use for at least the next four hundred years;

(7) the use of methanol to displace gasoline and diesel fuel in the Nation's automobiles, trucks, and buses will significantly reduce emission of regulated pollutants, reduce reliance on imported oil, and enhance the Nation's security; and

(8) the United States Department of Energy and the California Energy Commission have already established a base of information about methanol as a transportation fuel which this Act will further develop.

(b) PURPOSES.—The purposes of this Act are to provide—

(1) that the Federal Government shall—

(A) continue the development of a methanol demonstration program by increasing the purchases and use of methanol-powered passenger automobiles, light duty trucks, and buses;

(B) in cooperation with a commercial operator, establish a demonstration program for the operation of methanol-fueled diesel trucks;

(C) establish a pilot program for the operation of methanol-powered buses in urban areas;

(D) Assist State and local entities in purchasing methanol-powered buses;

(E) study the feasibility of a small, packaged, relocatable methane to methanol plant;

(F) study the air quality and human health effects associated with the use of significant amounts of methanol;

(G) remove disincentives to the use of methanol fuel;

(H) promote the availability and use of methanol fuel; and

(I) promote the manufacture and purchase of methanol-powered vehicles, and

(2) for the establishment of an Interagency Commission on Methanol to develop and coordinate the implementation of a national methanol energy policy.

SEC. 3. AMENDMENT OF ENERGY POLICY AND CONSERVATION ACT.

Title III of the Energy Policy and Conservation Act is amended by adding at the end the following new part:

"PART J—ENCOURAGING THE USE OF METHANOL

"SEC. 400AA. METHANOL DEMONSTRATION PROGRAM FOR FEDERAL VEHICLES.

"(a) DEPARTMENT OF ENERGY PROGRAM.—The Secretary shall ensure that of the total number of passenger automobiles and light duty trucks acquired for use by the Federal Government during the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990, at least 5,000 each year shall be methanol-powered vehicles.

"(b) STUDIES.—The Secretary, in cooperation with the Administrator of the Environ-

mental Protection Agency (hereafter in this part referred to as the "Administrator") shall conduct studies related to the methanol-powered vehicles acquired under subsection (a), including—

"(1) projects to demonstrate the performance of such vehicles,

"(2) an evaluation of the performance of such vehicles in cold weather,

"(3) a study of the fuel economy, safety, and emissions of such vehicles, and

"(4) a comparison of the operation and maintenance costs of such vehicles to the operation and maintenance costs of other passenger automobiles and light duty trucks.

"(c) METHANOL MADE AVAILABLE TO THE PUBLIC.—(1) At locations where vehicles acquired under subsection (a) are supplied with methanol, methanol shall be offered for sale to the public for use in other vehicles, except in cases where security considerations require otherwise.

"(2) The requirement under paragraph (1) shall not apply after September 30, 1990.

"(d) FEDERAL AGENCY USE OF DEMONSTRATION VEHICLES.—(1) Upon the request of the head of any agency of the Federal Government, the Secretary shall ensure that such Federal agency be provided with vehicles acquired under subsection (a) to the maximum extent practicable.

"(2) The Secretary shall ensure that the cost to any Federal agency receiving a vehicle under paragraph (1) shall not exceed the cost to such agency of a comparable gasoline-powered vehicle.

"(3) Only one-half of the vehicles obtained under this section by an agency of the Federal Government shall be counted against any limitation under law, Executive order, or executive or agency policy on the number of vehicles which may be obtained by such agency.

"(4) Any Federal agency receiving a vehicle under paragraph (1) shall cooperate with the study undertaken by the Secretary under subsection (b).

"(e) DETAIL OF PERSONNEL.—Upon the request of the Secretary, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Department of Energy, to assist the Secretary in carrying out his duties under this section.

"(f) REPORTS.—(1) The Secretary shall submit semiannual reports of the actions taken and findings made under this section to the Congress. The first such report shall be submitted no later than the last day of the second quarter beginning after the date of the enactment of this part. The last such report shall be submitted no later than September 30, 1990.

"(2) The Secretary shall submit a final report summarizing all actions taken and findings made under this section to the Congress no later than October 15, 1990.

"(g) EXEMPTIONS.—Methanol vehicles obtained under this section or with funds appropriated by the joint resolution entitled "A Joint Resolution making continuing appropriations for the fiscal year 1985, and for other purposes." (P.L. 98-473)—

"(1) shall not be counted in any calculation of Fleet Average Fuel Economy under section 510 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2010) or Executive Order 12375; and

"(2) shall not be subject to any limitation under law on the maximum cost of individual vehicles which may be obtained by the United States.

"(h) DEFINITIONS.—For purposes of this section—

"(1) the term 'methanol-powered vehicle' means passenger automobiles and light duty trucks designed to operate using a fuel composed of at least 85 percent methanol; and

"(2) the term 'acquired' means leased for a period of sixty continuous days or more, or purchased.

"(i) FUNDING.—(1) There is authorized to be appropriated for the fiscal year ending September 30, 1987, $10,000,000, for the fiscal year ending September 30, 1988, $8,000,000, for the fiscal year ending September 30, 1989, $5,000,000, and for the fiscal year ending September 30, 1990, $5,000,000, to carry out the purposes of this section.

"(2) The authority of the Secretary to obligate amounts to be expended under this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.

"SEC. 400BB. METHANOL LONG-HAUL TRUCK DEMONSTRATION PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, in cooperation with a commercial operator or operators of long-haul diesel trucks, shall establish a demonstration program for the operation of methanol fueled diesel trucks on a long-haul, high density interstate truck route.

"(b) AVAILABILITY OF METHANOL.—(1) The Secretary shall make necessary arrangements to ensure the availability of methanol along the interstate truck route selected for the demonstration program established under subsection (a).

"(2) At locations where trucks operating under the demonstration program established under subsection (a) are supplied with methanol, methanol shall be offered for sale to the public for use in other vehicles, except in cases where security considerations require otherwise.

"(c) REPORTS.—(1) The Secretary shall submit semiannual reports of the actions taken and findings made under this section to the Congress. The first such report shall be submitted no later than the last day of the second quarter beginning after the date of the enactment of this part. The last such report shall be submitted no later than September 30, 1990.

"(2) The Secretary shall submit a final report summarizing all actions taken and findings made under this section to the Congress no later than October 15, 1990.

"(d) FUNDING.—(1) There is authorized to be appropriated for the period encompassing the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990, a total of $2,000,000 to carry out the purposes of this session.

"(2) The authority of the Secretary to obligate amounts to be expanded under this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.

"SEC. 400CC. METHANOL-POWERED BUS PILOT PROGRAM.

"(a) IN GENERAL.—The Administrator shall, during the fiscal year ending September 30, 1987, purchase at least five methanol-powered buses and shall use such buses in urban settings for purposes of emissions and fuel economy testing.

"(b) TESTING AND REPORTS.—(1) The Administrator shall test the emissions levels and fuel economy of buses purchased under subsection (a), shall study the potential for problems described in section 400DD(c), and shall submit semi-annual reports of the actions taken and findings made under this section to the Congress.

"(2) The Administrator shall submit a final report summarizing all actions taken and findings made under this section to the Congress no later than December 31, 1989.

"(c) FUNDING.—There is authorized to be appropriated for the period encompassing the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990, a total of $4,000,000 to carry out the purposes of this section.

"SEC. 400DD. REQUIREMENT THAT BUSES PURCHASED WITH FEDERAL FUNDS BE METHANOL-POWERED.

"(a) REQUIREMENT.—Notwithstanding any other provision of law, any State or political subdivision thereof which receives, after January 1, 1991, any Federal assistance to provide mass transportation to acquire motor vehicles designed to transport thirty individuals or more for operation in a nonattainment area, as such term is defined in section 171(2) of the Clean Air Act, shall acquire methanol-powered buses with such assistance.

"(b) IMPLEMENTATION.—(1) The Secretary shall provide to each State or political subdivision thereof which acquires any methanol-powered bus a supplemental grant equal to 100 percent of the amount, if any, by which the acquisition, operation, and maintenance costs of such methanol-powered bus exceed the acquisition, operation, and maintenance costs of a comparable diesel-powered bus.

"(2) The Secretary shall promulgate regulations no later than January 1, 1990, to carry out the purposes of this subsection.

"(c) EXCEPTION.—The Secretary shall implement this section unless, as a result of the study under section 400CC(b), the Administrator finds by rule, either on a nationwide or a case by case basis, after an opportunity for oral presentation is afforded interested persons, evidence of substantial—

"(1) operating and maintenance problems with vehicles studied under such section;

"(2) increases in exhaust emissions from such vehicles that are regulated under the Clean Air Act as compared to gasoline and diesel-powered vehicles;

"(3) increases in the cost, excluding all one-time startup, training, and conversion costs, of operation and maintenance of such vehicles as compared to gasoline and diesel-powered vehicles; or

"(4) increases in human health risks associated with exhaust emissions not regulated under the Clean Air Act.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'methanol-powered bus' means a methanol-powered vehicle which is designed to transport thirty individuals or more, and

"(2) the term 'mass transportation' means transportation which provides to the public general or special service (but not including schoolbuses or charter or sightseeing service) on a regular and continuing basis.

"(e) FUNDING.—There is authorized to be appropriated to carry out the purposes of this section such sums as may be necessary for each of the fiscal years ending September 30, 1991, September 30, 1992, and September 30, 1993.

"SEC. 400EE. INTERAGENCY COMMISSION ON METHANOL.

"(a) ESTABLISHMENT.—There is established a commission to be known as the Interagency Commission on Methanol, which shall develop a national methanol energy policy

and coordinate efforts to implement such policy.

"(b) MEMBERSHIP.—The Commission shall be composed of members as follows:

"(1) The Secretary of Energy, or the designee of the Secretary, who shall be the chairperson of the Commission;

"(2) the Secretary of Defense or the designee of such Secretary;

"(3) the Secretary of the Interior or the designee of such Secretary;

"(4) the Administrator of the Environmental Protection Agency or the designee of such Administrator;

"(5) the Secretary of Transportation or the designee of such Secretary;

"(6) the Postmaster General or the designee of the Postmaster General;

"(7) the Administrator of the General Services Administration or the designee of such Administrator;

"(8) the Administrator of the Occupational Safety and Health Administration or the designee of such Administrator; and

"(9) such other officers and employees of the Federal Government as may be appointed to the Commission by the Secretary.

"(c) OPERATIONS.—(1) The Commission shall meet as necessary to carry out the purposes of this section, at the call of the chairperson of the Commission.

"(2) One-third of the Commission shall constitute a quorum.

"(3) No member of the Commission shall receive additional pay, allowances, or benefits by reason of the service of such member on the Commission.

"(4) The Secretary shall provide the Commission with such staff and office facilities as the Secretary, following consultation with the Commission, considers necessary to permit the Commission to carry out its duties under this section.

"(d) DUTIES.—(1) The Commission shall study the following issues or ensure that such issues are studied:

"(A) The economics of the production and use of methanol as a transportation, boiler, and turbine fuel and the production, sale, and marketing of methanol-powered vehicles.

"(B) The production of methanol from domestic sources such as coal.

"(C) Suggestions submitted to the Commission, by individuals in the private sector, for promoting the use of methanol as a fuel for buses and other motor vehicles.

"(D) The ability of methanol to meet the military and nonmilitary transportation fuel needs of the United States during a time of general military mobilization.

"(E) The use of methanol for overfiring stationary boilers and peaking turbines, and for fuel cells.

"(F) Environmental, health, and safety issues relating to methanol and its combustion products and methanol-powered vehicles.

"(2) The Commission shall develop a long-term plan for the commercialization of methanol as an alternative fuel.

"(3) The Commission shall coordinate all Federal efforts with respect to methanol research and commercialization.

"(4)(A) The Commission shall ensure communication between representatives of all Federal agencies that are involved in methanol demonstration projects or that have an interest in such projects.

"(B) The Commission shall establish a clearinghouse for the exchange of information between parties working with or interested in working with methanol and related products.

"(e) PRIVATE SECTOR ADVISORY PANEL.—(1) The chairperson of the Commission shall establish a private sector advisory panel to inform the Commission about methanol-related matters. Such chairperson shall appoint the members of the panel.

"(2) The members of the panel shall be persons employed in the private sector or by State or local government who are knowledgeable about methanol and its possible uses and the production of methanol and methanol-powered vehicles. Such members may not be full-time officers or employees of the Federal Government.

"(3) The panel shall meet at the call of the chairperson of the Commission.

"(4) The members of the panel may be compensated at a rate, to be fixed by the Secretary, that does not exceed the daily equivalent of the maximum annual rate of basic pay payable under the General Schedule under section 5332 of title 5, United States Code, for each day (including travel-time) when engaged in the actual duties of the panel and when not otherwise compensated as officers or employees of the Federal Government, except that such compensation for any year may not exceed compensation for 20 days of engagement in the actual duties of the panel. All such members, while away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently. Payments under this section shall not render members of the panel officers or employees of the Federal Government for any purpose.

"(5) The Secretary shall provide the panel with such staff and facilities as the Secretary, following consultation with the Commission and the panel, considers necessary to permit the panel to carry out its duties under this subsection. Any such staff and facilities shall be provided from the existing staff and facilities of the Department of Energy.

"(f) DETAIL OF FEDERAL PERSONNEL.—Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

"(g) REPORTS.—(1) The Commission shall, not later than September 30 of each of the years 1978, 1988, and 1989, submit an interim report to the Congress setting forth the actions taken and findings made by the Commission under subsection (d).

"(2) The Commission shall, not later than September 30, 1990, submit a final report to the Congress setting forth the actions taken and findings made by the Commission under subsection (d).

"(3) The results of any study or studies undertaken under subsection (d) shall be made available to the public at such times and in such manner as determined appropriate by the Secretary.

"(h) TERMINATION.—The Commission and the panel shall terminate upon submission of the final report of the Commission under subsection (g)(2).

"(i) DEFINITIONS.—For purposes of this section:

"(1) The term 'Commission' means the Interagency Commission on Methanol established in subsection (a).

"(2) The term 'methanol-powered vehicle' means a motor vehicle designed to operate using a fuel composed of not less than 85 percent methanol.

"(3) The term 'panel' means the private sector advisory panel established in subsection (e)(1).

"SEC. 400FF. STUDIES.

"(a) METHANOL STUDIES.—(1) The Secretary shall undertake a study of the comparative costs of methanol based on natural gas, methanol based on coal, and methanol based on other resources. Such study shall include a study of various sizes of facilities for each resource, and shall—

"(A) identify the optimum size for obtaining maximum economies of scale;

"(B) identify the largest size feasible consistent with current and projected near-term demand for methanol; and

"(C) consider and quantify 'learning curve' benefits associated with the sequential construction of additional facilities.

"(2) In conducting studies under paragraph (1), the Secretary shall include a study of a packaged, nominally, 100 to 300 ton per day, relocatable natural gas to methanol plant that is capable of utilizing current domestic supplies of unutilized natural gas.

"(3) For purposes of this subsection, the term 'unutilized natural gas' means gas that is available in small remote fields and cannot be economically utilized in existing conventional natural gas pipelines, or gas the quality of which is so poor that extensive and uneconomic pretreatment is required prior to its introduction into the natural gas distrubution system.

"(4) The Secretary shall submit a report containing the results of the studies undertaken under paragraph (1) to the Congress within one year after the date of the enactment of this part.

"(b) AIR QUALITY AND HEALTH STUDY.—(1) The Administrator shall prepare a comprehensive analysis with respect to the air pollutant emission, air quality impact, and human health risks, including toxicity to consumers at self-service fuel pumps, associcated with the storage, distribution, and use of significant amounts of methanol as transportation fuel as compared to existing diesel and gasoline fuels.

"(2) The Administrator shall complete the comprehensive analysis required by paragraph (1) within two years after the date of the enactment of this part unless the Administrator explains in writing to the Congress why more time is necessary for its completion.

"(c) FUNDING.—There is authorized to be appropriated to carry out the purposes of this section $975,000 for the fiscal year ending September 30, 1987.".

SEC. 4. FUEL EFFICIENCY STANDARDS.

The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) is amended—

(1) in section 501 (15 U.S.C. 2001) by adding at the end thereof the following new paragraphs:

"(15) The term 'methanol mixture' means the mixture of methanol with other fuel, if any, used to operate a methanol powered automobile.

"(16) The term 'methanol powered automobile' means an automobile capable of operating, and marketed and sold with the intention of its being primarily operated, on not less than 85 percent methanol."; and

(2) in section 503(d) (15 U.S.C. 2003(d)) by adding at the end thereof the following new paragraph:

"(4) If a manufacturer manufactures methanol powered automobiles, the fuel economy of such vehicles as determined

under this title shall be based on the non-methanol fuel content of the methanol mixture used to operate such automobiles. For purposes of this section, a gallon of the methanol mixture used to operate such automobiles shall be considered to contain 15 one-hundredths of a gallon of non-methanol fuel.".

SEC. 5. USE OF NON-STANDARD FUELS.

All passenger automobiles and light-duty trucks acquired by the United States after October 1, 1986, shall be guaranteed or warranted as suitable for operation on all fuels for which waivers issued by the Administrator of the Environmental Protection Agency under section 211(f) of the Clean Air Act (42 U.S.C. 7545(f)) are then currently in effect.

SECTION-BY-SECTION ANALYSIS

Section 1: title—Methanol Energy Policy Act of 1985.

Section 2: findings and purposes.

Section 3: amends Title III of the Energy Policy and Conservation Act of 1975 by adding a new part, Part J—Encouraging the Use of Methanol, with the following sections:

Section 400AA: requires the Secretary of Energy to ensure the purchase of at least 5,000 methanol-powered passenger cars and light duty trucks per year between FY87 and FY90.

The Secretary must submit semi-annual reports to Congress on the performance, fuel economy, safety, emissions and comparative costs of these vehicles to others.

Methanol must be made available to the public at the same locations where the government-acquired vehicles are supplied with methanol.

Any government agency participating in the demonstration program shall not be required to pay more than the cost of a similar gasoline-powered vehicle.

As an inducement to acquire these vehicles, one-half of the methanol vehicles acquired by an agency shall not be counted against any numerical limitations imposed on that agency.

These vehicles acquired are exempt from meeting the federal fleet average fuel economy standards pursuant to the Motor Vehicle Information and Cost Savings Act and also from any limitation on the cost allowed for the purchasing of government vehicles.

Section 400AA: authorizes appropriations of $10 million in FY87; $8 million in FY88; $5 million in FY89; $5 milion in FY90 to carry out these provisions.

Section 400BB: authorizes appropriations of $2 million to establish a demonstration program for the operation of methanol-fueled diesel trucks on a long-haul, high density interstate truck route. This demonstration is to be done by the Secretary of Energy in coordination with commercial operators.

Methanol fuel facilities established to provide fuel for those vehicles shall also be available to the public for use in other vehicles, except in cases where security considerations require otherwise.

Section 400CC: authorizes appropriations of $4 million for the Environmental Protection Agency [EPA] to establish a four year pilot program of at least 5 methanol-powered buses. The buses are to be used in urban areas and tested for emissions and fuel economy.

Section 400DD: requires that areas defined as nonattainment areas in the Clean Air Act must purchase methanol buses with UMPTA funding starting in January 1, 1991. Sec. of Energy can decide if not feasible.

Such sums as necessary for fiscal years 91, 92, 93 are authorized to cover the incremental costs of methanol buses over conventional buses. It is expected that the committee will determine the appropriate funding level subsequent to the hearing process.

Section 400EE: establishes an Interagency Commission on Methanol to assist in the development of a national methanol policy and to coordinate efforts to implement such policy. The Commission shall be comprised of representatives from the Departments of Energy, Defense, Interior and Transportation, the Environmental Protection Agency, Postmaster General, General Services Administration, Occupational Safety and Health Administration, and any others appointed to the Commission by the Secretary of Energy.

The Commission shall review a variety of issues including the economics of the production and use of methanol as an alternative fuel, the promotion of methanol-powered vehicles, the environmental and safety aspects of methanol, and long-term planning for commercialization.

Section 400EE also requires the Chairperson of the Commission to establish a Private Sector Advisory Panel to coordinate efforts of the industry with the Federal program.

The Commission must submit annual reports to Congress on the actions taken and findings made by the Commission. All studies undertaken by the Commission are to be made available to the public at an appropriate time determined by the Secretary.

Section 400FF: requires the Secretary of Energy to submit a cost comparison study of natural gas-based methanol, coal-based methanol, and methanol from other resources, to include an evaluation of the various sizes of production facilities.

A study shall also be undertaken by the Secretary to determine the feasibility of a relocatable natural gas to methanol plant which is capable of using domestic supplies of unutilized natural gas.

This section also requires the EPA to prepare a comprehensive analysis on methanol versus gasoline or diesel fuel, with respect to emissions, air quality impact, and health risks associated with a significant amount of use of methanol as a transportation fuel.

A sum of $975,000 is authorized to be appropriated to conduct the studies required in this section.

Section 4: amends the Motor Vehicle Information and Cost Savings Act by adding a new subparagraph to address fuel economy standards for vehicles capable of running on methanol. Calculations of fuel economy standards for methanol are to be based on the non-methanol fuel content of the methanol mixture.

Section 5: requires that any vehicles purchased by the Federal Government after Oct. 1, 1986, be guaranteed or warranted to operate on all fuels approved by the Environmental Protection Agency.

MAY 25, 1984.

Hon. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR MR. RUCKELSHAUS: I understand that the Office of Mobile Resources is working on a Corporate Average Fuel Economy [CAFE] standard equivalency factor for methanol.

During consideration of the Energy Policy and Conservation Act in 1975, I was the author of the amendment which established the CAFE standards. The real danger to the U.S. was then and still is dependence on imported oil. The primary goal of enacting CAFE standards was to reduce oil imports. Consequently I believe any vehicle which does not use petroleum as fuel would help to achieve the Congress' original objective regardless of its rated miles per gallon.

In order to advance the use of methanol as an automotive fuel, the government must help overcome what a witness at one of our hearings called "everyone's desire to go second." The CAFE standards provide an ideal opportunity to give the auto manufacturers an incentive to go first, i.e., to want to lead rather than follow in the development of an automotive methanol market.

I strongly urge the EPA to provide a major incentive to the auto manufacturers by altering the CAFE formula in the alternative manner suggested in your notice of proposed rulemaking. Rather than establishing an equivalency factor based on the relative amounts of energy in methanol and gasoline, which would merely prevent creation of a disincentive to methanol use, a positive incentive should be created by calculating fuel economy on the basis of miles per gallon of petroleum derived fuel.

This policy would be consistent with the reason for the adoption of the CAFE standards as well as help achieve the air quality and energy security benefits of increased methanol use.

Sincerely,

PHILIP R. SHARP,
Chairman.

Mr. WISE. Mr. Speaker, I am joining with my colleague from Indiana, PHIL SHARP, today in introducing a very progessive piece of legislation on the subject of increasing methanol use and production. We are introducing the Methanol Energy Policy Act of 1985 today in response to what we feel is an emerging market and technology—the production and use of methanol—hopefully, methanol made from coal and natural gas, of which my state has huge reserves.

Earlier this session, I introduced a bill—H.R. 2957—designed to give American auto manufacturers a break if they start to produce cars that run on methanol. My experience with driving a methanol-powered Ford Escort in my congressional district over the Easter recess convinced me that the fuel not only has great promise as a substitute for petroleum-based fuels (the currency of middle-eastern blackmail) but also could create thousands of jobs in the coal and natural gas fields of our country. Under H.R. 2957, the so-called corporate average fuel economy [CAFE] standard would be revised to give car manufacturers who, under CAFE, must meet certain mileage standards using the average of the miles-per-gallon ratings of all the models they produce, a credit toward meeting this industrywide standard. My bill, H.R. 2957, has been incorporated into this new piece of legislation.

But there is more. The Methanol Energy Policy Act of 1985 would encourage the use of methanol in other ways. Our legislation would require the Secretary of Energy to ensure the purchase of at least 5,000 methanol-powered passenger cars and light duty trucks per year between 1987 and 1990. The

bill would require the Secretary to submit reports to the Congress on the performance, fuel economy, safety, emissions, and comparative costs of these vehicles to others. Methanol distribution would be enhanced, making the fuel available to the public at locations where Government-acquired vehicles fill up.

Another section of the bill would set up a demonstration program for methanol-fueled diesel trucks to investigate the fuel's applicability to heavy transport. The EPA would be responsible for coordinating a similar methanol-powered bus program.

Our legislation seeks to develop a national agenda for increased methanol use, and is broad range in scope. Methanol will be on trial as this program is instituted, and I am confident that it will emerge as what I have been calling it all along—the fuel of the future.

Mr. DANNEMEYER. Mr. Speaker, today a bipartisan coalition takes a major step toward energy independence and enhanced air quality with the introduction of comprehensive methanol legislation. I am pleased to be a part of this coalition as a member of the Committee on Energy and Commerce and as a Representative from California, the State that leads the Nation in methanol development.

Despite the headlines about an oil glut and falling prices, we face an uncertain and unstable energy future in the absence of long-range plans and policies to provide for our needs in the next decade and beyond. In addition, our oil imports are still almost one-third of our daily demand, at a cost of almost $60 billion last year when the United States ran up a record $123 billion trade deficit. With the trade deficit estimated to climb to $150 billion, and perhaps higher, in 1985, anything we can do to reduce oil imports in a responsible manner deserves our attention.

Methanol is an alternative fuel that can reduce our oil imports by providing a reliable transportation fuel. Fleets of methanol cars and buses have been operating successfully in California for several years by the private sector with the Bank of America and by the public sector through a program run by the California Energy Commission. Methanol can be made from natural gas or coal, among other feedstocks. The United States has a current surplus of natural gas and has been described as the Saudi Arabia of coal. As a cleaner burning fuel, methanol permits greater use of coal in an environmentally sound manner.

While energy benefits are important, I am particularly interested in the environmental benefits of cleaner burning fuels such as methanol. I represent an area of southern California which is a nonattainment area under the Clean Air Act. We will not be able to achieve Federal air quality standards without alternate fuels. The use of methanol as part of an air quality strategy has been supported by the South Coast Air Quality Management District (SCAQMD) and the California Lung Association, among others.

The promise of methanol will not become a reality unless a vehicle can be delivered to consumers at a price comparable to conventional gasoline models. The same goes for the cost of the fuel itself. Additional on-the-road experience is essential to detemining how to expand the use of methanol and fleets are a good way to acquire such information. Thus, the bill requires the Federal Government to purchase 5,000 methanol cars each year during fiscal years 1987 through 1990 out of the cars it would otherwise purchase. The bill mandates studies associated with the fleet.

Since diesel emissions from trucks and buses are a disproportionate source of air emissions, particularly in urban areas like Los Angeles and San Francisco, the bill mandates that buses purchased with Federal funds after January 1, 1991, be methanol-powered unless tests on an earlier fleet of buses show that this would cause specified adverse impacts.

This legislation is the culmination of a series of hearings dating back to the 97th Congress and is a combined effort of those who sponsored and cosponsored individual bills in the last Congress. Given this background, and the fact that a methanol bill is moving in the other body, I am extremely hopeful that we can enact methanol legislation into law in the near future.

Mr. BROYHILL. Mr. Speaker, today I am introducing the Methanol Energy Policy Act of 1985. I am pleased to be joined by Mr. SHARP, Mr. MADIGAN, Mr. DANNEMEYER, Mr. MARKEY, Mr. MOORHEAD, and several other of my colleagues. I wish to especially applaud Mr. SHARP for his hard work and dedication to the methanol issue and to the formulation of this bill.

It is imperative for the Federal Government to actively encourage the use of alternative transportation and industrial fuels to lessen our dependency on foreign oil. One such fuel, available today, is methanol. Methanol is an organic compound which is widely used as a chemical solvent and in the production of a broad range of industrial chemical products. Although most of the world's current methanol capacity is based on surplus natural gas, methanol can be produced from a variety of other raw materials, including coal, petroleum, and biomass.

Methanol has real advantages over conventional fuels used in transportation and industrial applications. As a transportation fuel, it is currently being used in both public and private fleets in California with encouraging results. I am equally excited about the significant environmental advantages being experienced. Methanol burns cleaner and at a lower temperature than gasoline or diesel fuels, producing less nitrogen oxides, and negligible particulate and hydrocarbon emissions. This means improved health for the American people and hope for areas such as southern California and Houston, which experience a geat deal of smog caused by automobile-related pollutants.

This bill contains several important provisions. It requires the Federal Government to purchase 5,000 methanol vehicles per year, in place of planned purchases of gasoline vehicles, beginning in fiscal year 1987. It establishes both a long-haul truck demonstration program and a methanol-powered bus pilot program. After January 1, 1991, this legislation would require that all new intracity urban buses purchased with Federal funds be methanol-powered. This is extremely important from an environmental standpoint. If, over a number of years, we can replace our urban buses, which are now diesel powered, with methanol-powered vehicles, the environmental benefits to our cities will be enormous. No more clouds of black smoke as the bus pulls away from the stop. It is also important to point out that the Federal Government pays 80 percent of the cost of new city buses and 50 percent of the operation and maintenance costs, so we are not trying to tell local transit authorities what to do with their local funds. Under this bill, the Federal Government would also pay all incremental costs associated with purchasing methanol buses, costs which we expect to disappear after just a few years.

I urge my colleagues to look carefully at this legislation and join us in guaranteeing a decreased dependence on foreign oil and and cleaner environment by advancing methanol use.

THE RETIREMENT OF FRANK JOHNSON FROM THE ARIZONA DAILY STAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 10 minutes.

Mr. UDALL. Mr. Speaker, at the end of this year a distinguished and important member of the Arizona press corps, Frank Johnson, will write another page in his career as he retires from 39 years of deadlines at the Arizona Daily Star in Tucson.

I've known Frank as an editor of unshakable ethics, courage, and decency and one who never overlooked common sense. If some editors might shy from controversy, Frank would more likely ask why it wasn't on page 1. I will miss Frank Johnson. I wish him and his wife, Louise, the best of what they seek in all the years ahead.

In appreciation of this special newspaperman and good friend, I have asked George Ridge, a professor of journalism at the University of Arizona and a former Star city editor under Johnson, to write the following tribute:

FRANK JOHNSON

(A tribute, by George Ridge, Professor of Journalism, University of Arizona, Tucson)

Frank Johnson is retiring on December 31, 1985, after 39 years and 109 days at The Arizona Daily Star. In his time, Frank has been a police reporter, a feature writer, a travel writer, a general assignment reporter, an entertainment writer, a city editor, an assistant managing editor, a managing editor, an executive managing editor and an executive editor of the Star. News writing has been described by some as "instant history," but while he was writing history under deadline pressure, Frank Johnson made a

little bit of history himself. And Frank's calm, professional approach to news also helped a lot of young reporters along their way.

"There are some guys with leadership born in them," says Don Robinson, who was hired by Frank at the Star 27 years ago. "I can remember back when Frank insisted that the cop reporters go out to all the robberies, even when it was 15 minutes to deadline. One time I called Frank from a pay phone on Miracle Mile with my hands shaking, it was so close to deadline. He was so casual that he could always put you at ease. He made it sound so easy, and he did that for all of us."

"Frank was our surrogate father, our loan officer, our psychiatrist, our sociologist, our marriage (and divorce) counselor, our bail bondsman," said Ken Burton. "You could take anything to Frank, and we all did. He would always take the time to listen—to anything. It was a very personal quality that made us feel as if we weren't just employes, but part of a family. It was special.

"The other thing I remember about Frank was that I never once saw the man explode, pound his fist, throw something or even raise his voice under pressure. He was so unflappable it was startling. If ever there was a guy who personified grace under fire, it was Frank Johnson."

Maybe this was because Frank had to grow up fast himself. At 23, he was the top sergeant for a Field Artillery unit on Guadalcanal. Every reporter who ever worked with Frank remembers his coolness under pressure, the way Frank can take over a newsroom amid any crisis and calmly get the news out.

Many reporters have forgotten that Frank was once a young reporter himself, having started at the Star on September 12, 1946. It was in 1948 that Frank set the never-surpassed record of 11 byline stories in one issue of the newspaper, according to Jack Sheaffer, whose memory substitutes for the Guinness Book of Star Records. It would have been only 10 bylines that day, says Jack, but Frank was out drinking beer after work and a light plane crashed in the parking lot of the Pioneer Hotel. He grabbed the telephone for byline No. 11.

The Star soon recognized what a natural Frank was, and made him city editor in 1950 at the tender age of 30. He took to this so well that, in the words of his wife, Louise, "someone could have committed murder on his desk and Frank would just have assigned a reporter to cover it."

Hal Marshall, who succeeded Frank as city editor, says that when he was hired the first thing Frank gave him was a picture of a local mobster, admonishing his new reporter to learn the local scene and the faces that go with it. "I carried that picture in my wallet for 10 years," recalls Marshall. "Right next to the pictures of my kids."

Not to be trifled with, Frank grew upset when one reporter would arrive for work, grab a newspaper and spend about an hour in the lavatory reading it. This ended when Frank rolled a firecracker under the door. Oldtimers still remember the reporter scrambling into the newsroom.

Frank's guidance was not limited to Star staffers. When Bill Greer was elevated from probationary Associated Press reporter to Tucson correspondent, Frank invited him into the office for a congratulatory word. At the end of the conversation, Frank lifted a knitted poodle cover that sat mysteriously on his desk—and the cover masked a bottle of whiskey. "If there's ever a time when it gets real rough out there and you really need it, this is here for emergency purposes," he advised Greer—who never saw the cover lifted again.

Sheaffer and Frank were in the tragic accident at the Star on July 22, 1982, that left both of them severely burned. Sheaffer recalls that he and Frank had been in a hundred scrapes through their careers, and always made it through.

Like the time in Mexico City, when the plane blew a tire just after liftoff for Merida. The pilot set it back down in a swamp at the end of the runway, and came on the intercom to announce to a startled audience: "Ladies and gentlemen, we have a flat tire."

Or the time in Montreal at Expo 67 that Frank wanted a closeup of the ice breaking up in the river. Sheaffer realized that he had miscalculated his location vis-a-vis the riverbank when his tripod started floating away from him. "I would have been a goner," he says, "but Frank jumped down and grabbed me and pulled me off the slippery ice to the bank."

In another episode, Frank—who always managed to keep the erect, slim figure of a topkick—could never understand how the portly Sheaffer got through the bars of a gate at a political rally in Hermosillo when Frank was pinned against the same gate by a crowd out of control.

Frank brought David Dare to Tucson, and the name still echoes when reporters get together to talk of legendary news feats. While city editor, Frank sent reporters under cover to inspect conditions in the migrant camps. Since the reporters' lives might be in danger, Frank credited the stories to a fictitious "David Dare." For years David Dare remained on the Star's assignment board, and Frank would pen in a facetious destination for him every day.

Frank gave Don Robinson so much confidence that it backfired. "Frank hired me and four weeks later tried to fire me," laughs Robinson. "But he had already built my confidence up so much that I wouldn't let him. I talked him out of it.

"You know, a little while back I said to him, 'Frank, it was just 25 years ago today that you hired me.' Frank always did have a ready reply. 'Where did I go wrong?' he asked."

"There really is leadership born in some guys," Robinson said. Frank had the ability to chew you out without humiliating you. In the old days he would walk from his desk to the copy desk with the stories. If he detoured by me, I knew I had misspelled a word. All he ever did was tap me on the head with that rolled up story and ask, 'How do you spell receive?' By God, I looked it up and never forgot how to spell it. There is something about the guy. You always wanted to do your best for Frank."

[Based on the memories of Hal Marshall, Jack Sheaffer, Barbara Sears, Jacqi Cobbledick, Jane Kay, Eddie Gallardo, Bill Greer, Ken Burton and Don Robinson.]

TRIBUTE TO JACK PAXTON, EDITOR, THE PADUCAH SUN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. HUBBARD] is recognized for 30 minutes.

Mr. HUBBARD. Mr. Speaker, a box atop the editorial page of the Paducah Sun, the most widely read daily newspaper in western Kentucky and extreme southern Illinois, reads: Edwin J. Paxton, editor and publisher 1900-61; Edwin J. Paxton, Jr., editor 1961-77; Jack Paxton, editor 1977-85.

Actually, three men named Edwin J. Paxton have served as editor of the Paducah Sun since 1900. Jack Paxton was Edwin J. Paxton III but preferred the less formal name.

My wife Carol and I attended a wedding in La Center, KY, last Saturday night. It was the marriage of two newspaper publishers—Judy Magee of Wickliffe and Larry Stone of Central City. After the wedding, outside St. Mary's Catholic Church, my wife and I were told by several La Center residents that they had heard on a Paducah radio station that Jack Paxton, age 46, had been killed in an airplane crash south of Paducah. Such news was difficult to believe and/or accept.

By late Saturday night, September 14, it was statewide news in Kentucky that Jack Paxton was killed when a small plane he owned crashed on a farm near Paducah. A witness to the crash, Joy Pullen, said: "All of sudden, I heard its motors go out."

Tributes to Jack Paxton soon began to pour in from all sections of the United States.

Tom Brokaw, anchor of NBC Nightly News, was a friend of Paxton's with whom he worked for 10 years when both were news correspondents for NBC in New York City. Brokaw remembered Paxton as a "go anywhere, do anything risk-taker who would have done very well if he would have stayed with us at NBC in New York."

Kentucky Governor Martha Layne Collins said Monday that "Paxton was a positive force for progress and economic development in Paducah and western Kentucky." Governor Collins added: "His leadership and fellowship will truly be missed."

Former Kentucky Governor John Y. Brown, Jr., who appointed Paxton to the Kentucky Personnel Board and had asked Paxton to be secretary of his executive cabinet, said:

> It just doesn't seem fair for something like that to happen to someone with such talent and productive ability. Jack Paxton could have done anything that he wanted to do, but he chose to be a leader in his own community.

Former Kentucky Governor Julian M. Carroll, a native of Heath—just west of Paducah, said he had asked Paxton years ago to be his press secretary. Julian Carroll added:

> He didn't want to be in a posture to be involved with one politician or one political party. His uneasiness with political labels was the main reason he successfully brought about the renaming of the Paducah newspaper from the Sun-Democrat to the Sun. He did that because he didn't want anyone to think that the newspaper represented the views of the Democratic Party.

Former Governor Carroll appointed Paxton to the board of directors of the

Tennessee-Tombigbee Waterway Authority on August 30, 1979. Paxton continued to serve on that board until his death.

Hundreds of people who liked and admired Jack Paxton have paid tribute to him following his untimely and tragic death. Not only was Jack Paxton praised during the past 3 days by the Governor and former Governors of Kentucky but also by those of all walks of life—elderly Paducahans living on Social Security, firemen, business leaders, minimum-wage workers, clergy, teachers, and those many who worked with him and under his leadership at the Paducah Sun.

Allan Rhodes, Sr., president of Paducah-McCracken County Growth, Inc., credited Paxton with "laying the groundwork for the formation of the nonprofit group to help keep downtown Paducah alive."

Bob Green, developer of the largest hotel in my 24-county congressional district—the huge Executive Inn of Paducah, said he wouldn't have built the hotel but for the active efforts of Paxton and the late Judge-Executive Raymond C. Schultz (who died only last December 14).

Time will allow only a few more deserving tributes from my constituents regarding Jack Paxton.

Fred Paxton, chairman of the NBC Affiliates Board from 1980-84, president and managing director of Paducah's WPSD-TV, and president and publisher of the Paducah Sun:

He (Jack Paxton) was a forceful man who drove toward conclusions. And once decisions were made, he saw to it that they stuck. Yet he carried within him a rare perception of the needs and concerns of others. His tenderness to those in need, or even in doubt, belied his great stature and physical strength. He campaigned for the poor and helpless and, eschewing publicity, worked to raise uncounted thousands of dollars for neglected youths, homeless adults, battered wives and other hapless souls.

Don Pepper, editorial writer for the Paducah Sun:

Jack . . . Did believe in truth. He believed that some things are right and others wrong. He believed in dealing honestly and fairly with every person. He despised the human habit of erecting barriers between people, which is what religious people call sin. He did believe that there are values in life that are worth striving for. Why they are, or how they came to be bound into the fabric of life itself he'd probably say he didn't know. These elusive strands of belief and faith gave Jack a special sensitivity to other people.

Bill Powell, the dean of journalists in western Kentucky and who for many years was a highly respected reporter for the Paducah Sun and the (Louisville) Courier-Journal:

I had known Jack since he was 10 years old. Even as a youngster he impressed me as being very bright and very fair. I had no doubts that he would fulfill his goals. I watched him grow up during the 28 years that I worked for his grandfather and father (at the Paducah Sun-Democrat). I thought he was one of the best correspondents NBC had, but I was glad to see him come back home. He was good for the Sun. I have to compare him especially to his grandfather (E. J. Paxton, Sr.), who as early as 1900 was pushing for development of downtown, and bringing new industry and jobs to the city, the very things Jack was pushing for up to the day he died. Above all, I admired his fairness and ability to get along with others. He made life more fun for all of us.

Rev. Tim Tayloer, the popular and brilliant pastor of Grace Episcopal Church in Paducah, told about 500 who attended a memorial service at the church yesterday:

Jack Paxton . . . had a talent for friendship, with people in all walks of life, and so we have come together from many circumstances . . . to salute a friend. He had already journeyed far . . . but he came home—home to roots, to the place where the deep things of life abide and prosper. And then he became, at a still young age, one of the guardians, those who watch and work and take care for the preservation and prosperity of the good community, so that the children who come after us may have a clean and wholesome and loving place in which to grow up; may learn to know and honor truth and honesty and courage and compassion; may become all they can be.

Paxton is survived by a young and very attractive wife, Debbie Paxton, who is referred to by an editorial yesterday in Tte Paducah Sun, written by Fred Paxton as "an ebullient, charming, understanding young lady." Also surviving are two well-known western Kentuckians—Josh Paxton, age 8, and Adam Paxton, age 3, the two sons about whom Jack Paxton enjoyed writing in his frequent columns in the Paducah Sun. Jack's parents and two sisters also mourn his death. Jack's father, Edwin J. Paxton, Jr., though living in Cocoa Beach, FL, now, is still remembered by western Kentuckians for his 17 years of outstanding leadership as editor of the Paducah Sun. Much more could be said of Ed Paxton and his lovely mother, Evelyn Goodman Paxton.

As Congressman for western Kentucky I speak for thousands in saying now that Jack Paxton was an outstanding citizen whose opinions and writings had a very positive influence on western Kentucky and southern Illinois.

Mr. Speaker, I liked and admired Jack Paxton. He could tell it like it is in writing better than any journalist I have ever read.

Jack Paxton was the most effective—always behind the scenes—promoter of progress for downtown Paducah.

Jack Paxton's death at age 46 is a vivid reminder to us as to the uncertainty of life.

□ 1735

Mr. GRAY of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HUBBARD. I yield to the gentleman from Illinois.

Mr. GRAY of Illinois. I thank my distinguished neighbor from Kentucky for yielding, and I want to join all of our colleagues in commending him for taking this time to pay tribute to a great American. Although my district is across the river from Paducah, in southern Illinois, Jack Paxton's work is well known. I am reminded of the old biblical phrase that "Greater love hath no man than this, that a man lay down his life for his friends." And Jack Paxton was that type of an individual. As you so ably pointed out in your remarks earlier, there was no task too small for him, whether it was helping some lowly person along the street or working for economic development or the Tombigbee Waterway, which is a great billion-dollar program for navigation along the inland waters of this great country, and I want to join with you in extending sympathy to all of the members of the Paxton family and say that although this light has gone out, I am sure that the memories he has left will be long remembered in the way of development for our region.

I thank you so much for taking out this special order.

Mr. HUBBARD. I wish to thank the gentleman from Illinois [Mr. GRAY] my neighbor across the Ohio River, for his statements in joining with me in expressing sympathy to the wife, the children, the parents and other members of the Paxton family.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEHMAN of California (at the request of Mr. WRIGHT), for September 18, 19, and 20, on account of a death in the family.

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. DEWINE) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of New Hampshire, for 60 minutes, on September 19.

Mr. RUDD, for 5 minutes, today.

(The following Members (at the request of Mr. PENNY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. ROSE, for 5 minutes, today.

Mr. WIRTH, for 5 minutes, today.

Mr. SHARP, for 60 minutes, today.

Mr. UDALL, for 10 minutes, today.

Mr. HUBBARD, for 30 minutes, today.
Mr. DE LA GARZA, for 60 minutes, on September 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DEWINE) and to include extraneous matter:)

Mr. TAUKE.
Mr. BADHAM.
Mr. GUNDERSON.
Mr. BROOMFIELD in seven instances.
Mr. GOODLING.
Mr. COURTER.
Mr. DORNAN of California.
Mr. GINGRICH in two instances.
Mr. GREEN.
Mr. BILIRAKIS.
Mr. WHITEHURST.
Mr. MCGRATH.
Mr. RINALDO.
Mr. BEREUTER in two instances.
Mr. COATS.

(The following Members (at the request of Mr. PENNY) and to include extraneous matter:)

Mr. FORD of Michigan.
Mr. FLORIO in two instances.
Mrs. BURTON of California.
Mr. KLECZKA.
Mr. OWENS.
Mr. BRYANT.
Mr. EDGAR in two instances.
Mr. STUDDS.
Mr. BARNES.
Mr. MARKEY in two instances.
Mr. GARCIA.
Mr. ACKERMAN.
Mr. BOLAND.
Mr. ROYBAL.
Mr. LELAND.
Mr. MINETA.
Mr. BEDELL in two instances.
Mr. DYSON.
Mr. SHELBY.
Mr. WEISS.
Mr. MOAKLEY.
Mr. LEHMAN of California.

ADJOURNMENT

Mr. HUBBARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, September 19, 1985, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2009. A letter from the Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting notice of the decision to convert to contractor performance the protective coating function at the U.S. Air Force Academy, CO, pursuant to 10 U.S.C. 2304 nt; to the Committee on Armed Services.

2010. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of the intent to issue commercial export license for sale of major defense equipment to the Government of Portugal (Transmittal No. MC-27-85), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2011. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of the intent to issue commercial export license for sale of major defense equipment to the Government of Spain (Transmittal No. MC-28-85), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2012. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting the justification of an increase in the allocation of foreign assistance for Grenada, pursuant to 22 U.S.C. 2413(b); to the Committee on Foreign Affairs.

2013. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting the justification for changes in the allocation of foreign assistance for Jamaica, pursuant to 22 U.S.C. 2413(b); to the Committee on Foreign Affairs.

2014. A letter from the Chairperson, Navy Resale and Services Support Office Retirement Trust, transmitting the annual report on the Navy Resale and Services Support Office, Retirement Trust, Department of the Navy, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2015. A letter from the Chief Justice, Supreme Court of the United States, transmitting notification that the court will open the October 1985 term on October 7, 1985 at 10:00 a.m.; to the Committee on the Judiciary.

2016. A letter from the Attorney General of the United States, transmitting a series of eight bills which comprise the administration's antifraud enforcement initiative; jointly, to the Committees on the Judiciary and Armed Services.

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. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2100. A bill to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to continue food assistance to low-income persons, to ensure consumers and abundance of food and fiber at reasonable prices, and for other purposes; with amendments (Rep. 99-271, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 3248. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes; with an amendment (Rep. 99-274). Referred to the Committee of the Whole House on the State of the Union.

Mr. HEFNER: Committee on Appropriations. H.R. 3327. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1986, and for other purposes (Rept. 99-275). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

Mr. CONYERS:

H.R. 3325. A bill to amend title 23, United States Code, to provide that States shall establish certain requirements respecting all-terrain vehicles as a condition to the receipt of funds for highway construction; to the Committee on Public Works and Transportation.

By Mr. WIRTH (for himself, Mr. HAWKINS, Mr. DOWNEY of New York, Mr. BOUCHER, Mr. BROWN of California, Mr. LELAND, Mrs. COLLINS, Mr. RINALDO, Mr. NELSON of Florida, Mr. LEVINE of California, Mr. MATSUI, Mr. VENTO, Mr. FLIPPO, Mr. HOWARD, Mr. ROSE, Mr. MOAKLEY, Mr. MCHUGH, Mr. MARKEY, Mr. BOSCO, Mrs. LLOYD, Mr. DYMALLY, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. EDGAR, Mr. MITCHELL, Mr. VALENTINE, Mr. HOYER, Mr. MINETA, Mr. RICHARDSON, Mr. SAVAGE, Mr. SIKORSKI, Mr. GARCIA, and Mr. SCHEUER):

H.R. 3326. A bill to provide assistance to local educational agencies and institutions of higher education to promote the development and use of education technology by elementary and secondary school students and their teachers, and for other purposes; jointly, to the Committees on Education and Labor, and Science and Technology.

By Mr. HEFNER:

H.R. 3327. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1986, and for other purposes.

By Mr. BEDELL (for himself, Mr. MADIGAN, Mr. ROBERTS, Mr. DASCHLE, Mr. EVANS of Iowa, Mr. PENNY, Mr. BEREUTER, Mr. TAUKE, Mr. SLATTERY, Mr. GUNDERSON, Mr. GLICKMAN, Mr. COLEMAN of Missouri, Mr. VANDER JAGT, Mrs. SMITH of Nebraska, and Mr. LIGHTFOOT):

H.R. 3328. A bill to amend the Tariff Act of 1930; to the Committee on Ways and Means.

By Mrs. BENTLEY:

H.R. 3329. A bill to declare a portion of the Middle River, Maryland, as a nonnavigable waterway of the United States; to the Committee on Energy and Commerce.

By Mr. BROOMFIELD:

H.R. 3330. A bill entitled: the "Nuclear Power Plant Security and Anti-Terrorism Act of 1985"; to the Committee on Interior and Insular Affairs.

By Mr. BRYANT:

H.R. 3331. A bill to designate the United States Post Office Building located at 2120 South Ervay in Dallas, TX, as the "Juanita Craft Post Office of South Dallas"; to the Committee on Post Office and Civil Service.

51-059 O-86-43 (Pt. 17)

By Mr. DERRICK:

H.R. 3332. A bill to transfer title, control, and custody of certain lands near Aiken, SC, from the U.S. Department of Agriculture to the U.S. Department of Energy; to the Committee on Agriculture.

By Mr. DYMALLY:

H.R. 3333. A bill to require persons who obtain or renew oil or gas leases with the United States to have a plan for contracting with minority firms for activities undertaken under the leases, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FISH (for himself, Mr. MOORHEAD, Mr. HYDE, Mr. SENSENBRENNER, Mr. DEWINE, and Mr. DANNEMEYER):

H.R. 3334. A bill entitled: the "False Claims Act Amendments of 1985"; to the Committee on the Judiciary.

By Mr. FISH (for himself, Mr. MOORHEAD, Mr. HYDE, Mr. SENSENBRENNER, Mr. DEWINE, Mr. DANNEMEYER, and Mr. COBLE):

H.R. 3335. A bill entitled: the "Program Fraud Civil Penalties Act of 1985"; to the Committee on the Judiciary.

H.R. 3336. A bill entitled: the "Bribes and Gratuities Act of 1985"; jointly, to the Committee on the Judiciary, and Armed Services.

By Mr. FISH (by request):

H.R. 3337. A bill entitled: the "Contract Disputes Act and Federal Courts Improvement Act Amendments of 1985"; to the Committee on the Judiciary.

By Mr. FLORIO:

H.R. 3338. A bill to amend the Petroleum Marketing Practices Act; to the Committee on Energy and Commerce.

By Mr. FRANK:

H.R. 3339. A bill to amend the copyright law respecting the limitations on exclusive rights to secondary transmissions; to amend the Communications Act of 1934 respecting retransmission of programs originated by broadcast stations; and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. GEKAS (for himself, Mr. SENSENBRENNER, Mr. DEWINE, and Mr. DANNEMEYER):

H.R. 3340. A bill entitled: the "Grand Jury Disclosure Amendments of 1985"; to the Committee on the Judiciary.

By Mr. GEKAS (for himself, Mr. FISH, Mr. MOORHEAD, Mr. HYDE, Mr. SENSENBRENNER, and Mr. DEWINE):

H.R. 3341. A bill entitled: the "Anti-Fraud Criminal Enforcement Act of 1985"; jointly, to the Committees on the Judiciary and Armed Services.

By Mr. KINDNESS (for himself, Mr. SENSENBRENNER, and Mr. DEWINE):

H.R. 3342. A bill entitled: the "Debt Collection Act Amendments of 1985"; to the Committee on the Judiciary.

By Mr. KOLTER:

H.R. 3343. A bill to provide that procurement of the new United States weather radar system, NEXRAD, continue on schedule and according to the established minimum requirements agreed to by the National Weather Service, the Federal Aviation Administration, and the Department of Defense; to the Committee on Science and Technology.

By Mr. LELAND (for himself, and Mr. HALL of Ohio):

H.R. 3344. A bill to establish the National Commission to Prevent Infant Mortality; to the Committee on Energy and Commerce.

By Mr. LOWERY of California:

H.R. 3345. A bill to establish an Advisory Commission on tactical Nuclear Forces; to the Committee on Armed Services.

H.R. 3346. A bill to amend the Foreign Assistance Act of 1961 to prohibit funding for the United States proportionate share for certain programs for Communist countries; to the Committee on Foreign Affairs.

H.R. 3347. A bill to repeal the Technology Assessment Act of 1972 which authorizes the activities of the Office of Technology Assessment; to the Committee on Science and Technology.

H.R. 3348. A bill to provide a tax credit for retraining expenses for individuals who are unemployed, and for other purposes; to the Committee on Ways and Means.

By Mr. McEWEN:

H.R. 3349. A bill to establish the National Commission to Prevent Infant Mortality; to the Committee on Energy and Commerce.

By Mr. MARKEY:

H.R. 3350. A bill to promote expansion of international trade in telecommunications equipment and services, and for other purposes; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. NEAL:

H.R. 3351. A bill to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REID:

H.R. 3352. A bill to transfer certain real property to the city of Mesquite, NV; to the Committee on Interior and Insular Affairs.

By Mr. ROSE (for himself and Mr. HALL of Ohio):

H.R. 3353. A bill to establish the National Commission to Prevent Infant Mortality; to the Committee on Energy and Commerce.

By Mr. ROYBAL:

H.R. 3554. A bill to amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens popularly known as "Silva Class Members", and for other purposes; to the Committee on the Judiciary.

By Mr. SHARP (for himself, Mr. BROYHILL, Mr. DANNEMEYER, Mr. MARKEY, Mr. MADIGAN, Mr. WYDEN, Mr. MOORHEAD, and Mr. WISE):

H.R. 3355. A bill to develop a national methanol energy policy and to coordinate efforts to implement such policy; to the Committee on Energy and Commerce.

By Mr. SHELBY (for himself and Mr. MONTGOMERY):

H.R. 3356. A bill to designate the public park known as the Stinson Creek Recreation Area and located at Columbus Lake in Lowndes County, MS, as the Lloyd D. Hayes Recreation Area; to the Committee on Public Works and Transportation.

By Mr. ROBERT F. SMITH (for himself and Mr. STENHOLM):

H.R. 3357. A bill to require the Federal Government to enter into contracts with the private sector for procurement of property and services needed by the Federal Government when any cost comparison demonstrates that the cost of such procurement from private sector sources is lower than the cost of providing such property or services by the Government, and to establish in the procurement policy of the Federal Government a greater reliance on private sector sources to provide property and services needed by the Federal Government; to the Committee on Government Operations.

By Mr. STUDDS (for himself, and Mr. BREAUX):

H.R. 3358. A bill to reauthorize the Atlantic Striped Bass Conservation Act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. TAUKE:

H.R. 3359. A bill to establish a special advisory council to study and make recommendations with respect to the medical and vocational aspects of disability under titles II and XVI of the Social Security Act, and with respect to the so-called notch problem in the computation of social security benefit amounts; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 3360. A bill to designate the Public Health Service facility in Carville, LA, as the Gillis W. Long Hansen's Disease Center; to the Committee on Energy and Commerce.

By Mr. ERDREICH:

H.J. Res. 390. Joint resolution proposing an amendment to the Constitution of the United States relating to equal access by voluntary student religious groups and moments of silence which may be used for voluntary silent prayer or reflection in public schools; to the Committee on the Judiciary.

By Mr. GEJDENSON:

H.J. Res. 391. Joint resolution to designate November 21, 1985, as "William Beaumont Day"; to the Committee on Post Office and Civil Service.

By Mr. BARNES:

H. Con. Res. 192. Concurrent resolution expressing the support of the Congress for an early and peaceful return of democratic rule in Chile; to the Committee on Foreign Affairs.

By Mr. DORNAN of California:

H. Con. Res. 193. Concurrent resolution expressing the sense of the Congress concerning the appropriation of additional funds for the United States contribution to the seventh replenishment of the resources of the International Development Association; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROWLAND of Connecticut:

H. Con. Res. 194. Concurrent resolution urging the President to commence promptly a new round of multilateral trade negotiations under the General Agreement on Tariffs and Trade; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. BENTLEY:

H.R. 3361. A bill for the relief of Pelican Party Boat Corp. and the vessel *Eliminator*; to the Committee on Merchant Marine and Fisheries.

By Mr. BOSCO:

H.R. 3362. A bill to permit three specified vessels to be scrapped in the foreign market; to the Committee on Merchant Marine and Fisheries.

By Mr. GLICKMAN:

H.R. 3363. A bill for the relief of Hamilton Jordan; to the Committee on the Judiciary.

By Mr. HENRY:

H.R. 3364. A bill for the relief of Pietro Russo; to the Committee on the Judiciary.

By Mr. RAHALL:

H.R. 3365. A bill for the relief of Mountaha Bou-Assali Saad; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. DARDEN and Mr. ERDREICH.

H.R. 66: Mr. VALENTINE, Mrs. BENTLEY, Mr. SCHEUER, and Mr. CROCKETT.

H.R. 67: Mr. SHARP, Mr. VALENTINE, Mrs. BENTLEY, Mr. SCHEUER, and Mr. CROCKETT.

H.R. 156: Mr. GRAY of Pennsylvania.

H.R. 161: Mr. CROCKETT.

H.R. 338: Mr. CARPER.

H.R. 585: Mr. MOORHEAD, and Mr. SCHUETTE.

H.R. 605: Mr. HENDON, Mr. PEASE, Mr. DARDEN, Mr. FIELDS, and Mr. BLAZ.

H.R. 780: Mr. OLIN and Mr. EMERSON.

H.R. 825: Mr. BRYANT, Mr. SYNAR, and Mr. DORGAN of North Dakota.

H.R. 877: Mr. SCHUETTE and Mr. HUBBARD.

H.R. 933: Mr. ATKINS.

H.R. 945: Mr. LOEFFLER, Mr. KOLBE, Mr. MONSON, Mr. COMBEST, Mr. MCCURDY, Mr. PETRI, Mr. GINGRICH, Mr. BARTON of Texas, Mr. BARNARD, Mr. MCCAIN, Mr. BOUCHER, Mr. COLEMAN of Texas, Mr. GUNDERSON, and Mr. MCCLOSKEY.

H.R. 979: Mr. EDWARDS of Oklahoma.

H.R. 1071: Mr. MARTINEZ.

H.R. 1188: Mr. FORD of Michigan, Mr. OXLEY, Mr. PERKINS, Mr. CLAY, Mr. DENNY SMITH, Mr. SABO, Mr. ENGLISH, Mr. MOAKLEY; Mrs. SMITH of Nebraska, Mr. RAHALL, and Mr. STOKES.

H.R. 1284: Mr. REID and Mr. DURBIN.

H.R. 1318: Mr. FIELDS and Mr. BARTLETT.

H.R. 1423: Mr. SMITH of New Hampshire.

H.R. 1457: Mr. WORTLEY, Mr. MARTINEZ, Ms. MIKULSKI, Mr. LOEFFLER, Mr. CONTE, Mr. CHAPPIE, Mr. BUSTAMANTE, and Mr. KOLBE.

H.R. 1478: Mr. CARNEY.

H.R. 1551: Mr. BADHAM, DANIEL, Mr. DYSON, Mr. EMERSON, Mr. HALL of Texas, Mr. MCCAIN, Mr. MITCHELL, and Mr. YOUNG of Florida.

H.R. 1562: Mr. DELLUMS, Mr. SMITH of New Jersey, Mr. OBEY, and Mr. LOEFFLER.

H.R. 1579: Mrs. KENNELLY and Mr. EDGAR.

H.R. 1616: Mr. HUGHES, Mr. DICKS, and Mr. FOGLIETTA.

H.R. 1809: Mr. ANDREWS.

H.R. 1908: Mr. FIELDS.

H.R. 1918: Mr. LEHMAN of Florida, Mr. WEBER, Mr. ANNUNZIO, Mr. SMITH of Iowa, Mr. EDGAR, Mr. HUCKABY, Mr. DAUB, Mr. REID, Mr. TAYLOR, Mr. QUILLEN, MR. JONES of North Carolina, Mr. FUQUA, Mr. WORTLEY, Mr. NELSON of Florida, and Mr. CARNEY.

H.R. 1985: Mr. STUDDS and Mr. VANDER JAGT.

H.R. 2164: Mr. HENDON

H.R. 2205: Mr. APPLEGATE, Mr. BRYANT, and Mr. SCHUETTE.

H.R. 2263: Mr. MOAKLEY, Mr. BURTON of Indiana, Mr. TRAXLER, Mr. TRAFICANT, Mr. DONNELLY, Mr. DYSON, Mr. BORSKI, Mr. COYNE, and Mr. DE LA GARZA.

H.R. 2440: Mr. BARNARD, Mr. DICKS, Ms. KAPTUR, and Mr. MOLLOHAN.

H.R. 2539: Mr. JACOBS, Mr. PEASE, Mr. HUNTER, Mr. FIELDS, Mr. BLAZ, and Mr. COMBEST.

H.R. 2557: Mr. BONIOR of Michigan and Mr. TORRES.

H.R. 2567: Mr. FEIGHAN.

H.R. 2591: Mr. BRYANT.

H.R. 2617: Mr. SHAW, Mr. AUCOIN, and Mr. LOTT.

H.R. 2684: Mr. STALLINGS, Mr. SENSENBRENNER, and Mr. ROBERT F. SMITH.

H.R. 2793: Mr. MONSON and Mr. WISE.

H.R. 2826: Mr. DERRICK.

H.R. 2854: Mr. PASHAYAN.

H.R. 2939: Mr. CLINGER, Mr. MARTINEZ, Mrs. BOXER, Mr. PERKINS, and Mr. FISH.

H.R. 2954: Mr. MATSUI, Mr. NIELSON of Utah, Mr. SMITH of New Jersey, and Mrs. BENTLEY.

H.R. 3032: Mr. PERKINS and Mr. YATES.

H.R. 3035: Mr. BIAGGI, and Mr. DOWDY of Mississippi.

H.R. 3045: Mr. SMITH of Florida.

H.R. 3172: Mr. COURTER.

H.R. 3173: Mr. O'BRIEN, Mr. ARMEY, Mr. FRANKLIN, Mr. PASHAYAN, and Mr. GINGRICH.

H.R. 3202: Mr. GROTBERG, Ms. SNOWE, Mr. MOODY, Mr. WEAVER, Mr. MITCHELL, and Mr. BONIOR of Michigan.

H.R. 3298: Mr. HAMMERSCHMIDT, Mr. KRAMER, Mr. FIELDS, and Mr. BARTLETT.

H.J. Res. 36: Mr. DAUB, Mr. YATRON, Mr. MATSUI, Mr. BEREUTER, and Mr. SCHUETTE.

H.J. Res. 126: Mr. HALL of Ohio, Mr. MANTON, Mr. HOYER, Mr. DASCHLE, Mr. COURTER, Mr. KEMP, Mr. BEILENSON, and Mr. DORNAN of California.

H.J. Res. 172: Mr. AKAKA, Mrs. BENTLEY, Mr. BONER of Tennessee, Mr. BUSTAMANTE, Mr. CLAY, Mr. DANIEL, Mr. DICKS, Mr. DYMALLY, Mr. DYSON, Mr. FOLEY, Mr. KASTENMEIER, Mrs. KENNELLY, Mrs. LLOYD, Mr. MCDADE, Mrs. MEYERS of Kansas, Mr. MICHEL, Mr. MOAKLEY, Mr. MOODY, Mr. MOORHEAD, Mr. MACK, Mr. ROTH, Mr. ROWLAND of Connecticut, Mr. RUDD, Mr. SIKORSKI, Mr. SILJANDER, Mr. SKELTON, Mr. ROBERT F. SMITH, Mr. SWINDALL, Mr. TALLON, Mr. UDALL, Mr. WALGREN, Mr. WILSON, Mr. WYDEN, and Mr. YOUNG of Alaska.

H.J. Res. 175: Mr. PICKLE.

H.J. Res. 179: Mr. DORGAN of North Dakota and Mr. PETRI.

H.J. Res. 207: Mr. DYSON, Mr. MATSUI, Mr. MINETA, and Mr. BROWN of California.

H.J. Res. 218: Mrs. VUCANOVICH.

H.J. Res. 221: Mr. BROOKS, Mr. BROYHILL, Mr. BRYANT, Mrs. BYRON, Mr. CARR, Mr. COATS, Mr. COURTER, Mr. GRAY of Pennsylvania, Mr. GUARINI, Mr. WYDEN, Mr. HILER, Mr. KILDEE, Mr. KRAMER, Mr. WOLPE, Mr. MANTON, Mr. MOODY, Mr. ROWLAND of Connecticut, Mr. SAXTON, Mr. SMITH of New Jersey, and Mr. WIRTH.

H.J. Res. 267: Mr. BATEMAN.

H.J. Res. 277: Mr. SAVAGE.

H.J. Res. 296: Mr. LUKEN.

H.J. Res. 297: Mr. HENDON, Mr. YOUNG of Missouri, Mr. BOLAND, Mr. FUQUA, Mr. COYNE, Mr. WYDEN, Mr. LOTT, Mr. WORTLEY, Mr. STENHOLM, Mr. GROTBERG, Mr. EVANS of Iowa, Mr. VENTO, and Mr. SHARP.

H.J. Res. 306: Mr. WEISS and Mr. BADHAM.

H.J. Res. 363: Mr. MCGRATH, Ms. MIKULSKI, and Mr. ECKERT of New York.

H.J. Res. 377: Mr. FAUNTROY, Mr. DANNEMEYER, Mr. HORTON, Mr. RAHALL, Mr. APPLEGATE, Mr. RUDD, Mr. MURPHY, Mr. IRELAND, Mr. DAUB, Ms. MIKULSKI, Mr. YOUNG of Florida, Mr. GRAY of Illinois, Mr. DE LA GARZA, Mr. VOLKMER, Mr. CARNEY, Mr. RICHARDSON, Mr. ROE, Mr. FAZIO, Mr. LAGOMARSINO, Mr. CHAPPELL, Mr. MONSON, Mr. NELSON of Florida, Mr. CHAPPIE, Mr. PASHAYAN, Mr. FUQUA, Mr. DIXON, Mr. LUNGREN, Mr. LEVINE of California, Mr. SMITH of Florida, Mr. MATSUI, and Mr. MARTINEZ.

H.J. Res. 381: Mr. ANNUNZIO, Mr. FRANK, Mr. FAZIO, Mr. FLORIO, Mr. LAGOMARSINO, Mr. HORTON, and Mrs. BOXER.

H. Con. Res. 15: Mr. SCHUMER.

H. Con. Res. 58: Mr. MARTINEZ.

H. Con. Res. 129: Mrs. BENTLEY, Mr. HORTON, Mr. MOORHEAD, and Mr. CHAPPIE.

H. Res. 105: Mr. HATCHER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

209. By the SPEAKER: Petition of the Legislative Research Commission, Frankfort, KY, relative to the deductability of certain local taxes; to the Committee on the Judiciary.

210. Also, petition of the Confederation of Asia-Pacific Chambers of Commerce and Industry, Taipei, Taiwan, relative to textiles; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2100

By Mr. KASTENMEIER:

—On pages 53 and 54, beginning with line 4 on page 53, delete all of Sec. 231 and insert the following:

SEC. 231. (a) Section 8c(5)(A) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)(A)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following: "Throughout the 2-year period beginning on the effective date of this sentence (and subsequent to such 2-year period unless modified by amendment to the order involved), the minimum aggregate amount of the adjustments, under clauses (1) and (2) of the preceding sentence, to prices for milk of the highest use classification under orders that are in effect under this section on the date of the enactment of the Dairy Unity Act of 1985 shall be as follows:

"Marketing Areas Subject to Order	Minimum Aggregate Amount of Such Adjustments Per Hundredweight of Milk Having 3.5 Per Centum Milkfat
New England	3.00
New York-New Jersey	2.84
Middle Atlantic	2.78
Georgia	2.60
Alabama-West Florida	2.60
Upper Florida	3.30
Tampa Bay	3.60
Southeastern Florida	3.90
Michigan Upper Peninsula	1.35
Southern Michigan	1.60
Eastern Ohio-Western Pennsylvania	1.85
Ohio Valley	1.70
Indiana	1.53
Chicago Regional	1.26
Southern Illinois	1.53
Louisville-Lexington-Evansville	1.95
Upper Midwest	1.12
Eastern South Dakota	1.40
Black Hills	1.95
Iowa	1.40
Nebraska-Western Iowa	1.60
Greater Kansas City	1.74
Tennessee Valley	2.30
Nashville	2.10
Paducah	1.85
Memphis	2.10
Central Arkansas	1.94
Fort Smith	1.95
Southwest Plains	1.98
Texas Panhandle	2.25
Lubbock-Plainview	2.42
Texas	2.32
Greater Louisiana	2.60

"Marketing Areas Subject to Order	Minimum Aggregate Amount of Such Adjustments Per Hundredweight of Milk Having 3.5 Per Centum Milkfat
New Orleans-Mississippi	3.10
Eastern Colorado	2.30
Western Colorado	2.00
Southwestern Idaho-Eastern Oregon	1.50
Great Basin	1.90
Lake Mead	1.60
Central Arizona	2.52
Rio Grande Valley	2.35
Puget Sound-Inland	1.85
Oregon-Washington	1.95

Effective at the beginning of such two-year period, the minimum prices for milk of the highest use classification shall be adjusted for the locations at which delivery of such milk is made to such handlers.".

(b) The amendment made by this section shall take effect on the first day of the first month beginning more than 120 days after the date of enactment of this Act.

By Mr. ROTH:

—Page 37, beginning in line 4, strike out "The Secretary" and all that follows through "Agriculture." in line 7 and insert in lieu thereof the following: "The Secretary of agriculture shall, in consultation with the International Trade Commission and the United States Trade Representative, conduct a study to determine what relief should be granted because of the interference of imported casein with the dairy price support program."

—Page 274, after line 12 insert the following:

TRADE LIBERALIZATION

SEC. 1132. (a) Congress finds that—

(1) the present high level of agricultural protectionism contrasts sharply with the general trade liberalization that has been achieved since the inception of the General Agreement of Tariffs and Trade (hereinafter referred to as "GATT");

(2) GATT procedures should explicity recognize the protective effect of domestic subsidies that alter trade indirectly by reducing the demand for imports and increasing the supply of exports;

(3) current rules make a distinction between primary and manufactured products, and this allows for agricultural export subsidies;

(4) the rule that permits export subsidies on primary products that do not result in inequitable market shares has proven to be unworkable; and

(5) a unified treatment of tariffs and subsidies would clarify trading rules for market participants and simplify trade negotiations.

(b) It is the sense of Congress that the President should negotiate with other parties to GATT to revise GATT rules so that agricultural export subsidies would be treated the same as tariffs and primary products the same as manufactured products.

Amend the table of contents at the beginning of the bill accordingly.

H.R. 2266

By Mr. RINALDO:

—Page 11, after line 25, insert the following new section:

SEC. 12. TRANSPORTATION OF UNOCCUPIED VEHICLES.

Section 103(3) of the Rail Passenger Service Act (45 U.S.C. 502(3)) is amended by inserting ", and, when space is available, of unoccupied vehicles" after "and their occupants".

EXTENSIONS OF REMARKS

THE KGB AND THEIR MAGICAL DUSTING POWDER

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BROOMFIELD. Mr. Speaker, I am shocked at this recent incident involving the use by the KGB of a chemical powder to track U.S. diplomats and others in Moscow. What is most disturbing is the fact that so little is known about the potentially harmful powder. Once again, the Soviets have chosen to ignore the health of innocent human beings in their vigorous pursuit of those who might be doing something they disapprove of.

As my colleagues well know, the Department of State recently announced that Embassy Moscow vehicles had been dusted with a powder that is used to aid the KGB in conducting surveillance of foreigners. Very little is known about the yellowish powder, NPPD, nitro-phenyl-pentadiene-aldehyde.

U.S. officials have said that NPPD, a synthetic chemical, had been discovered last year to be a mutagen or cancer-causing substance. Some Embassy employees have allegedly developed skin rashes, the possible result of contact with a heavier-than-usual concentration of the chemical.

The State Department is to be commended for its stern protest to the Soviets and the Embassy's rapid briefing of Embassy employees and others about the possible harmful effects of that substance. A State Department team was also dispatched to Moscow to collect samples from doorknobs, steering wheels, and other surfaces that might have been sprinkled with the chemical dust. The samples are now being tested in the United States.

I am not surprised that the Soviets have resorted to this technique and are apparently oblivious to the fact that the chemical, which the KGB concocted, could seriously damage a person's health. On many occasions, our Government has told the Soviets to stop beaming microwaves into the top floors of the American Embassy building in downtown Moscow. While the bombardment of the chancery had been reduced over the years, microwaves are still being directed against the building. As of this date, there is real concern in the United States about the long-term health damage which might be caused by exposure to large doses of microwave energy. In spite of our official complaints, the beams are still being directed at the Embassy.

While I sincerely hope that the upcoming summit between President Reagan and the Soviet leader, Mr. Gorbachev, is productive, I am concerned about the intentions of a country which authorizes the use of potentially dangerous chemicals on foreign diplomats and bombards embassies with microwaves. Although I believe that our two countries can have a relationship, I urge the President to be cautious in his dealings with Gorbachev and Company. Our President would also be well advised to lightly dust off his chair before setting down.

With these concerns in mind, I commend the following Washington Post article to my colleagues in the Congress.

[From the New York Times, Aug. 22, 1985]

AMERICANS GIVEN MOSCOW BRIEFING

500 RESIDENTS ARE SUMMONED BY STAFF OF U.S. EMBASSY, BUT QUESTIONS REMAIN

(By Serge Schmemann)

Moscow, Aug. 21.—American residents here were informed of assertions about the use of a potentially harmful chemical by the K.G.B. in an extraordinary series of briefings today.

In three separate one-hour sessions, about 500 diplomats, technicians, journalists, businessmen, teachers and other residents gathered in the ballroom of Spaso House, the Ambassador's residence, for information that few found assuring and none found sufficient.

The thrust of the information was that the K.G.B., the Soviet internal security agency, had intensified its use of the chemical as an aid in conducting surveillance of foreigners.

In the absence of Ambassador Arthur A. Hartman, the briefings were held by the chargé d'affaires, Richard E. Combs Jr., who said available information gave no cause for alarm.

But the information presented by Mr. Combs and by Dr. Charles E. Brodine, a State Department medical officer who flew here for the briefings, was too scanty to allay concern.

QUESTIONS BEING ASKED

A young mother asked whether her child could be tested for exposure to the substance. A journalist asked what specific places or things should be avoided. A woman recently arrived wondered whether the chemical could be included in preparations used by Soviet exterminators against cockroaches.

Others asked why the alarm was being raised now, if the use of the tracking agents had been known for years, and tests were conducted in 1984. Mr. Combs and Dr. Brodine said that a yellowish powder called nitrophenylpentadienal was being used increasingly by the Russians to keep track of foreigners' movements.

Laboratory analyses in Washington, they said, determined that the chemical was a substance known to cause genetic change. They said the substance was being used in minute quantities and its use was therefore probably not a cause for alarm.

Dr. Brodine said little was known about the properties of the compound and extensive tests were required to determine its actual effects. A team of scientists are on their way to the Soviet Union to begin testing, he said.

WASH WITH SOAP AND WATER

He advised the American residents to wash with soap and water and then with an alcohol-based compound.

Mr. Combs said no diplomats were known to have suffered from the chemical.

"Our hope is now to get some sense of how concerned we should be," he said.

Both he and Dr. Brodine said they had learned of the hazard over the weekend, but they declined to say what specifically had prompted their concern. In the past, Mr. Combs said, Soviet use of tracking agents had been "sufficiently erratic and infrequent" not to be considered a danger.

There is now evidence, he added, that usage was "more widespread than we thought" and had increased "significantly" over the past spring and summer.

Mr. Combs seemed to be speaking under tight security constraints. He declined to say how the Russians used the chemical, how the embassy had determined an increase in use, where it was most frequently employed, or how many people had been targets.

Though the medical danger was the first concern for the Americans here, the revelation of the existence of tracking agents appeared to offer yet another glimpse into the Soviet practices of surveillance in a system of institutionalized distrust in which foreigners are often considered potential spies.

"I was a bit scared to learn about that powder, but I was not surprised," a journalist's wife said. Most foreign residents here assume that their activities and conversations are being constantly monitored.

MICROWAVE INCIDENT IS RECALLED

The evidence over the years has been substantial. In 1976, the United States Embassy disclosed that the Russians were beaming microwaves at the embassy building, touching off concern of medical consequences. United States Government tests eventually found no adverse effects, but in November 1983, the United States again protested the use of microwave radiation.

In other publicized instances, embassy employees in 1952 discovered a microphone in the beak of a wooden American eagle presented by the Russians as a gift in 1945. Other mircophones were found in embassy walls during repairs in 1964, and last March it was disclosed that electric typewriters in the embassy had been bugged from 1982 to 1984.

Most foreigners believe that the few reported incidents are only a small portion of the enormous effort the Soviet Union puts into keeping track of foreign residents.

The revelation today that the Russians used tracking powders implied that internal security agents could determine not only where a foreigner was going, but where he had been, with whom he had met and what items he had handed over or touched.

But for those at the briefings in Spaso House, there could be little titillation at the discovery of another James Bond technique or concern over possible breaches of security.

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

Boldface type indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"I have an infant child," a young mother said. "What should I do?"

WOODHAVEN-RICHMOND HILL VOLUNTEER AMBULANCE CORPS OF NEW YORK CELEBRATES ITS 20TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. ACKERMAN. Mr. Speaker, I rise today to commend the Woodhaven-Richmond Hill Volunteer Ambulance Corps of Queens County, NY, for its 20 years of outstanding service to the people of Woodhaven, Richmond Hill, and Kew Gardens.

The ambulance corps is celebrating this important anniversary on September 20, 1985, with a gala dinner at Terrace on the Park, in Flushing Meadow Park. Mr. Speaker, the members and officers of the corps have many reasons to be proud on the momentous occasion of their 20th anniversary.

The ambulance corps sprung from the concern and selflessness of a handful of people in Queens County to begin its operations out of a tiny storefront building. Today, its membership has swelled to nearly 100 concerned citizens. At its own building in Woodhaven, its dispatchers answer calls for help from 9 a.m. to midnight every day of the week, sending the corps' two ambulances on missions of mercy.

Mr. Speaker and my distinguished colleagues, over the past 20 years, hundreds of men and women have given up their time and energy to answer their community's cries for help. They have answered that cry by saving lives of countless Queens residents.

Many of these volunteers hold down full-time jobs; like most American workers, they put in a hard day's work. But unlike most, they have committed themselves to further sacrifices of time, energy and love, so that trained crews of volunteers can race to the aid of a man, woman or child in pain or in need.

The Woodhaven-Richmond Hill Volunteer Ambulance Corps' contributions to the entire community of Queens have been invaluable. It is impossible to adequately thank these men and women, or to calculate the number of lives they have saved, the pain and distress they have alleviated, and the personal sacrifices they have so selflessly made in order to serve others.

Mr. Speaker, the ambulance corps performs a vital function in Queens. Its volunteers undergo a rigorous cardiopulmonary resuscitation program and first aid training program. Its youth corps—composed of teenagers from the ages of 13 to 17—gives young people an opportunity to study basic first aid training, answer emergency telephone calls, and experience the joy and fulfillment of giving to their neighbors.

I would like to take special notice of the volunteers' fine officers: Bob Sutton, president; Don Noccari, vice president; and Pete Montello, second vice president. In addition, the 20-year members who are receiving awards at the anniversary celebration, and whose many years of involvement and concern have nurtured this organization, are: Thomas Meehan, Robert Labas, and Vera Levine.

Mr. Speaker, I would like to ask all of my colleagues in the U.S. House of Representatives to join me now in congratulating and commending the Woodhaven-Richmond Hill Volunteer Ambulance Corps on its 20th anniversary.

FARM AID RESOLUTION

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. DASCHLE. Mr. Speaker, many years ago, Daniel Webster said: "When tillage begins, other arts follow."

That quote will come to life Sunday, September 22, when more than 40 musical acts appear in concert to benefit this Nation's farmers. Unfortunately, these artists are not following in the footsteps of the farmer but coming to his aid.

The Farm Aid Concert is a massive project, undertaken by Willie Nelson at Bob Dylan's suggestion. Twelve hours of music and telethon, performed live before 78,000 fans and broadcast coast to coast. The organizers must be congratulated.

But skeptics across the country are saying, "It won't help." They point out that the most optimistic projections of receipts from the concert would cover little more than 1 day's interest on the money owed by farmers.

That may be true, but isn't there more to this concert than the profits? I believe there is. Sure the concert won't solve all the problems, but 100 concerts couldn't. What our farmers really need is a better price, and the only place they can get that is right here in Washington—from the House, the Senate, and the administration.

What the concert can do for farmers is bring their message—and the severity of their problems—into the living rooms of Americans across the country. Urban residents will be able to see that farmers aren't getting rich from obsolete Government programs. They will hear that every dollar they spend in the grocery store does not end up in the bank account of a gentleman farmer. And they may begin to understand that the problems of the family farmer affect us all.

So the concert doesn't solve all the financial problems overnight. It could mean the beginning of something just as important—understanding the plight of the farmer.

SOUTH AFRICA: THE REALITY OF ITS LAW

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. GARCIA. Mr. Speaker, yesterday's Washington Post had an article by Judge Nathaniel R. Jones on South Africa and the legal underpinnings of apartheid. Judge Jones captures the essence of the debate against apartheid when he states:

Those in this country who, for practical reasons, argue against the application of external pressures against South Africa need to consider the reality of apartheid. There is more involved than jobs and something much more fundamental than the economic security of a relative handful of blacks. . . . It is a system that distorts human nature, as did American slavery.

I submit Judge Jones entire article for the RECORD, and I urge my colleagues to read it:

SOUTH AFRICA: THE REALITY OF ITS LAW

An American judge's report on the workings of apartheid:

It has become a ritual for some persons to preface their views on apartheid by noting an abhorrence of it. They then proceed to argue for measures that will ensure its continuation. That scenario rang in my ears during the eight days I recently spent in South Africa as a legal observer for the Lawyers' Committee for Civil Rights Under Law at proceedings held in connection with the treason trial of 16 members of the United Democratic Front.

As I thought about those disclaimers I also recalled President John F. Kennedy's famous Berlin Wall exhortation: "Let them come to Berlin." To those who view apartheid as merely a word, I kept thinking, "Let them come to South Africa."

I saw the apartheid laws applied in the raw, as well as the effects of their long-term enforcement. It is more than a word. The picture I saw is a disgrace to a civilized society. I am amazed that it has taken the United States and other "civilized" nations wedded to the rule of law this long to call South Africa to account.

Included among the network of apartheid laws are the Population Influx Act and the Internal Security Act of 1982. The latter sanctions official conduct which deeply offends the American notion of fairness and due process by controlling movement by blacks, and it prohibits freedom of association and speech.

Under our Constitution the majority may rule, but the rights of minorities are protected. It is under the power the minority arrogates unto itself in South Africa that blacks are detained, tortured, banned and convicted in the courts for acts that our Constitution and Bill of Rights clearly protect. In the enforcement of the Internal Security Act, 16 officials of the United Democratic Front, a nonracial political umbrella organization, have been indicted for treason and terrorism. The indictment, consisting of 600 pages, accuses the defendants, of among other things,

Attending the Albert Luthuli Memorial Service, where Nelson Mandela was praised as being "the new symbol of hope for a better South Africa" and a prayer was of-

fered in which Mandela, Luthuli and others were referred to as "our heroes."

Attending various meetings where songs and slogans were sung and uttered, pamphlets distributed which are characterized as "revolutionary," "inflammatory" and "bellicose."

Issuing publications and pamphlets that are critical of the government and call for an end to apartheid.

Engaging in other forms of conduct that "embarrassed" the state.

Allowing themselves to be "used" knowingly or unknowingly, by organizations that have been outlawed.

For these actions the defendants are on trial for treason and terrorism, which could result in long prison terms or death.

The United Democratic Front publicly opposed a new constitution for a government that had no black participation and gave blacks no power or rights to participate. This opposition by the UDF was straightforward and open. But it brought that organization into conflict with the Internal Security Law enacted by a parliament in which the black majority population had no voice, and which was enforced by a government wedded to the notion of minority white domination.

The indictment has been attacked by the defendants' brilliant legal team. A highly regarded jurist, President Judge John Milne of the Supreme court of the Province of Natal, is presiding over this case. What must be borne in mind are the limited options available to a judge in the South African system. The contrast with the American system of justice is most striking. No judicial review of legislative enactments as unconstitutional. Parliament is supreme. No matter how unwise or offensive judges may find the laws to be, they are powerless to strike them down. Thus, they operate in a virtual straitjacket.

In the treason cases, the options open to Milne are to declare that the indictment is too vague, that the defendants have been impermissibly joined in the single conspiracy count or that the various counts of the indictment lack sufficient particulars to put the defendants on notice as to the charges against which they must defend. The judge can order the indictment dismissed or amended, and has since my visit issued his ruling; on balance it upholds the claims of the defendants. But none of his options has anything to do with the policy of the law or the merits of the charges.

Considering all of this, one is forced to again look at the laws enacted by parliament and their enforcement. The arbitrarinees inherent in the laws becomes all the more offensive. For example, Section 28 of the Internal Security Act permits preventive detention if it is suspected that a person is likely to endanger "the maintenance of law and order." Section 29 authorizes detention for interrogation for unlimited periods of time.

I talked to clergymen who were taken from their homes in the middle of the night by authorities, jailed and beaten. While in jail they were forced to review their recent sermons and to explain why they conducted funeral services for various persons in the townships. At the end of their detention they were warned by police to make no further references to President Botha or to Nelson Mandela. Mothers related the events surrounding the detention of their sons and husbands, whose whereabouts they still do not know. Homes were broken into, searched by police, occupants terrified and brutalized in the process of being detained.

I was one of a five-person party arrested by the South African police and charged with violating the Emergency Order by visiting a black township in Fort Beaufort. The brandishing of weapons by a dozen or more riot police was menacing enough, but clearly the most distressing event was the search the police conducted of the automobile in which we were traveling. They carefully examined the luggage and briefcases of my South African hosts for outlawed documents and literature. Had they possessed any, my friends would have faced serious charges and long prison terms.

The march is on in those townships for uprooting of the network of repressive apartheid laws and the installation of procedures that will build a legal framework more in keeping with norms of due process and equality.

Those in this country who, for "practical" reasons, argue against application of external pressures against South Africa need to consider the reality of apartheid. There is more involved than jobs and something much more fundamental than the economic security of a relative handful of blacks. What must be understood is that the system of apartheid is more than a word. It is a cruel system of life enforced by whips, police dogs, guns, detentions, arson, torture, disappearances and death. It is a system of life that distorts human nature, as did American slavery. To those who quarrel with this conclusion, I say, let them go to South Africa.

URGENT ACTION NEEDED ON TEXTILE BILL AND TRADE ADJUSTMENT ASSISTANCE

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. EDGAR. Mr. Speaker, national attention is increasingly turning toward a problem that Pennsylvanians have experienced for all too long: The devastating effects of the flood of foreign imports not only on the national economy, but on our Nation's workers and their families.

This summer my support for both H.R. 1562, the Textile Apparel Trade Enforcement Act, and H.R. 1926, a bill sponsored by Congressman DON PEASE, to extend the Trade Adjustment Assistance Program, was further strengthened after I met with over 200 former employees of the Arrow Shirt Co. in Lewistown and Elysburg, PA. While the suffering of these communities is tremendous, they are not alone. Workers and their families in small communities like Lewistown and Elysburg all across this country are the real victims of the trade crisis.

As policymakers, we realize the necessity of acting now to preserve our Nation's industrial base before it is too late. And I call my colleagues' attention to the equally devastating human toll of the present trade crisis. I think that the human cost presents an additional convincing argument for enacting both H.R. 1562 and H.R. 1926. I insert for the RECORD the testimony of Eleanor "Ellie" Kuhns of Shamokin, PA, in support of the Textile and Apparel Trade Enforcement Act and the extension of trade adjustment assistance:

I would like to thank the Textile Caucus of the House of Representatives for the opportunity to come talk to you today about one of the most distressing problems facing our nation—imports, and the toll they are taking on U.S. textile and apparel workers. I've come to ask you to pass H.R. 1562, the Textile and Apparel Trade Enforcement Act.

The major industry in our area of Pennsylvania since the anthracite coal mines closed has been the garment factories, and now even that is being taken away from us. The Arrow Shirt Company, which was my bread and butter for 24½ years, closed their doors in May 1985. Just a year ago, the two Pennsylvania plants took top honors for quality and production. Workers were lauded and praised to high heaven, and now we have nothing. Nearly 1,000 people were thrown out of work when imports closed the doors of the Arrow Elysburg and Lewistown plants. Dedicated employees were discarded like broken down machines with very little notice, no time to adjust, and no other place to go because garment factories have been closing one after the other for the last decade or so.

Workers are victims of a flood of imports, left twisting in the wind by a government who does not see things in terms of human beings but makes decisions on a maze of statistics which do not show the empty supper table or the cold house because there isn't enough money to heat it. Work hasn't been plentiful these last years. Workers had days off each week or didn't work 8 hour days because of imports taking their work away. So, their unemployment benefit rates are low, and often benefits are already drawn out when a plant finally closes. Sometimes, only 2 or 3 weeks of unemployment benefits remain.

Take a look at these headlines from our local paper. Looks marvelous, doesn't it? "Labor Department to help Arrow Workers". What the article doesn't tell you is that the seasonal workers who have exhausted their unemployment benefits have signed for as many as 5 weeks of benefits on Trade Adjustment Assistment and still haven't received a dime, and don't know how long it will be until they do receive anything. The Trade Adjustment Assistance Program, unless extended, will die on September 30th. The majority of the workers' unemployment benefits won't run out until October or November. If T.A.A. is not extend, this wonderful headline is worthless to these workers. The program will be dead before they're eligible to collect anything or get any training.

I could go on endlessly about my many coworkers and friends who have lost their jobs because of imports. But let me tell you of the trauma and heartache of just a few.

Ruth Ann lost her job in November 1984, when the Shamokin Dress Company closed because of imports (250 jobs lost). In April 1985, her husband, Joe, lost his job when Arrow Shirt Company closed because of imports. For a year and a half now their 18 year old daughter, Joann, has had cancer. With surgery and chemotherapy their medical bills have been high and not totally covered by insurance. Joann gets extremely severe headaches, convulsions, hallucinations, and has recently started getting chest pains. Joe's health insurance terminated in August. Their other daughter, Maureen, 21 years old, had surgery in July for a malig-

nant growth, cancer in the lymph nodes, and needs chemotherapy for 8 months. A recent check-up shows high levels in the liver area, and she has to go for a liver scan.

Put yourselves in this family's position, Congressman. They've been denied medical assistance because their unemployment income to too high. Ruth Ann receives $80.00 a week, and Joe receives $160.00 per week. They've been trying to find work, but most of our garment factories are gone, and those that are left are only hanging in by a thread, and don't have enough work for those already on the payroll. Trade Adjustment Assistance for a family in this predicament would be like a miracle from heaven. It would give them extra months to find work, but only if Congress extends it.

The dispair and desperation is like being caught in a rat trap with no place to go and no way out. I wish all of you could come with me to Shamokin and Lewistown, and see the desperation of these people first hand.

Three weeks ago a newly-married young couple came to me and gave me an envelope with $470.00 in it and asked me to give it to Ruth Ann and Joe. She wasn't looking for any glory because she asked to remain anonymous. She said she and her husband collected this money from friends and co-workers and they put over $100.00 of their wedding money toward it. She said, "We don't really need it." Then she smiled and said "I mean we really do need it, but we have the things that we really need, and we feel that this family needs it more than we do." I had tears in my eyes when she left. If a young couple just starting out in life can feel the pain and desperation of people like this, why can't our President see it also, and do something about foreign imports that put Americans out of work?

Another worker lost her husband in an accident 4 months before the Arrow plant closed. She has a 29 year old son of normal intelligence, but he gets epileptic seizures and no one will hire him. She had worked steadily for 33 years and almost never collected unemployment benefits. The day she went to sign up for unemployment the full impact of how she and her son would survive hit her. She began to tremble like a leaf, momentarily lost her vision, and couldn't remember her name. Instead of sympathy she was told, "You're not available for work in this condition. You should be on disability." She was refused unemployment benefits. So, with all her problems, she now had the expense of a doctor she could ill-afford. Until the doctor would give her a statement that she was available for work, she was denied benefits.

One worker has a mental problem which was always kept under control with therapy. What happens to her now with the stress of no job, no medical insurance, and no hope?

Another friend, because of a broken ankle, lost time from work, and when she was available for work again, there were short weeks because of imports. Now because of this, when the plant closed her unemployment rate was low. She had to sell many of her personal possessions at a yard sale, so she can meet her monthly expenses. When that's gone she'll have to sell her car also. She's 58 years of age. She doesn't know who will hire her with so little of the garment industry left, and how she will manage to survive until she's 62 and can collect her Social Security.

Some of these workers are full of rashes that look like measles—caused by nerves—knowing they probably can't find work, not knowing it T.A.A. will be extended. They're half crazy with worry. Some cry themselves to sleep at night, others just sit in a rocking chair, rocking the night away because they can't sleep.

The young ones have mortgages on their homes. Even with their youth there are no job available to them.

When Uncle Sam said "I need you", Larry proudly answered his country's call. It was rough going into battle, but Larry did his duty. Now, at age 60, he has lost his jobs because of imports. Now he's telling his country, "I need you. Please control imports to save jobs."

One woman lost her husband several years ago. Now she's 50 years old and has a retarded daughter. How are they going to survive?

Another woman is throwing up after every meal. She knows her chances of finding work are about zero. How will she live after her unemployment benefits run out?

Some of the seasonal workers whose unemployment ran out thought they were eligible for T.A.A., at least until the end of September, but found out they were rejected because they only worked 25 weeks (because of lack of work), and 26 weeks of employment are required.

Some of the people laid off at Arrow are so worried that when you speak to them, their minds are wandering, and they're not alert like they were when they were working. Some have already had their phones disconnected. They can no longer afford them. Others are preparing to sign their homes over for welfare when their unemployment runs out—homes they worked hard to pay for. Only a dozen or two in each plant have been able to find other jobs since the plant closed in May. There was a job open for a seamstress about 30 miles from home. Three hundred people applied for that one job.

More than 35 percent of the Arrow workers were 50 years of age or older when the plants closed. They've never done any other work. They're probably too old to find another job, too young to die, and years away from Social Security benefits.

Another woman worked and kept her unemployed husband for 2 years. He passed away recently and now, at age 57, she lost her job. She has excruciating pain with a hip injury, but is afraid to have surgery because she worries about the bills. She took care of her husband and now there's no one to care for her.

Arthur worked until the last day work was available at the Arrow plant. He appeared to be in good health. Two weeks later he was dead of a heart attack.

Some of the workers have broken up their homes and moved in with their children. What kind of life will they have when their sons-in-law and daughters-in-law get tired of the strain?

I wish you could see some of them checking out their grocery order. Two marrow bones with a speck of meat on them to make some soup. These people are facing a future with virtually nothing unless you help them.

The garment industry has dwindled to about two million workers. If we don't roll back apparel and textile imports now, before we lose more of those jobs, we could find even our servicemen at the mercy of the enemy in time of war for their uniforms, shoes, etc. Common sense dictates a country should remain self-sufficient.

I do not think it's too harsh a term for me to say that the flood of imports into this country is nothing short of economic murder—economic assassination of the American workers who have worked loyally, committed, and hard. Our own government in not controlling imports has not returned that loyalty to its citizens.

Plant closings bring out violence in people who are ordinarily easy going, because of stress and trauma, the fear of losing the family home, the fear of going hungry, the termination of health benefits at a time when they're needed the most. Stripped of all dignity, the feeling of failure creeps in. These people desperately need help.

We're proud people who have always worked hard. We don't want handouts. It hurts our pride. We want jobs so we can earn our way. When I suggested to Sam, who was laid-off, to seek medical assistance for his medical problem, his face flushed and he looked like I had struck him with lightning. It was against everything within him to seek help. He was proud to have always earned his way in the past.

It's a complex problem and I commend you for having this meeting and for pushing for passage of the Textile and Apparel Trade Enforcement Act. I pray that all of you and President Reagan will see us as human beings, not as statistics, and help us. Our fate is in your hands. Treat us kindly and God will reward you.

It is hard for anybody to go to bed at night and sleep knowing that our government is permitting these conditions to exist in America. The human cost of uncontrolled imports is too high a price to pay.

MORE HARASSMENT IN EAST GERMANY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BROOMFIELD. Mr. Speaker, once again, Soviet soldiers have deliberately rammed a United States military vehicle in East Germany. Provocative actions as this one can only further strain relations between our two countries and worsen the overall diplomatic climate as we near the November Reagan-Gorbachev meeting.

In spite of promises to avoid further incidents involving legitimate United States military observers in East Germany, the harassment of United States personnel has increased.

The latest incident involved a United States military vehicle which was intentionally bumped by a Soviet vehicle. United States personnel attempting to repair their vehicle were pushed back in the truck and were then held there at gunpoint. It is important to note that the United States vehicle was in an area which is open to inspection under a 38-year-old agreement.

As with other incidents, this action was clearly unprovoked. I believe that United States observers assigned to the United States military liaison mission in Potsdam play by the rules. An investigation has shown that there was no possible justification for the brutal murder of Maj. Arthur D. Nicholson. Nor was there any possible reason why other dangerous incidents occurred since that tragedy. Our President is

to be commended for showing restraint in responding to these imprudent Soviet acts.

While Mr. Gorbachev talks of peace and understanding, Soviet actions belie their words. Peace and good relations are developed through confidence-building measures and not by harassing observers during this sensitive period in the United States-Soviet relationship.

With these concerns in mind, I commend the following Washington Post article to my colleagues in the Congress.

[From the Washington Post, Sept. 16, 1985]

TWO GI'S HELD BRIEFLY IN EAST GERMANY

(By Milton Coleman)

Defense Department officials said yesterday that Soviet troops in East Germany deliberately bumped a U.S. military vehicle on duty there Sept. 7 and detained two U.S. soldiers in it at gunpoint for up to nine hours before releasing them unharmed.

The Americans involved were members of the same liaison unit as U.S. Army Maj. Arthur D. Nicholson Jr., who was shot and killed by a Soviet sentry March 24 while trying to photograph Soviet military equipment in a garage-like storage shed near Ludwigslust, about 100 miles northwest of Berlin.

Defense Secretary Caspar W. Weinberger confirmed the latest incident—the fourth this year between Soviet troops and U.S. or British soldiers—in a television appearance in which he sharply criticized the alleged treatment of the Americans.

Weinberger referred to only one person, but Pentagon officials said two Americans, both unarmed, were in the "truck-like" U.S. vehicle, which was leaving a Soviet communications site in the southwestern corner of East Germany. Neither U.S. soldier was identified.

"The Soviets bumped his truck deliberately when we were where we were supposed to be and doing what we are permitted to do under a treaty that's some 40 years old," Weinberger said on CBS-TV's "Face the Nation."

"When he attempted to get out to fix the truck, they pushed him back into the truck and held him at gunpoint, detained him for roughly nine hours and generally behaved in the same way which they did in the incident in which Maj. Nicholson was killed and murdered," Weinberger said.

The United States has protested the action to Soviet authorities but has not received "anything very positive" in response, Weinberger said.

The Nicholson incident, which President Reagan termed an "unwarranted tragedy," sparked a long and bitter exchange between U.S. and Soviet officials, including U.S. demands for an apology and compensation for Nicholson's family. An assistant military attache at the Soviet Embassy here was expelled in the wake of the controversy, and the United States took no official part in some World War II commemorative observances involving Soviets.

Weinberger said yesterday, however, that he did not think that the latest incident would affect Reagan's scheduled summit meeting in Geneva Nov. 19-20 with Soviet leader Mikhail Gorbachev. "You just have to recognize that this is Soviet behavior," the secretary said. A White House spokesman had no immediate response yesterday.

In response to a question about why the incident was not announced shortly after it occurred, Weinberger said, "We're trying our best to get the condition corrected. We aren't interested in publicity." He said the administration was not trying to keep the incident quiet.

Weinberger said that after the Nicholson incident, top Soviet military officials in East Germany had said they would "tell their people not to use force, and either they're not keeping those promises or they have a very poorly disciplined unit."

The "promises" to which Weinberger referred have been disputed by Soviet leaders. They have insisted that in meetings following the Nicholson incident they have not "renounced the right to take legitimate steps provided for by the military manuals," as reported by State Department officials.

They contend that at the time of his death, Nicholson was operating outside the bounds of the 1947 accords that allow each side access to the other side's occupation area, and was shot because he was an "unknown intruder."

The accords, set up at the close of World War II by the four Allied powers, allow each side to have an outpost manned by up to 14 members and conduct surveillance activities sometimes described as "licensed espionage." The U.S. operation is based in Potsdam in East Germany, just outside Berlin.

Defense Department spokesman Robert B. Sims said yesterday that the Sept. 7 incident occurred at about midday German local time as the U.S. vehicle attempted to leave a Soviet communications site in the Suhl area, about 100 miles southwest of Leipzig. The U.S. vehicle was not in a restricted area, Sims said.

The U.S. vehicle "became entangled or stuck. That's when the ramming or grazing or whatever the Soviet truck did occurred. . . . When it became immobile, the Soviet truck approached at a high rate of speed and hit our vehicle," Sims said. "Then Soviet soliders surrounded it, directing our people to remain inside."

Later, the Soviets towed the immobilized American vehicle to another site and photographed it. It was subsequently returned to the custody of the Americans, who spent two hours repairing it and then left, Sims said. The nine hours referred to by Weinberger may have included the repair time, he said.

The incident was the second involving the two military missions since the one in which Nicholson was killed. On July 13, Col. Roland Lajoie, the commander of the U.S. unit, was injured when his car was rammed from behind by a Soviet vehicle near Satzkorn, outside Berlin.

[The Associated Press quoted an unnamed administration source as saying it was unclear if the U.S. vehicle "was in a place it was supposed to be," and that a Soviet commander who came to the scene had "apologized profusely" for the latest incident. Weinberger may have "overdramatized what happened," the AP report quoted the source as saying.

[Sims told The Washington Post in response that he knew of no such apology and that it had taken six hours "for someone in authority" to get to the scene. "It sounds as if they're a bit mixed up," Sims said of the source's comments.]

In his television appearance yesterday, Weinberger also said, "I don't think the president has any intention of making the Strategic Defense Initiative a bargaining chip" in arms control talks with the Soviet Union.

This came in response to a question concerning a possible agreement under which the Soviets would make deep reductions in their strategic weapons and missiles in return for a U.S. compromise on the defense initiative, a satellite-based anti-missile program.

"The president has put before the world the most hopeful concept that mankind has seen, and that is the Strategic Defense Initiative . . . . It is vital that we continue this work," Weinberger said. "The president, to the best of my knowledge, has no intention of taking away from mankind this hope that he has placed before them."

HUMAN RIGHTS ARE IN NEED OF PROTECTION EVERYWHERE

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mrs. BENTLEY. Mr. Speaker, we sometimes tend to think that the latest headline about riots in South Africa or alleged brutality in Central America tells us the whole story of the violations of human rights in the world.

Unfortunately, there are other places where the abuse of power tramples on human rights. During the summer, the Baltimore News American, a daily newspaper distributed in my district, carried a poignant account by a writer with deep roots in Cyprus of the cost in human rights of the occupation on that tragic island. I offer that article by Eleni Venetoulis so that we may all remember that human rights are to be protected wherever they may be at risk.

[From the Baltimore News American, July 24, 1985]

TINY CYPRUS IGNORED IN ITS AGONY

(By Eleni Venetoulis)

This is Tom Brokaw reporting from Cyprus . . . Pierre Salinger reporting from Cyprus. . . . As I switched the dial on my television set listening for news on the TWA hostage crisis, I hoped against hope that one of the jounalists might alude to the irony of Cyprus—a country being held hostage helping other hostages.

Of course nothing was mentioned.

Since the summer of 1974, when the Turkish army stormed into Cyprus and occupied 40 percent of the land, Cyprus seldom has been considered except when foreign aid for Turkey is before Congress, or when there is a crisis for which Cyprus can provide nonmilitary assistance. For years American spy planes were allowed to use the British base at Akrotiri (by Cypriot government consent) to monitor the Middle East cease-fire and gather intelligence. The Republic of Cyprus provided temporary homes for Lebanese refugees beginning in 1975; it served as a transit point for the arranged withdrawal of the PLO from Beirut in 1982 and for U.S. Marines after the Beirut Embassy bombing.

But tiny Cyprus, the size of Connecticut, with 82 percent Greeks and 18 percent Turks, and the same population as Baltimore County—650,000—is more than a transit point. Cyprus has been around since 3700 B.C. and is the birthplace of Aphrodite, goddess of love and beauty. It also has been my family's home for 300 years; and although my parents bade adieu to their village of Karavas to come to this country, the attachment to Karavas has remained forever a

sense of place for me and for my children and hopefully for their children.

But forever ended with the Turkish invasion of July and August 1974.

I remember that summer of 1974 as if it were yesterday. My husband was running for Baltimore County executive, and in the midst of the campaign we heard the shocking news of the invasion . . . of the murder of my mother's sister and her husband, leaving nine children orphans—the youngest 4 years old, the age of my son, Daki. It was not easy concentrating on the campaign after that. There were missing relatives to locate, blood to give, clothes to collect, demonstrations to attend—and trying desperately to call attention to the plight of Cyprus.

I campaigned every day wearing a button with the island of Cyprus on it; blood dripped over the 40 percent of the land occupied by the Turks. The message was simple: "Never Forget." I hoped one of the press people would ask why I was wearing the button. No one ever did. After my husband won the election some reporters wanted to interview me. I said only if you mention Cyprus. They were not interested.

That's the way it's been for 11 years. The Turks still occupy 40 percent of the land and still have 30,000 troops in the occupied area. Fifty thousand colonists from mainland Turkey are now living there; 1,619 Greek Cypriots are missing or dead—eight of them American citizens; and there are still 200,000 refugees, including my family

Meanwhile, beautiful Karavas, cradled against the Kyrenia mountains—landscaped with orange and lemon trees, almond and peach blossoms, olive groves and gentle people—no longer exists. Every trace of Hellenic heritage has been erased. The Turks have changed the names of every street and village; they use Turkish mainland money; they have even changed the time to coincide with the Turkish mainland.

They have physically erased my heritage—but not my memory. The Kyrenia range was the greenest and most beautiful part of the island, belonging to another world; the world of the 16th century. Walt Disney, who searched the world over for the perfect castle for his film "Fantasia," found it in Cyprus—the Kyrenia castle.

The injustice of a NATO country, Turkey, preventing me from taking my children to see their rightful heritage angers me, as does the fact that Cyprus is on the bottom rung of our foreign policy and off the front pages of the papers—until the next Middle East crisis.

Perhaps the civilized path to justice could be better paved by the media, by such esteemed journalists as Tom Brokaw, Peter Jennings and Dan Rather, by their educating and updating their audience about injustices before the injustices of terrorists and murderers update and educate us.

WHAT'S WRONG WITH BEING FAIR?

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BRYANT. Mr. Speaker, the Federal Communication Commission has recently announced its desire to abandon the 36-year-old policy called the fairness doctrine, which has helped guarantee, insofar as possible, the application of the first amendment to the limited number of radio and television frequencies which ultimately belong to all the people of the United States, not just the holders of lucrative broadcast licenses.

Newton Minow, the thoughful and public-spirited former chairman of the FCC who justly criticized the television of the 1960's as a "vast wasteland," recently wrote a compelling argument for retention of the fairness doctrine, which has time and again been endorsed by the Congress and the courts.

As a member of the Energy and Commerce Subcommittee on Telecommunications, Consumer Protection, and Finance, I am pleased to call to the attention of my colleagues and the public Mr. Minow's veiws, which were published in the New York Times:

[From the New York Times, Aug. 27, 1985]

BEING FAIR TO THE FAIRNESS DOCTRINE

(By Newton N. Minow)

CHICAGO.—For 36 years, the Federal Communications Commission has enforced a policy known as the Fairness Doctrine, which requires broadcasters to "provide reasonably opportunity for the presentation of contrasting viewpoints." Congress and the courts have repeatedly endorsed the Fairness Doctrine as advancing public debate and the values of the First Amendment.

This month, however, the F.C.C. announced its current view that the Fairness Doctrine no longer serves the public interest and is now "misguided government policy." As a former F.C.C. chairman, I suggest that what is misguided is current commission policy.

My views on the Fairness Doctrine are personal. As a former chirman of the Public Broadcasting System and as a chairman director of CBS, I acknowledge that my views do not reflect those of either PBS or CBS. But both institutions honor the First Amendment, even for their directors.

To make the case for the Fairness Doctrine, I suggest a specific example. Let us examine the recent case of one radio station, KTTL, in Dodge City, Kan. Without disclosing its sponsors, KTTL broadcast 264 hours of programs attacking Catholics, Jews, blacks and public officials. Some of the programs included incitements to violence. Here are some samples: "If a Jew comes near you, run a sword through him. . . ." "Blacks and brown are the enemy. Jesus Christ is a white man's God. . . ." "Your citizens posse will hang [a public official] by the neck and take the body down at dark. . . ."

About ten minutes of contrasting views were broadcast on KTTL—a ratio of about 1,600 to 1.

Citizens of Dodge City complained to the communications commission that KTTL was not living up to its fairness responsibilities. Despite the complaints and Congressional inquiries, KTTL still has its exclusive broadcast license. The F.C.C. has since decided to hold a hearing, but it continues to oppose the Fairness Doctrine and has omitted the fairness issue from the KTTL hearing.

Why? As its basic reason, the F.C.C. states that the premise underlying regulation of the broadcasting industry—the scarcity of broadcasting channels—is no longer valid. Now that there are more radio and television stations than newspapers in many communities, the F.C.C. reasons, there is no longer any scarcity and no need for governmental regulation of a "scarce" broadcast resource.

This argument is disingenuous. In the last few years, The Washington Star, The Chicago Daily News and The Philadelphia Bulletin all went out of business. No new newspapers took their place. By contrast, when the F.C.C. made RKO's channels available for competitive application, it quickly got 172 applications, each applicant arguing, "Give the license to me, and turn down the other 171." And when the communications commission decided to permit new low-power television stations, it was inundated by almost 14,000 applications.

The test of scarcity cannot be measured by the number of newspapers. The proper test is the number of citizens who want a broadcast license and are unable to obtain one. At that point, a decision must be made as to who is to be allowed, and who denied, the exclusive license to use the channels. Scarcity still exists when channels are not available to all. And as long as scarcity exists, the need for some measure of regulation will exist.

Most Americans get most of their news and information from radio and television. Most broadcasters, consistent with their own standards as well as the Fairness Doctrine, provide their viewers and listeners with balanced presentations of controversial issues. The Fairness Doctrine stops no one from speaking; it simply encourages that all sides be heard. How can this policy harm the public?

Despite the current F.C.C. view, I doubt that the Fairness Doctrine will be abandoned. Congress and the courts will, in my judgment, have the good sense to continue equating fairness with the public interest. For it would turn the nation on its head if we rewarded unfairness with the public trust. If unfairness in broadcasting is what we want and value, the sole guardian of the public interest becomes KTTL.

POLICY PARALYSIS FOR ACID RAIN

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. FLORIO. Mr. Speaker, I would like to direct the attention of my colleagues to a forceful and insightful op-ed article on acid rain by Colman McCarthy that appeared in the September 14 Washington Post. The op-ed, entitled "The Continuing Scourge of Acid Rain," underscores the fact that we can no longer afford to wait in implementing a national acid rain control program.

Mr. Speaker, 10 years ago, acid rain was a problem for scientists and theorists. There is now no doubt that acid rain has damaged our Nation's streams, lakes, rivers and forests and is threatening our ecological system. Countless studies have shown that our Nation's natural resources are endangered by EPA's policy of inaction where acid rain is concerned. For a number of years, EPA has been content to simply research the problem without putting forth a solution.

As a member of the Energy and Commerce Subcommittee on Health and the Environment which has jurisdiction over acid rain issues, I have followed closely the debate on various proposals for a national acid rain control program. For the past two Congresses, I have cosponsored an approach introduced by Congressmen UDALL and CHENEY, H.R. 2679, which calls for a 10 million ton reduction in sulfur dioxide for 31 States by 1996.

Rather than creating a national tax to finance the clean-up and further burden the ratepaying public with higher utility bills or taxes, the Udall-Cheney approach requires that the primary clean-up cost be borne by the polluters. The "polluter pays" approach is coupled with allowing utilities the right to choose the least costly and most effective method of reduction whether it be installing scrubbers, coal washing, or switching to a lower sulfur content coal.

There is clearly a need for a national acid rain control program and I was disappointed by the administration's denial of rumours yesterday that a reduction program was being considered. I commend the following article to my colleagues' attention and urge their support for action on acid rain:

THE CONTINUING SCOURGE OF ACID RAIN

CHARLESTOWN, R.I.—For Kenneth Borst, waterways like the Perry Healy Brook are where he would rather fish for trout than for facts. The brook courses through a viridescent woodland about a mile north of the Atlantic coast in an area of beauty that has been home to the Narragansett tribe for centuries. Acid rain is destroying Perry Healy Brook.

Late the other afternoon, Borst, a professor of chemistry at Rhode Island College for the past 22 years, took a visitor a hundred yards off a backwoods road to a bend in the brook. A fallen log extended across the five feet of water. In his hand, Borst held a chartbook in which one page was devoted to the acidification findings of a citizen who monitors the brook.

For the past year, Borst has been the leader of an environmental project that regularly samples water from 38 streams and ponds in Rhode Island. Two of the 38 are acid dead. Eleven, including Perry Healy, are critical. Nineteen are endangered.

Borst, a fisherman who throws back his trout "because they are too valuable to be caught only once," lingers in the woods to talk about the scourge of acid rain: "Looking at this from a Rhode Island point of view, we're being dumped on, in plain language. Ohio is the principal culprit. Its plants are the biggest supplier of acid rain here. It would be nice if we could say, 'Ohio, clean up your dirt,' but it won't happen. The utilities and lobbies will cry that it's too costly."

The cry has been heard for years. So has another one: More study is needed. Borst and his volunteers took that to heart by taking to the woods. They learned locally what has been well documented nationally—that acid rain, which is mostly oxides of sulfur and nitrogen, is a threat that is getting worse each year.

It isn't only waterways and forests. A new study from the Environmental Protection Agency and the Army Corps of Engineers reports that acid rain is corroding buildings. It found that about $5 billion worth of structural damage in 17 states occurs annually.

Last October President Reagan promised to "continue as fast as we can with research" on acid rain. Speediness isn't needed. The research was on hand when Reagan came to office. It was in 1980 that the public began learning about acid rain from the studies done in the 1970s. Five years ago, the Adirondacks of New York were a disaster area of lakes turned sterile by acid rain. Part of the reaction then was; what's the uproar? It's only a few fish. That echoed the line from the oil spills of the 1970s: it's only birds.

The devastation of acid rain begins with the killing of algae and plankton, natural fish foods. The fish are food for such wildlife as otter, mink and waterfowl. While the fish die and the animals starve, tree and crop growth are slowed. And now, with buildings being damaged, the question is, what's next?

Clean air, once thought to be free like the moon and stars, is now known to be costly beyond anyone's earlier estimates. In 1980, the Audubon Society of Rhode Island pledged to "insist that the controls on acid-emitting industries be tightened, and understand that there will be a continuing economic price for this. It is not, and will not be, easy to convince most people that anything is happening when they can't see it and the industrial and job market is immediately affected by controls."

Congress is among the unconvinced. In this session, two acid-rain control bills were introduced in the Senate and House. One required that sulfur-dioxide emissions be reduced by 10 million tons over a 10-year period, the other by 8 million. Both bills were defeated. Enough acid can be found in streams of Rhode Island to load batteries of every limousine on Capitol Hill, but the political power of the utilities remains greater than that of the environmentalists.

In the courts, six northeastern states brought suit against EPA to require polluting states to reduce their emissions. The Clean Air Act, taken lightly by EPA, provides relief for states wanting to protect themselves from pollution that floats in crosswind. In late July, a federal judge ordered the agency to obey the law.

The news this summer is the confirmation that acid rain isn't only a curse on New England. Lakes in the Rockies, Sierras and Cascades have been declared vulnerable to poisonous emissions from smelters up to 600 miles away. Florida's lakes were found to have high acidity.

None of that surprises Prof. Borst. He has been saying all along that the expenses of stopping acid rain must be shared by the whole nation. Tiny Rhode Island, the worst hit, ought to be among the first to get relief.

SKYROCKETING TRADE DEFICIT POSES DANGER IN NEAR FUTURE

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. DASCHLE. Mr. Speaker, our Nation is in the midst of a crippling trade crisis. The continuing massive trade imbalance between the United States and our trading partners has already taken a devastating toll on American agriculture and industry and threatens to inflict even more serious damage on our entire economy if it is allowed to continue. We face a growing trade deficit with almost all of our trading partners and we're told to expect an unprecedented trade deficit totaling $140 to $160 billion this year.

Clearly and unquestionably, we are a Nation in trade trouble. While our trade deficit has increased from $24.1 billion in 1980 to $102.1 billion last year, administration officials have been content to placidly sit and watch our trade deficit increase by 400 percent. Only recently have officials of the Reagan administration been willing to even admit that a trade problem does exist.

As a result of the administration's do-nothing policy, public and legislative concern about our national well-being has exploded as the U.S. trade deficit has skyrocketed. The American people and Congress know our farmers and U.S. industry aren't able to alone defend themselves against unfair foreign restrictive trade practices. Because of this administration's three-part "policy" of "see no trade problem, speak no trade problem, and hear no trade problem," what has been needed, but is missing, is an effective response by our Government to the trade crisis.

The Trade Emergency and Export Promotion Act, which I am cosponsoring, provides this response. This legislation mandates the use of our farm surplus to combat foreign farm subsidies; imposes a standby 25-percent duty on imports from nations which do not eliminate unfair barriers to U.S. exports by October 1986; requires all funds raised from these new standby duties be used exclusively to reduce the Federal deficit; requires administration action to redress unfair trade policies directed by Japan, the European Community, and other nations against the United States; and strengthens the position of the U.S. Trade Representative.

Foreign nations have told us they need time and more time to make necessary adjustments in their trade practices. We are asked to be patient. We are patient. We have been patient. But our patience has not been rewarded. Japan proudly proclaims restrictions on imports are being reduced, reduced on products like mink coats, electric rice cookers, and swellfish. And while we wait patiently, other nations continue to increase their exports, while U.S. exports continue to dwindle. Korean exports have risen by 16 percent in the last year alone, while U.S. farm exports are now projected to decline to a 6-year low of $32 billion, down 16 percent from more than $38 billion in 1983–84.

As a nation, we are teetering on the brink of a full-fledged economic disaster fueled by continuing massive trade imbalances. If our trading partners want to continue freely sending their products to our shores, the barriers they have erected to our products must be dismantled. Balance in our international trade must be restored.

The Trade Emergency and Export Promotion Act will put our trading partners on notice that the United States will no longer

tolerate a double standard in international trade. It will also provide a forum for justified retribution if these trading partners do not respond to our ultimate.

I will work hard with the House leadership to schedule this legislation for timely action by the full House, and I urge my colleagues to join this effort.

TERROR IN CENTRAL AMERICA: A HANDY TOOL FOR THE LEFT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BROOMFIELD. Mr. Speaker, it comes as no surprise that leftists in Central America are increasingly resorting to terrorism to attain their goals in that war-torn region. They, not unlike their mentors in the Soviet Union, believe that terrorism is a tool which can be used to topple legitimately elected governments. In recent days, they have even chosen to kidnap the innocent daughter of President Duarte as part of their strategy to bring down that democratic government and install dictatorships of the left in Central America.

Communist ideology includes the use of terror to win the goals and objectives of the masses. Over the years, the Soviets and their Eastern European brethern have resorted to training terrorists, practicing terrorism themselves and cleverly using terrorism as an instrument of state policy.

Terrorist acts have increased in the urban areas of El Salvador as the Communist guerrillas have begun to falter in the countryside.

In recent months, Salvadoran civilians have been killed along with four U.S. Marines assigned to protect the American Embassy in that country. More often than not, the left is killing innocent Salvadorans, the very people the left claims it wants to help.

While much progress has been made in controlling the violence of the right wing death squads in El Salvador, leftist terrorism appears to be increasing and becoming even more mindless than before.

I am gratified to see that the administration is carefully beginning to assist our friends in Central America with programs to combat terrorism. The Department of State's Anti-Terrorism Assistance Program is noteworthy in this regard. While the terrorism problem will not disappear overnight, we have made a good start that should produce results in the next few years.

With these thoughts in mind, I recommend the following Washington Post editorial on the subject of terrorism in El Salvador to my colleagues in the Congress.

[From the Washington Post, Sept. 15, 1985]

TERROR ON THE LEFT

Terrorists kidnapped Napoleon Duarte's daughter last Tuesday, a cruel stroke intended, the Salvadoran president suggested, to make him lose his "serenity." It could turn out to be the latest desperate act of the guerrillas, who increasingly reluctant to take on the army in the countryside, have moved in to terrorize the cities. The murder last June of a group of Salvadoran civilians, killed in the attack that took the lives of four American Marines, brought the new tactic to foreign attention. That attack also provoked the guerrillas' civilian front to criticize such acts for their "negative political effects" abroad and in El Salvador.

The human rights issue in Central America is being partially turned around. Formerly, almost all the known atrocities were committed by or at least attributed to the right. The left fanned the issue and tried to make controlling the right the test of a regime's worthiness. Government and elements of the right have not since become angels. But they have been under American pressure to close down the death squads. Results have been substantial in El Salvador, inadequate so far among the Nicaraguan contras.

Meanwhile, however, terrorism of the left has become more evident, notably in El Salvador: not just devastation of economic targets but murders and kidnappings. It is not simply that the administration tries to shift people's focus. These are real events tending to undercut the left's earlier moral pose. Some human rights groups are starting to take this development into account. Some members of the Latin left, for reasons that include a keen concern for their credibility, are, too.

The United States cannot stop for a minute pressing its friends to improve on this score. This administration remains under a burden to show it is not soft on anticommunists in respect to human rights. Its latest idea sharpens the point. The administration wants to sponsor, in Costa Rica, an academy to teach the police forces of Central America modern and humane methods. The last American experience in training foreign police left Washington tainted as a teacher of torture. To dull the risk now, as some suggest, let Costa Ricans do the teaching.

The administration also has it in mind to resume military aid to Guatemala, if its November elections come off well. The Guatemalan military's rights violations lost its U.S. aid in the 1970s. Thus did Americans avoid further taint. Freed of the American connection, however, the Guatemalan military went truly crazy. The way to see whether a new connection with a civilian Guatemalan government is feasible is: very carefully.

NATIONAL ALL-TERRAIN VEHICLE SAFETY ACT OF 1985

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. CONYERS. Mr. Speaker, today, I am introducing H.R. 3325, the National All-Terrain Vehicle Safety Act of 1985. Since 1982, there have been some 265 deaths and 155,000 injuries caused by motorized three-wheeled tricycles commonly known as all-terrain vehicles [ATV's]. A shocking fact is that 22 percent of these deaths and injuries involve children between the ages of 5 to 12. Additionally, 46 percent of the fatalities and injuries are associated with children aged 16 years and under.

Sales of these popular vehicles have risen significantly over the past 5 years. In 1980, over 136,000 ATV's were sold, and a projected 780,000 will be sold this year. The number of ATV's will increase from the current 1.8 million to approximately 2.5 million by the end of this year.

As sales of all-terrain vehicles have risen, so have the rates of deaths and accidents, and these figures will continue to increase so in the future. For example, an estimated 28,000 ATV-related injuries were treated in hospital emergency rooms nationwide during the first quarter of 1985—80 percent higher than the estimated injuries treated during a same period in 1984. This represents a 7½ times increase in injuries since 1982.

ATV's are inherently unsafe, and their design structure, which includes the use of oversized soft tires, makes them very unstable and prone to flipping over backward, tipping over forward or sideways. The Consumer Product Safety Commission is currently examining the safety problems of ATV's, and among the options being considered is a total recall of all three-wheeled ATV's.

Most States have no age, licensing, and safety requirements regarding the use of ATV's, and children as low as 5 years old are permitted to operate them, despite the fact that one needs special skills to cope with the unique handling requirements associated with operating all-terrain vehicles.

Furthermore, some States consider these vehicles as motorcycles and permit them to be operated on roads. Even the manufacturers of all-terrain vehicles say that they were not intended for road use because of the design characteristices which make them unstable on paved roads.

Given the safety hazards associated with ATV's, there is no way that we can justify permitting children to operate them. Because there are few requirements for operating these dangerous vehicles, deaths and serious injuries have occurred, and unless something is done, they will continue to rise as the sales of ATV's continue to rise.

Mr. Speaker, ATV's are not toys and should not be treated as such. ATV's can reach speeds up to 70 miles an hour, and they require special skills to handle them. Yet, children are almost encouraged to operate them. It is not uncommon to see commercials depicting all-terrain vehicles leaving the ground and soaring through the air or children operating them.

H.R. 3325, the National All-Terrain Vehicle Safety Act of 1985, would require States to adopt a minimum age standard for operators of ATV's. The legislation also requires licensing of ATV operators after completing a training course, and prohibits the operation of all-terrain vehicles on the roads and highways.

I ask my colleagues to join with me in supporting this legislation in order to reduce these unnecessary deaths and injuries among our young people. For the benefit of my colleagues, I have included a copy of the National All-Terrain Vehicle Safety Act.

The legislation follows:

H.R. 3325

A bill to amend title 23, United States Code, to provide that States shall establish certain requirements respecting all-terrain vehicles as a condition to the receipt of funds for highway construction

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National All-Terrain Vehicle Safety Act of 1985".

SEC. 2. ESTABLISHMENT OF STATE REQUIREMENTS FOR ALL-TERRAIN VEHICLES.

(a) ESTABLISHMENT OF REQUIREMENTS.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 159. Requirements for all-terrain vehicles

"(a) REQUIREMENTS.—The Secretary shall not approve any project under section 106 in any State unless the State has enacted a law which—

"(1) prescribes that no individual in the State may operate an all-terrain vehicle who is under the age of 16 or under the minimum age required for the operation of a motorcycle, whichever is older,

"(2) prescribes that no individual in the State may operate an all-terrain vehicle unless the individual has been issued a license to operate such vehicle,

"(3) required that a license referred to in paragraph (2) may only be issued to individuals who successfully complete a training course in the safe operation of all-terrain vehicles, and

"(4) prohibits the operation of all-terrain vehicles on the roads and highways in the State.

"(b) ALL-TERRAIN VEHICLE DEFINED.—For purposes of subsection (a), the term 'all-terrain vehicle' means a motorized vehicle which does not weigh more than 500 pounds, is not wider than 50 inches, has 3 or more wheels, and is designed to be straddled by the operator."

(b) CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"159. Requirements for all-terrain vehicles.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall take effect two years after the date of the enactment of this Act.

TAX POLICY AND ENERGY

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. FUQUA. Mr. Speaker, some 10 years after the oil embargo, the United States finds itself facing some ominous signs concerning energy. Presently our petroleum imports are rising to over one-third of our total petroleum use. These imports account for almost one-half of the U.S. trade deficit. A U.S. Geological Survey study has revised earlier estimates downward by 50 percent on the amount of domestic oil reserves this country actually possesses. These facts present a sobering picture concerning our current and potential energy condition. We do not want the possibility of another energy shortage of the magnitude we faced in the 1970's.

During this month the House Ways and Means Committee will be deliberating on a broad range of tax proposals. The administration has proposed continued incentives for the oil and gas industry on the basis that domestic energy production has higher importance than tax policy because energy availability relates directly to U.S. national security. I concur that energy production is a national security issue and I would like to emphasize the need to encourage utilizing a broad range of energy resources.

Two legislative proposals, H.R. 1272, introduced by Representative WYCHE FOWLER, and H.R. 2001, introduced by Representative CECIL HEFTEL, proposed to extend the solar and renewable energy residential and business credits on a declining basis over the next 5 years. This phase down, coupled with lowered maximum expenditures and certification, provide a responsible transition for the solar and renewable energy industries to eliminate the tax credits gradually, preventing market shock.

The Office of Renewable Energy of the U.S. Department of Energy [DOE] recently released an analysis of the contribution of solar and renewable energy technologies since 1975. The study reviews the cause and effect relationship between Federal investments and the adoption of these technologies in the marketplace. According to the Internal Revenue Service and Energy Information Administration data, approximately $6 billion—$4 billion in research and development, $2 billion in tax credits—in Federal outlays and tax incentives were provided for solar and renewable energy development from 1975 through 1984. During the same time period, a broad range of solar and renewable energy systems came into being and produced $39 billion worth of energy when calculated at the prevailing world price of oil. These existing systems can be expected to produce over 3 billion barrels of oil—equivalent—of additional energy during their operational lifetimes. That is a return of $13 for every $1 of Federal assistance, at current oil prices.

This DOE study strengthens the case for continued support of solar and renewable energy as a significant component of a national energy strategy to provide for a mixed and balanced energy resource supply. I hope that, in the upcoming deliberations on our national tax policy, all of us remain conscious of our need to continue broad energy development. Otherwise, we risk the possibility of an energy shortfall that could produce greater economic upsets than those experienced in the 1970's. I urge Members to review and evaluate this short study. Thank you, Mr. Speaker.

CHILE'S DEMOCRATIC STIRRINGS NEED A BOOST

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BARNES. Mr. Speaker, last week marked the 12th anniversary of the military dictatorship in Chile. This anniversary, however, is different from its predecessor in one very important way—for the first time in 12 years, the Chilean democratic opposition has joined to form a unified front in support of a return to democratic government.

Last month, Chilean Cardinal Juan Francisco Fresno brought together the leaders of 11 parties, spanning the political spectrum, to sign a "National Accord for the Transition to Full Democracy in Chile." This accord has been received positively by the Chilean people, by the Reagan administration, and, in general, by freedom-loving democrats worldwide—in other words, almost everyone except Gen. Augusto Pinochet Ugarte, Chile's military leader.

This new development has brought about a quiet shift in the Reagan administration's previous policy of quiet diplomacy in Chile. This shift is to be applauded and, hopefully, nurtured.

Peter D. Bell, senior associate at the Carnegie Endowment for International Peace, and former Ford Foundation representative in Chile at the time of the military coup, has written a thoughtful article on how the United States can cautiously and effectively support these democratic stirrings in Chile. I commend Mr. Bell's article to the attention of all my colleagues.

The article follows:

CHILE'S DEMOCRATIC STIRRINGS NEED A BOOST

(By Peter D. Bell)

Twelve years ago today the Chilean military overthrew the elected government of Socialist President Salvador Allende in a bloody coup. Gen. Augusto Pinochet, who led the coup, is still in power, and his intransigence has become the central fact of political life in Chile. The Chilean people are now confronting that reality. The time is ripe for the United States to confront it as well.

Many politically moderate Chileans had hoped that the military regime would be an interim, caretaker government. They soon realized that Pinochet's commitment to a "protected" democracy—one from which the left was eliminated—was in fact a formula for perpetuating his dictatorship. His belief that Christian Democrats are stalking horses for communists and socialists has led to the harassment, detention, torture and exile of thousands of Chileans, not only of the left but also of the center.

Through most of the past 12 years (the Carter administration being the exception) the United States has supported Pinochet. The argument for doing so usually favored the general's presumed ability to keep order over the uncertainty about who would succeed him—sticking with the devil we know. A recent Reagan Administration review of relations with Pinochet, however, has re-

sulted in a subtle adjustment, a shift from easy to uneasy friendship. Some policymakers are looking at Pinochet and seeing Anastasio Somoza. They fear that Pinochet's rabid anti-communism may actually advance communism by driving moderates into the left or out of the political equation altogether.

Pinochet, 69 and apparently in good health, seems determined to stay in office for life. Pinochet's constitution, approved five years ago in a questionable plebiscite, calls for a presidential referendum in 1989, but also provides for only one nominee—one chosen by the military junta. If Pinochet has his way, he will be "elected" president until 1997, which would put his rule now at the halfway point.

Within the last month, however, there have been signs that the military is not as untouchable as analysts have portrayed it, and even more encouraging signs that the political opposition is closing ranks and becoming more pragmatic.

In early August there was a purge of the National Police, supposedly for death-squad activities. It revived Air Force commander Fernando Matthei's warning of a year ago: If a transition to democracy does not begin soon, "we will end up destroying the armed forces more efficiently than any Marxist infiltration can."

Then, two weeks ago, the democratic opposition showed that it is ready to put the national good above partisan differences. With the blessing of Cardinal Juan Francisco Fresno, the leaders of 11 parties, from conservative to left-of-center, agreed to work for direct presidential and congressional elections in 1989. Tens of thousands of ordinary Chileans are now adding their signatures to this "National Accord," which the State Department has hailed as "positive, pragmatic and forward-looking."

One hopes that State's response reflects a serious rethinking of Administration policy toward Chile. For five years the Reagan Administration has pursued a course of "quiet diplomacy." That meant showing friendliness toward Pinochet (for example, through joint naval maneuvers and renewed U.S. support for multilateral bank loans) and keeping silent in public about human-rights abuses, while trying to discreetly to persuade him to reduce the repression. Pinochet, of course, got the better part of the bargain. He treated Reagan's policy as a display of U.S. support and turned a deaf ear to any U.S. criticism made in private.

The Administration is still unwilling to risk an open break with Pinochet, but it is no longer comfortable with being viewed as giving him unqualified support. Pinochet, who is not a subtle man, remains convinced that, when push comes to shove, the White House will stand by him. In mid-June he again showed his disrespect for Reagan's softness on repression: He lifted a seven-month state of siege in return for U.S. support of a crucial loan package, then immediately decreed a state of emergency that reinstated most of his repressive powers.

If the United States is serious about promoting democracy in Chile, it must make a decisive, effective change in its policy, which so far has been ambivalent and unproductive. It can no longer presume that Pinochet will agree to a political opening of his own accord. Nor should the United States try to force him out. It is the Chileans' responsibility to forge a democratic transition; the "National Accord" is an attempt to do this. What the United States can do is use its leverage to prevent further repression.

The Administration's good words for the accord should mark the beginning of a policy that strongly, consistently and publicly demonstrates the U.S. commitment to democracy in Chile. We should make it clear to Pinochet that we support this new opportunity for free and public political expression, and that we will not be silent if he attempts to suppress it. Such a policy would increasingly distance the United States from Pinochet, and put us on the side of the overwhelming majority of Chileans, who see free and fair elections as the way out of their national tragedy.

OUR AMERICAN HERITAGE: TRAPPING AND HUNTING

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. DASCHLE. Mr. Speaker, I rise today to call to the attention of my colleagues the importance of a part of our American heritage, trapping and hunting.

Trapping means different things to different people. Some people view it as a sport, a form of recreation, a chance to be outside and enjoy nature. For many others, including a great number of South Dakota farmers and ranchers, trapping is an increasingly important source of income. In some cases, it can make a difference in survival of a landowner's business, because, in addition to the added return on pelts, the landowner can often reduce his losses to depredating wildlife.

Trapping can be used as an effective method of livestock, sheep, and poultry control. It serves as an important tool of wildlife research in that natural history studies frequently involve the trapping of individual animals, so they can be examined, aged, sexed, tagged, and released unharmed.

Trained wildlife biologists in fish and game departments set the trapping seasons each year so that only the overpopulation, or surplus animals, are trapped. Trappers have been paying their way for decades through license fees and services rendered. Of the $657,951 spent for animal control damage in South Dakota, $240,000 came from taxpayer dollars. The amount is matched dollar for dollar by game and fishing licenses; in this way, taxpayers and sportsmen help to subsidize animal control programs. In my home State of South Dakota in 1984, livestock growers suffered a loss of $96,110 to predators, despite the best efforts of animal control specialists. This figure would be much higher without the help of South Dakota trappers operating at their own expense.

Furbearer trapping has a tremendous impact on South Dakota's economy. During the 1985 trapping season, 2,882 furbearer licenses were purchased by South Dakota residents. During that same year furbuyers purchased a total of $1,783,831 worth of fur from South Dakota trappers.

I would, therefore, like to commend trappers across the Nation and in South Dakota for their important contributions to our economy and our environment and to wish them well in their recreational and business pursuits.

VICE PRESIDENT BUSH RESPONDS TO SOVIET SUMMIT RHETORIC WITH SUBSTANCE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BROOMFIELD. Mr. Speaker, as the upcoming summit meeting between President Reagan and Soviet leader Gorbachev approaches, many observers here in the United States have noted a sharp rise in Soviet rhetoric on this issue. This has created a certain degree of unease among some Soviet experts who fear the Soviet leadership has decided to treat the summit as a public relations battle, not a real opportunity to chart the future course of Soviet-American relations.

Perhaps the Soviets believe that our openness and freedom of debate offer them a point of opportunity, a chance to utilize their well known propaganda skills to manipulate American public opinion. If this is the case, they have clearly decided to adopt a highly personalized attack against the President and his closest advisers.

Because this trend has become so blatant in recent weeks, I was very happy to read Vice President BUSH'S recent speech in Kansas. The Vice President took it upon himself to address directly and forcefully the Soviet Union's newest propaganda campaign. Because of its length, I will not include the entire text of the Vice President's speech. However, I would like to add those sections in which Mr. BUSH eloquently rebuts Soviet disinformation and at the same time frames our position in preparation for the summit.

EXCERPTS OF REMARKS BY VICE PRESIDENT GEORGE BUSH, THE ALFRED M. LANDON LECTURE SERIES ON PUBLIC ISSUES, MANHATTAN, KS, MONDAY, SEPTEMBER 9, 1985

My topic this morning is the coming meeting between President Reagan and Soviet General Secretary Gorbachev. I will discuss with you the factors I see coming to play in this meeting.

And, with Kansas and Alf Landon in mind, my theme in this discussion will be "to the stars, through difficulties." The stars in this case are the hopes, the prayers of men and women everywhere for a world of peace, a world in which all can build futures of opportunity for themselves and their families. I believe that if we're to reach those stars we must, as Alf Landon has, meet our difficulties squarely and honestly.

And let me be very specific here about what I mean.

Whatever our differences, the United States and the Soviet Union share a common overriding interest in survival. That means—and I believe the Soviets understand this as well as we do—that we have a common interest in doing whatever we can to reduce tensions and improve relations.

The President and I and everyone in the Administration want the meeting with Mr.

Gorbachev to be a success. We want this meeting to reflect as much substantive achievement as possible, but more importantly to produce an agenda and work program that should reduce tensions between our countries.

The Soviets know this. When he met last year with Soviet Foreign Minister Gromyko, the President spoke clearly and emphatically about our interest in building a better relationship. In his meeting with Mr. Gromyko in Geneva earlier this year, Secretary of State Shultz repeated what the President had said. As recently as last month, National Security Advisor McFarlane addressed this theme at length in a well publicized speech. Secretary Shultz will again emphasize it in his upcoming meeting with the new Soviet Foreign Minister, Mr. Shevardnadze.

And again and again over the last several years we have not just stated but demonstrated through substantive proposals our desire to move toward truly more stable and constructive relations. Look at what we've done, for exanple, in one of the principal arenas of East-West contact, the arms control talks in Geneva.

We've proposed deep reduction in the number of strategic nuclear weapons.

We have also made clear what we mean by better relations and what we don't mean.

By "better relations" we do not mean entering into agreements that undermine the security of the United States and its allies.

By "better relations" we do not mean ignoring real differences we have with Soviet adherence to international agreements or other aspects of Soviet behavior on the international scene.

Let's be clear about this. Better relations are not achieved by ignoring differences or accepting one-sided agreements. They are not achieved by entering into agreements for the sake of agreements—this we will never do. The way to achieve better relations is to acknowledge differences, to face them, as I said, squarely and honestly and to deal with them through agreements and through behavior that both sides can live with.

There's one word for that kind of better relationship between nations and that word is "respect."

It means you respect the sovereignty and abilities of the other side, even if you disapprove of its system, as we do the Soviet system.

To treat with another nation so both sides have their self-respect intact, you deal with its representatives openly, directly, squarely, honestly. You don't pretend that differences aren't there. You acknowledge them and then you address them.

It's in that spirit of open and direct acknowledgement of differences that I wish to discuss now the atmospherics that appear to be building up around the Reagan-Gorbachev meeting. These atmospherics highlight a basic difference between the way the Soviets appear to be approaching this meeting and the way we are.

The emphasis on dividing western opinion makes the Soviets extremely tough bargainers. They prefer to see how public opinion plays out before moving seriously in negotiations. And, as we've seen in recent weeks, they know how to reach the West through its own media and they know how to tailor their message to have a broad appeal.

But it's important to keep in mind that though difficult, they are not impossible in negotiations. As I said at the outset, they share with us and recognize they share a basic common interest . . . survival.

Whenever the Soviets have been convinced that western opinion is united, they have set aside their public relations game, at least for a while, and accepted more conventional diplomatic rules, rules which dictate that both sides, through careful give and take, work toward agreements that both can live with.

Let me give you an idea of what that means to us in the United States.

We want arms negotiations that lead to real reductions in existing nuclear arsenals and reductions that preserve and enhance the security of both sides. We look at meetings between heads of state—particularly the upcoming one—as opportunities, not for propaganda, but for setting an agenda that can lead to greater stability and harmony in relations. And that means we believe that the upcoming meeting must address the real and persistent issues that have irritated relations in recent years.

I know how deeply President Reagan wants to strengthen the fabric of world peace. I have discussed this matter over and over again with him. And, as I said earlier, I know he talked about this with Mr. Gromyko last year.

I also know how hard the President is working to ensure that the meeting with Mr. Gorbachev produces real, tangible progress towards peace. All Americans can help him by keeping in mind what is possible in this meeting and what is not and by remembering that in building peace, just as in building a home, it is best to start with a strong foundation and to build good and build strong and build to last.

THE AWFUL LOGIC OF GENOCIDE

HON. MARK D. SILJANDER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. SILJANDER. Mr. Speaker, in the past I have referred to the "creeping cowardice syndrome" that has gripped U.S. foreign policy since Vietnam. The consequences of that cowardice is being played out in Afghanistan, like it was in Cambodia and half a dozen other places since. But perhaps the most brutal terror going on in the world today is going on in Afghanistan.

It is easy to see why Soviet surrogates around the world are the fountainhead of terrorism. They have such good teachers. Syria, Iran, Libya, the PLO, and North Korea only need to look at Afghanistan to see how brutal terrorism can be.

I would encourage my colleagues to read the following article by Jean-Francois Ravel, the author of "How Democracies Perish" entitled "The Awful Logic of Genocide." It appears in the current issue of National Review. I hope my colleagues will recognize the message that is clearly being sent to them.

After that, an excerpt from a Helsinki Watch report on Afghanistan. If one can read the accounts of torture, including the holding of children over fires to make the parents talk, the execution of women, children and old men, the brutal burning of 40 men, women, and children in a town square, and the cold-blooded murder of an Afghan boy without being moved to action, then that Member does not deserve to be in Congress.

[From the National Review, Oct. 4, 1985]

THE AWFUL LOGIC OF GENOCIDE

(By Jean-François Revel)

The occupation of Afghanistan by the Red Army, which has been going on for almost six years now, continues to provoke in the Western democracies a reaction that Montaigne calls "voluntary ignorance." This deliberate neglect of the facts is a wonderful prophlactic against the temptation to act. In this sense, Afghanistan is a reflection of our cowardice. It offers an instructive look at the way the democracies justify, or conceal, their failures in the face of totalitarian expansionism.

Information on Afghanistan is scarce, to be sure, because of Soviet censorship. The Communist powers enjoy an unwritten but tactily accepted privilege, a privilege practically legalized by international consent, to shape and to ration information that concerns them. By closing Afghan territory to TV teams and non-Communist reporters, by imprisoning journalists and even doctors who have entered the country clandestinely, the Soviets have kept the Afghan horror story from being told by the mass media. Thus they have prevented the vast wave of worldwide opprobrium that would engulf a democracy guilty of far lesser crimes but accessible to news coverage by nature of its politics and principles.

But the blindness of certain Western elites does not result in the main from the practical difficulties of finding out what is going on. The practical difficulties can keep the story from the television screens, but there are nevertheless enough stories in the Western press—if they were taken seriously. There is sufficient information available for anyone who wants to think seriously about the situation of the Afghan people. If the free world discards this information or relegates it to the margins of its awareness, that is because it fears it will have to start questioning certain soothing interpretations of Soviet behavior and be forced to face the gravity of the crimes committed against the Afghan people. We can thus, we Western democracies, by looking the other way, withdraw from our moral responsibility and close our bored minds to the continuation of the Soviets' foreign policy. We will spare ourselves from seeing it in order to excuse ourselves from having to oppose it.

The first reason for our resistance to listening to news about Afghanistan (the only form of resistance the West has shown as yet in the Afghan affair) has to do with our desire to interpret the invasion of Afghanistan as an *accident* of Soviet foreign policy. Reread what all our oracles have written about it in the last six years: It was a mistake . . . a marginal act . . . unrepresentative of the fundamental thinking of Soviet leaders. The Soviets acted without premeditation; they were "caught up in a situation", they fell "into a trap." The Western powers should, consequently, help them to get out of it, "to save face." How? By not bullying them, by not reawakening their well-known "sense of insecurity."

This analysis, made by most of the statesmen in power in the West during the invasion of 1979, remains the attitude of a great number of commentators today. It entails certain practical prescriptions: We must abstain from arming the Afghan resistance, for fear of provoking the Soviets. Only the fear of foreign intervention, they tell us,

will delay the spontaneous departure of the Red Army. In view of the insignificance of our military aid to the Afghan resistance, one wonders how much further this would have to be reduced to "reassure" the Soviets, and how long it will take for their supposed desire to evacuate the country to be demonstrated. And, once gone, will they permit the local Communist regime to be swept out of Kabul, as without doubt it would be after the withdrawal of the Soviet military presence?

Such resignation is unlikely and illogical given that the 1979 invasion took place precisely because the pro-Soviet Communist regime in Afghanistan could not, given the hostility of the people, remain in power without Soviet help. To imagine that the Soviet army will evacuate Afghanistan without having first gained acceptance for Communism there is to believe that the USSR would withdraw its "advisors" from all countries where it believes the local Communist government lacks local support—a totally unsupported belief. Up until now, quite the opposite has been the rule: The USSR keeps larger troop contingents in place in countries where the pro-Soviet regime is most fragile, most menaced. Which is, to be sure, perfectly rational.

The explanation that the Soviet seizure of Afghanistan is a result of unhappy chance is rooted in a more general theory. According to many politicians and students of politics, the Soviet Union does not nourish long-term foreign-policy objectives, at least not aggressive objectives. Nothing more greatly rouses the fury of certain politicians and international experts, whether journalists or academicians, than references to a global design on the part of the USSR. They admit, to be sure, that the USSR has an overall vision, but they believe it to be strictly defensive. The notion that the Soviet Union has an expansionist design, an imperialistic outlook both ideological and strategic, a program patiently pursued, long planned, unfailingly prepared for setbacks, could only emanate—in their view—from an idée fixe dating from the cold war. Never mind the classic writings on the subject and the best-attested historical facts. The Soviet Union, they say, does not have, cannot have, a coherent imperialistic plan.

Unhappily, there are few cases where even a summary knowledge of history so completely pulverizes that theory as Afghanistan. From the start of the Revolution in 1917, the new Soviet power moved to eliminate British influence from Central Asia. A Soviet-Afghan treaty of friendship was signed on September 13, 1920, a prelude to a long series of treaties destined to tighten the Soviets' ties with Kabul. The Soviets took up again the geopolitical objective of czarist Russia; but—and this is a major innovation—they added to it their panoply of ideological weapons. In November 1918, in a proclamation entitled "Do Not Forget the Orient," Stalin spoke of the need to "inspire the workers and peasants of these countries with the liberating spirit of the revolution." In characteristic fashion, this liberation ideology was evidently not to be practiced within the USSR itself: The Bolsheviks, who had never stopped denouncing the annexation of Moslem territories by the Czar, reused, once in power, to give these same regions their independence, instead putting down by force the insurrections that followed.

After the Second World War, the Soviet Union capitalized on the void left by Britain's retreat from India, the end of British influence, and above all the new situation that resulted from the creation of Pakistan to tie Kabul's foreign policy to her own. Indeed, why not? There was nothing scandalous in what the USSR was doing. But the democracies should at least have understood what was going on. Alas, the United States understood nothing of what the Soviet Union was up to in Central Asia. In December 1954, John Foster Dulles refused military aid to Afghanistan and threw that country into Moscow's arms.

Sardar Mohammed Daud, prime minister from 1953 to 1963 and president from 1973 to 1978, permitted the Soviet Union to take over the task of equipping and training the Afghan army. In 1955, Khrushchev and Bulganin, despite their concerns in Europe and at home that year, made one of their first foreign trips to Kabul and accorded Afghanistan a grant of $100 million, the biggest grant given by Moscow to any country beyond the Iron Curtain. Such a démarche is incompatible with the thesis that Moscow never had any long-term plans for Afghanistan.[1]

After the coup of July 16, 1973, which brought Daud back to power, the internal Soviet conquest of Kabul was accelerated. While he himself was not a Communist, Daud thought himself strong and wily enough to risk putting Communists in key posts. He did not understand the weakness of his position, given an army in which thousands of officers and men had been trained by the Soviet Union for twenty years. When, on April 27, 1978, the army assassinated Daud and installed a Communist regime in his place, it was picking ripe fruit from a tree planted long before.

Here too the Western experts and commentators who date the Sovietization of Afghanistan from the invasion of December 27, 1979, prove, at best, that they are professionally incompetent. The protectorate had been in the works for decades. The satellization of Afghanistan, in the classical form of "a friendly government" installed in 1978, was the real turning point. Soviet garrisons took up their positions at various locations in Afghanistan starting early in 1979. Was this the result of "a chain of unfortunate accidents"? Was there no plan behind this?

In August 1979, the Afghan garrison in Kabul realized that the unpopularity of Communist President Nur Mohammed Taraki was starting to provoke rebellion in the country and that it would be prudent to replace him with someone less openly under the orders of Moscow. This garrison was then massacred by Soviet troops, including air units already stationed in the area. How could Western governments not have known about it? After having first killed Taraki, then his successor, Hafizullah Amin, and installed in their place a "faithful friend," Babrak Karmal, the Soviets knew that no Communist leader in Kabul could stay in power without strong Soviet support. The invasion and the occupation were anything but an "accident" since they constituted the natural consequences of a systematic course of action.

The second reason the West resists information about Afghanistan is the Soviet violations of human rights in that country. These violations are so widespread that our governments are scared even to rise the question, knowing very well that Moscow will, in its usual humiliating manner, refuse even to discuss it. That is why the press and other media greeted so tepidly the February 19, 1985, United Nations report on the condition of human rights in Afghanistan by Felix Ermacora, Special Rapporteur—a report whose very existence is practically miraculous and which deserves a salute on that ground alone, but which was quickly relegated to obscurity. What does it teach us?

The repression takes two forms: the torture and execution of opponents and resistance fighters, and the massacre and deportations of the civilian population. In "Le Grand Jeu Afghan" (Politique Internationale, Spring 1985) Michael Barry reports that between April 27, 1978 (the date of the pro-Soviet coup d'état), and January 1980, 27,000 people were executed in the Poli Charki concentration camp, situated six miles east of Kabul. "This is not an estimate" writes Barry. "This is the simple addition of the names of the victims posted by the regime in public places to discourage the families from crowding around the gates of the prisons with packages of clothing and food." A major portion of the educated elite, the author adds, perished in this carnage: diplomats, doctors, professors, engineers, non-Communist officials, spiritual leaders. While estimating the number of those shot at "only" 12,000, the UN report corroborates the basic story.

"In this contest, according to the information received, a number of political prisoners were also tortured. One of the complaints relates to Mr. Sayed Abdullah kazim, a former dean of the Faculty of Economics, imprisoned at Poli Charki at the same times as Mr. Ludin. In this connection, Mr. Ludin, himself arrested in June 1978 and detained until 11 January 1980 in the Poli Charki prison, reveals that he himself was present during the torturing of Mr. Kazim, who had the fingers of both hands crushed under the legs of a chair on which two of his torturers sat. Having himself been tortured, the witness drew the attention of the Special Rapporteur particularly to events which had taken place on the night of 31 May to 1 June 1979 in the Poli Charki prison. Shots fired in the prison courtyard had been heard by the witness, who was told by the prison guards that about 118 prisoners were being executed. The shooting was followed by the departure of buses carrying the bodies, some of them still showing signs of life. The testimony of a former female detainee of Poli Charki likewise revealed that during her detention between May and November 1978, she had several times heard shooting in the prison courtyard along with the departure of the corpses of prisoners in buses. The same witness spoke of the existence of a section of the prison reserved exclusively for women, and the Special Rapporteur had the occasion to interview a woman who had been incarcerated in that prison."

However, one must add to the official figures the number of those shot unofficially. Amnesty International estimates that 4,854 prisoners have been liquidated more or less clandestinely. And the United Nations report says that approximately nine thousand individuals "disappeared" in Kabul before the coup of December 27, 1979, much as happened in Argentina during the military dictatorship, but without touching off the same indignation in the free world.

[1] For the inadequacy of American diplomacy at that time, and its consequences in this part of the world, see "The Failure of American Diplomacy in Afghanistan," by Léon Poullada, World Affairs, 1982-83, Vol. 143, No. 3, Special Issue on Afghanistan.

As to the massacres of the civilian population, I cite several examples, all drawn from the UN report.

"In addition, numerous cases of assassination of women and children were brought to the notice of the Special Rapporteur. They were described as having taken place frequently in villages, as reprisals following skirmishes between the troops and elements of the opposition movement.

"Eyewitnesses told the Special Rapporteur of alleged massacres of civilians during the bombardment of villages. According to these witnesses, such acts were part of a deliberate policy, especially over the last two years, to force the people to take flight. In this connection, one witness declared that the country's economy had been completely destroyed by the systematic bombing of rural areas housing about 85 per cent of the population, and in fact occupied by the resistance and regarded as liberated zones.

"On 13 September 1982, approximately 105 persons were killed in the village of Padkhwab-e-Shana in the province of Logar, including 61 victims from the village itself. In the course of an infantry operation in the village, the population, consisting of children, old people, and a few combatants, took fright and hid in an underground channel used for irrigation (Karez). To dislodge them, troops poured a whitish liquid mixed with white powder into three outlets of the channels and set fire to it. Charred and decomposed bodies were brought out by the villagers. The corpses were said to include 12 children.

"On 12 October 1983, in the villages of Kulchabat, Bala Karz, and Mushkizi in the province of Kandahar, 360 persons were executed in the village square, including twenty girls and about twenty old people.

"In March 1984, several hundred civilians were massacred in the villages of Dash-e-Bolokhan and Dash-e-Asukhan in the Kohistan region.

"In November 1984, some forty civilians were massacred in the village of Zirvq situated in the Urgun region after two weeks of steady bombardment. According to the witnesses, several houses were destroyed and the cattle decimated."

Furthermore, the use of poison gas and booby-trapped toys has largely been proved, according to the report.

The devastation of the countryside and the villages, and the deportations of the people (in late 1980, the Soviets emptied Pamir of its entire population), have brought the expected and desired result: famine. This famine is a chronic fact of life for about half a million civilians (close in proportion to the Ethiopian famine). According to the group of doctors known as Médecins sans frontières, infant mortality caused by malnutrition reached a stupefying 85 per cent in the winter of 1984-85.

Another result was the exodus. More than four and a half million Afghans (a figure we're fairly certain about) have fled their country since 1978, mostly to Pakistan. Given that the official figure of displaced persons worldwide, according to the UN High Commission for Refugees, is approximately ten million, that means that nearly one out of every two refugees on this planet today is an Afghan. If you add to this figure the number of resistance fighters killed, of those executed, of civilians massacred or starved to death (a figure that can prudently be put at a million) this means that of the 13 to 14 million inhabitants of the country in 1978 there remain today on Afghan soil about eight million. Put otherwise, nearly 40 per cent of the population is either in exile, or dead.

If one notes that the repression started 18 months before the invasion of December 27, 1979, and was directed from the start by Soviet advisors already in place, one cannot escape the conclusion, once again, that the USSR was carrying out a well-thought-through program. It is not credible, as the commentators who wish at all costs to exculpate the Soviets claim, that they gave way to momentary panic. The great "liberal" Mikhail Gorbachev seems to have not the slighest intention of modifying the Soviet political plan for Afghanistan. One of his first declarations on the subject, in March 1985, was to threaten reprisals against Pakistan if that country continued to "meddle in the internal affairs" of its neighbor, which in Soviet language means if Pakistan continues to shelter Afghan refugees instead of repelling them across the border to be massacred on the other side.

Must one conclude that the Soviet Union is invulnerable and can—as South Africa, or Chile, cannot—violate human rights with impunity, shielded by the discreet complicity of an international opinion that knows it is powerless? Perhaps not. What the discreet people find a bit upsetting are the anti-Communist guerrillas: in Angola, in Nicaragua, and above all in Afghanistan. For the first time, the United States Congress, In July 1985, openly recognized the importance of this phenomenon and voted official aid—$15 million to the Afghan resistance.

[From the National Review, Oct. 4, 1985]

"AN ENTIRE COUNTRY IS DYING . . ."

(In September 1984 a team from the U.S. Helsinki Watch Committee went to the Afghan border to collect information about human-rights violations in Afghanistan by interviewing Afghan refugees. The team interviewed more than a hundred Afghans representing a cross-section of Afghan society. From the interviews, they reported, "it soon became clear that just about every conceivable human-rights violation is occurring in Afghanistan and on an enormous scale." The team went on to say: "Just about every Afghan has a story to tell. Our interpreters, our guides, people we met accidentally had personally experienced atrocities as great as those of the 'victims' we interviewed. An Afghan doctor who had impressed us with his gentle kindness as he interpreted for us in a hospital for war victims had a sudden outburst as we were leaving. 'What's the point of all this? People should know by now. There are no human rights in Afghanistan. They burn people easier than wood.' "

(The following are excerpts from the Helsinki Watch interviews, and from the team's report:)

We interviewed a 21-year-old student who had been released from Poli Charki prison in Kabul just two weeks before. His eyes were bloodshot, his body tense, as he nervously fingered his "worry beads," telling us that if we mention his name in print his father and brothers in Kabul "will be finished." After his arrest for distributing "night letters" protesting the Soviet invasion, he was subjected to routine torture—hung by a belt until he almost strangled, beaten until his face was twice its normal size, his hands crushed under the leg of a chair. He described an overcrowded prison cell with no windows, crawling with lice, and with only one pot for a toilet. . . .

Mohammad Eshaq, a resistance leader from Afghanistan's Panjsher Valley, told us about the fate of two men from his ancestral village of Mata—brothers, aged ninety and 95. Old and blind, they stayed behind when the rest of the villagers fled during last spring's offensive: "The Russians came, tied dynamite to their backs and blew them up." He paused to collect himself, then added simply: "They were very respected people." . . .

The parents of another patient [in a clinic in Kunar province], a 12-year-old boy whose right arm was so badly burned he could hardly move it, explained to Dr. Simon how the burn had occurred: "They told me that Russian soldiers came to their village and held their son's arm over a fire while they asked about the Mujahedin." . . .

Mike Hoover, a CBS television producer whom we met in Peshawar, told us he had filmed an interview with an Afghan who had formerly worked as a translator for the Soviet army: "He was extremely disturbed. He told how he translated questions the Russians were asking about the Mujahedin while they held a child over a fire." . . .

Summary executions were described by Mohammed Amin Salim, a former professor of Islamic law who had returned to his village in Shomali: "When the Russians come into villages or places where there are unarmed people, they kill them with bayonets, even women and children. There are so many examples, and they are so atrocious, that it is difficult to speak of them. For example, last year I was in a village when the Soviets came to search the houses. In this village there were seven elders, including me. When the Russians came into the village, they locked up all these elders. I was separated from the others. I was in another house, and I say what happened. They asked the old men, 'Where are your sons?' The old men said they had no sons. Immediately, when they heard this, they fired on two of the men, killing them with automatic rifle blasts. The third person—it was a very sad event—they put him against a tree and with a big nail [apparently a detached bayonet] a soldier stabbed him in the chest and nailed him to the tree. What I am telling you is what I saw myself. The other Russian had a big nail in his hand, and he stabbed another old man in the mouth, unhinging his jaw." . . .

[A French doctor tells how the Russians punished an entire village after some Afghan troops defected.] "They tied them up and piled them like wood. Then they poured gasoline over them and burned them alive. They were old and young men, women, and children. Many, many people were telling this story. They all said forty people had been killed." . . .

Former Soviet Army Sergeant Igor Rykov testified: "We did not take any prisoners of war. None. Generally we killed them on the spot. As soon as we caught them, the officers ordered us to slaughter them. I'll tell you one story. Lieutenant Gevorkian was the commander of my unit. When I arrived, he had already been in Afghanistan for a year. He told us that he had seen a lot, and that now he had become like ice, he had learned to kill absolutely anyone, and he had to teach the same to the soldiers. One day he brought in a boy, an Afghan kid about 14 years old. He told us that the boy was certainly a dushman [enemy]; he had tried to runaway when he saw the soldiers. There was one soldier in our unit, Oleg Sotnik, who could not stand the sight of blood. Then Gevorkian took out a sort of

bayonet . . . He gave this knife to Sotnik and told him to kill the boy. Sotnik's face was unbelievable. He was planted to the ground, shaking all over his body. The boy was sitting peacefully on the ground. Finally Sotnik got control of himself, went up to the boy, and stuck the knife in his chest. The boy started to shriek, and he grabbed onto Sotnik's hands. Then Gevorkian started yelling, 'You idiot! What do you think you're doing? Watch how it should be done!' He pulled out the knife, kicked the boy in the face, and when the boy fell backward from the kick, he stuck the knife in his throat, once, twice. We were all around watching, but no one said anything. . . ."

[A member of the resistance testifies to his treatment by Soviet torturers.] "The torture there was always by electricity, with electric-shock batons. One day during the interrogation, one of the Soviets got angry and hit me with his Kalashnikov in the mouth, and I lost three teeth. I was tortured two to four hours a day, every day, for about a year. There were different people torturing me. There were Afghans who spoke Pashta and there were Soviet officers. The Soviets tortured more, and they asked more questions. They did not let you sleep.

"They gave the shocks between the toes, between the fingers, on the temple. I often fell unconscious. One day they hung me up on a wall, where there were big hooks. They didn't let me sleep, eat, or drink for 48 hours. My arms were stretched out wide, and the hands were tied to the hooks, and there were rings around my feet. This caused a great pain in the stomach and kidneys. The next morning they took me down and brought me a piece of bread and some water. Then they hung me upside down by the feet all day." . . .

We received reports about a variety of anti-personnel mines used in Afghanistan by Soviet forces. Often they are used, not for conventional military purposes, but against the civilian population. Some of these mines are powerful enough of kill, but most have charges that only maim. . . .

[Soviet] helicopters drop camouflaged "butterfly" mines around populated areas, on roads, and in grazing areas. During a sweep through villages, soldiers leave anti-personnel mines in . . . houses of people who have fled. We even heard of mines left in mosques, of booby-trapped bodies that exploded when relatives attempted to move them, and of trip wires placed in fruit trees that injure the harvester. . . .

Kefayatullah, a farmer from Harioki Ulya, Kapisa Province, was describing the actions of the Soviet troops that invaded his village. "They put toy bombs in the food bins," he volunteered. "Some of them exploded. They were like toys, watches, pens." . . .

In Quetta on October 3, a group of Hazara refugees volunteered, without being asked, that they had seen such mines. Abdul Wahid, an English-speaking former student from Jalrez, told us: "They put some pens and watches on the road, children take them, and they explode."

Mohammed Zaher added, "I once saw them. There were pens, small radios, and watches on the road, and General Mohammed Hasan [of the Hazara resistance forces] told the Mujahedin not to touch them, but to throw stones and explode them." What kind of pens were they? "They were just like American Parker pens," he answered.

SOCIAL SECURITY NOTCH STUDY

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. TAUKE. Mr. Speaker, today I am introducing legislation to establish a special panel of the 1985 Advisory Council on Social Security to conduct a study and make recommendations on the so-called notch problem under the formula established by the 1977 Social Security amendments. This bill will require a thorough study of the extent to which inequities are the result of the 1977 formula as well as the short- and long-range economic impact of benefit changes and legislative recommendations to address any inequities cited in the report.

On May 14, the House passed the Social Security Minor and Technical Changes Act of 1985, H.R. 2005. The legislation creates a special ad hoc disability advisory council of the General Quadrennial Council required by law to conduct a thorough review of the disability insurance program.

The bill I am introducing includes the House-passed disability study along with the addition of the so-called notch panel. I am hopeful that the Senate will include the language in this bill when H.R. 2005, the Social Security Minor and Technical Changes Act of 1985, is considered. Senator GRASSLEY plans to offer our bill as an amendment to H.R. 2005 in the Senate Finance Committee. I commend my colleague from Iowa for his leadership on this issue.

The notch issue has become a matter of concern for Iowa's elderly population. Seniors in Iowa recognize that the 1977 Social Security amendments reduce Social Security benefits for all workers reaching age 62 after 1978. Persons in this group may have lower benefits than those with similar earnings who reached age 62 in 1978 or earlier. If the 1972 benefit formula which overcompensated for inflation had been left unchanged, retirement benefits would have exceeded the final wages of some workers. The 1977 formula substantially altered the way benefits would be computed after 1978 by preventing benefits from rising to excessively high levels in the future.

The 1977 amendments provided a 5-year transition formula to minimize the affect of the benefit change on those approaching retirement. This transition formula has caused concern for some of Iowa's elderly. However, if no transition formula had been included in the 1977 amendments, benefits to those born between 1917 and 1921 would have been lower or the so-called notch would have been greater.

I am optimistic that the advisory council will look closely at the transition formula in their study. Finally, this study bill calls for a review of the short- and long-term economic impact of benefit changes to address the so-called notch. I'm concerned because many seniors feel we can afford major increases in Social Security.

The long-term, or 75-year, picture developed by Social Security actuaries shows that the upcoming period of excess receipts is not a permanent one, and that on the average, the Social Security System has a deficit rather than a surplus. Despite the short-term margin of safety on the front end, the actuaries project a long-term average deficit of .41 of payroll or $6 billion per year.

I realize that the legislation I am proposing today is not the solution advocated by notch groups. However, it is a first step toward addressing their concerns at a time when a legislative vehicle such as H.R. 2005 is available. Only a simple change in the disability council, such as this bill proposes, would be acceptable to the standing committees at this time.

THE 1984-85 DAIRY DIVERSION: A LEGISLATIVE SUCCESS STORY

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. GUNDERSON. Mr. Speaker, in 1983, Congress passed a compromise dairy bill to address the continuing problem of surplus milk production. What was unique about this legislation was that it contained a positive financial incentive for dairy farmers to reduce production—the Dairy Diversion Program.

In the 2 previous years, only negative incentives—price freezes and price cuts—were attempted. And in every case production went up, not down.

Under the Voluntary Diversion Program, participants entered contracts with the Commodity Credit Corporation to reduce milk production anywhere from 5 to 30 percent of their base—the amount they produced during a recent uniform period of time. If they met the conditions of their contracts, participants received $10 for every 100 pounds of milk they reduced from their base production.

The diversion payments which participants received were funded through a producer assessment of 50 cents per hundredweight on all milk marketed in the United States during the time the program was in effect. The assessments fell slightly short of the $955 million needed to fully fund all of the diversion payments made to producers. Yet, at the same time, the cost of the entire Dairy Price Support Program to the taxpayers dropped by $1 billion from $2.6 billion in fiscal year 1983 to $1.6 billion in fiscal year 1984.

In an independent review of the program, the Government Accounting Office estimated that between $614 million and $664 million of this $1 billion savings to the taxpayers in 1984 was directly attributable to reduced production of between 3.74 to 4.11 billion pounds of milk resulting from participation in the Diversion Program.

In fact, around 38,000 dairy producers entered the progam—that's about one out of every five commercial dairy producers in

the country. I would hasten to add that I heard from many hundreds of producers both in Wisconsin and across this country who wished they would have entered the program after the sign-up period expired.

Overall, production went down from nearly 140 billion pounds of milk in 1983 to just over 135 billion pounds in 1984. Much of this reduction came from the slaughter of 3.2 million milk cows during the program—which resulted in a net reduction of 225,000 cows in 1984 alone. And, despite the dire predictions to the contrary, the culling of these animals did not adversely affect the market price of livestock. Similarly, the Diversion Program accomplished its goals at no additional expense to the American consumer.

At the same time, this self-help program afforded producers the highest price ever received for the milk they produced because supply and demand were in better balance. As you can well imagine, this helped to ease the net farm income crisis facing agriculture.

Regrettably, the program lasted only 15 months—not the 24 months as proposed in my original legislation—and, thus, some of its effects were not permanent. Yet, what is most interesting is that the critics of the last Diversion Program and opponents of the current proposal are the same people who insisted on having but a 15-month program. To remedy this problem in the future, the Diversion Program included in the 1985 farm bill provides for a 2-year diversion.

The 1984-85 Dairy Diversion Program was successful from several perspectives. First, it provided an effective means of reducing surplus milk production. Second. it permitted financially strapped farmers to cut their production and production costs while enhancing net income.

Last, the program allowed America's dairy farmers to show their dedication, willingness and initiative to reduce surplus milk production at their own expense.

When we consider the dairy title in the upcoming weeks, we again have the choice between price cuts and a Diversion Program. Price cuts have a history of forcing producers to buy more cows to produce more milk so that they might survive economically. On the other hand, the Dairy Diversion Program will allow the supply of milk to decline while not adversely affecting the price the farmer receives for his product.

I would, therefore, hope that my colleagues would join me in supporting a Diversion Program rather than price cuts when the farm bill reaches the floor.

TELECOMMUNICATIONS FAIR TRADE ACT OF 1985

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. MARKEY. Mr. Speaker, today I am introducing legislation which addresses our international trade hemorrhage in telecommunications equipment and services. It challenges our trading partners to open up their markets to U.S. suppliers to the same extent that our markets are open to foreign suppliers. And it makes clear that in the absence of such equal treatment, the United States will respond by conforming access to our market to match the same level of access found in the relevant foreign market.

As a member of the House Subcommittee on Telecommunications, Consumer Protection and Finance, I have grown increasingly concerned that the United States has unilaterally opened up its telecommunications markets to foreign competition without any assurance of similar initiatives abroad. We stand alone. With the possible exception of Japan, every other major trading partner continues to run its telecommunications system as a government-controlled monopoly. In Japan, significant progress has been made toward privatizing its system, but major doubts remain concerning the degree to which access will improve.

The danger signs have already been hoisted. Although trade in telecommunications equipment and services is growing worldwide, the U.S. balance of telecommunications trade has turned sharply negative. In 1981, we enjoyed a surplus of nearly $1 billion; in 1985, we are suffering a deficit of nearly $1 billion. Now is the time to act, before telecommunications becomes just one more lamb sacrificed by an administration which refuses to stand up for fair trade.

Some have noted that our current problems with trade balances are due in large part to the inflated value of the dollar. I agree. The inflated dollar handicaps all our export industries and makes imports artificially cheap. Ultimately, this problem is not expected to abate until we reduce the $200 billion Federal deficit that keeps interest rates high. That is why, as chairman of the House Subcommittee on Energy Conservation and Power, I have proposed, and the Energy and Commerce Committee has supported, a package of budget reconciliation initiatives that will result in real savings of $1 billion over the next 3 years.

But the budget deficit and the inflated dollar must not become excuses for tolerating drastic inequalities in access to telecommunications markets which make a mockery of "free trade." The United States, for all its free trade rhetoric, has adopted policies which have simply encouraged the continuance of protectionist practices. By virtually declaring that we will never retaliate against closed markets, this administration has invited our trading partners to play us for a chump. This must stop.

My bill, which is similar to a bill already reported favorably by the Senate Commerce Committee, includes the following key provisions:

Make "substantially equivalent access" the explicit goal of U.S. telecommunications trade negotiations;

Require the U.S. Trade Representative to investigate and identify telecommunications trade barriers which deny U.S. companies "substantially equivalent access" abroad;

At the end of 1 year, require the President to correct any remaining imbalance in competitive opportunities, using any of a series of remedies, including duty increases, restrictions on registration or approval of equipment, government procurement authorities and other.

Without such an approach, we have no hope of defeating protectionism and restoring free trade. I urge all my colleagues to join the fight for free trade, in telecommunications markets and elsewhere, by insisting that provisions like the ones I am introducing today be enacted by Congress before the end of this session of Congress.

NEW ZEALAND SEES THE LIGHT ON U.S. SHIP VISITS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BROOMFIELD. Mr. Speaker, I am delighted to share with the Members an article concerning the Government of New Zealand's encouraging announcement concerning U.S. ship visits to that country.

According to the recent news report, the Government of that country will not ask the United States to confirm or deny whether nuclear weapons are present on visiting U.S. ships.

I welcome this good news and believe that it is an important first step in getting relations between our two nations back on track. We all understand the growing strategic importance of the Pacific region and America's expanding security and economic ties with that vital region. Let us hope that our negotiators will be able to work out any remaining problems with the Government of New Zealand in the interest of promoting peace and stability in that critical region of the world.

I am certain that my colleagues will join me in hoping that this initial indication of better ties with our traditional ally, New Zealand, will be fruitful and that mutually beneficial efforts between our two nations will continue.

[From the Washington Post, Sept. 13, 1985]

NEW ZEALAND SHIFTS STANCE ON U.S. NUCLEAR SHIP VISITS

WELLINGTON, NEW ZEALAND.—Prime Minister David Lange, moving to heal a rift in a defense pact, said yesterday that New Zealand will tell the United States it does not have to specify whether visiting U.S. warships are nuclear-armed or powered. United States International reported.

[In Washington, a source familiar with the situation termed Lange's statement accommodating: "The government won't ask the United States to breach its policy of neither confirming or denying the presence of nuclear weapons on U.S. ships. It leaves the question of nuclear arms to New Zealand's own assessment."]

Lange told a news conference that Deputy Prime Minister Geoffrey Palmer plans to

invite a U.S. warship to visit when he speaks with Secretary George P. Shultz in Washington next week about New Zealand's pending legislation on its antinuclear policy and the resumption of ship visits.

Washington cut defense ties with New Zealand after Lange's Labor government blocked a U.S. visit in February.

H.R. 2385, FEDERAL TRADE COMMISSION REAUTHORIZATION

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. WALGREN. Mr. Speaker, I want to express my support for H.R. 2385 to authorize the Federal Trade Commission to continue its efforts to protect competition in the marketplace and to protect the consumer. At my urging, the Energy and Commerce Committee, which developed this bill, added two provisions directing the Federal Trade Commission to conduct studies of unfair and deceptive practices in the life care and nursing home industries.

By specific language in the bill, the FTC is directed to examine an area where attention is long overdue—housing and health care for the elderly. Joining a retirement community and making arrangements for health care are several of life's most significant and difficult decisions; protecting elderly consumers in the area of housing and health care should be one of Government's greatest priorities. The bill before us recognizes this by including my amendments that require the FTC to do studies of unfair and deceptive practices in the nursing home and life care industries.

NURSING HOME STUDY

The Federal Trade Commission has been doing some exploratory work on the nursing home industry for some time. My amendment requires that this work be completed in one year with a report to Congress and requests an assessment of the need for an industrywide rulemaking.

In the area of nursing homes, most studies and congressional attention have focused on the physical quality of care, certainly an important area. In this bill, the FTC is directed to examine unfair and deceptive practices. Several reports have revealed problems such as inadequate cost disclosures, oppressive billing practices, misuse of residents' funds or personal property, undisclosed and arbitrary discharge policies, unfair and deceptive contract provisions, and inadequate disclosure of services prior to signing contracts. Former FTC Commissioner Elizabeth Dole has said:

> * * * Certain nursing home admission agreements [as well as other business practices] contain a host of unfair and abusive provisions which literally invite scrutiny under Section 5 [of the Federal Trade Commission Act] * * * I strongly suspect these provisions contribute substantially to the deplorable conditions which some nursing home operators tolerate in their facilities * * *.

LIFE CARE STUDY

Life care, also known as continuing care, is a contractual arrangement under which a person usually pays an entry fee on average $40,000—and a monthly fee—$300 to $1,200—in exchange for living quarters, health care and other services for the duration of one's life. In a life care community, residents receive housing, meals, services such as cleaning, recreation, and health care, including nursing home care. Life care is a $3 billion commercial enterprise today and growing; 60 percent of people retiring today could probably afford life care. For those who can afford it, it offers a very comforting living arrangement of one's golden years.

NEED FOR STUDY

Scrutiny of these consumer transactions is warranted for several reasons. The individuals involved are probably the most vulnerable in our society. They are purchasing very expensive services at a time when they must urgently provide for their needs and are perhaps easily convinced. In some cases, they have to move quickly. Additionally, they literally do not have the time to resort to judicial relief—usually a lengthy process—if abused.

In the case of nursing home transactions, purchasers are usually not in a position to "comparison shop" and thus do not have the "normal protections" of the free market. Families are coping with the emotional and practical trauma of putting a parent or spouse into a nursing home. We cannot rely on the traditional "buyer beware" model of the market to insure a sound and fair purchase.

The life care transaction is unique because of both the nature and magnitude of the transaction: People give all to get all. Many put their entire life-time resources into their contract, trusting that they will be cared for for life. They literally are in the position of playing "you bet your life."

Because of the size of the transaction, the potential for misunderstanding and risk are great. Life care proprietors control large sums of money and could have as much as $7 to $12 million on hand before opening the facility. Since it is often difficult to estimate life expectancy and health care costs, financial projections often do not match reality. As a result, residents can be left in very vulnerable positions—with little security, insurance or equity, if financial difficulties occur. Problems in the life care industry have been examined in hearings of the Senate Special Aging Committee, the April 1985 Money magazine, the Wall Street Journal, Forbes magazine, and others. The need for review by the FTC is compelling.

In both these areas, public funds are widely used. Medicare and Medicaid benefits are often the basis of arrangement for health care. The public deserves the reassurance that public funds are properly spent, as of course, does the beneficiary.

In my view, Congress, by adopting these provisions, can take an important step in helping to direct the Commission into an area of critical importance to individuals and to our society. Given the human dimension of the problem and the vulnerability of the individuals involved, this area may represent the ultimate need for consumer protection. I hope the Senate and the President will not hesitate to support these provisions.

POLYGRAPH PROTECTION ACT OF 1985

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. GALLO. Mr. Speaker, I have recently joined many of my colleagues as a cosponsor of H.R. 1524, the Polygraph Protection Act of 1985. It is estimated that each year at least 50,000 workers are wrongfully denied employment because they refuse to take polygraph tests or because of the inaccuracies in the tests when they are administered incorrectly.

H.R. 1524 simply prohibits the use of truth verification devices in the workplace. I have cosponsored this bill in an attempt to prohibit individuals from being denied employment unfairly or having their privacy invaded.

I would like to point out, however, that there are certain industries whose responsibilities merit an exemption from this legislation. In particular, I strongly recommend and support an exemption from this legislation for the security industry.

For instance, Wells Fargo Armored Service Corp., Wells Fargo Guard Services, Burns International Security Services, and Baker Industries operate in 44 States, employing over 39,000 people. These companies' armored cars service the Federal Reserve, the Bureau of Engraving, and financial institutions nationwide.

On any given day, Wells Fargo and Burns International will handle $1 billion.

Statistics show that more than 65 percent of total losses in the armored car industry are the result of internal theft.

Under these circumstances, it is appropriate that security companies be permitted to use trained examiners to administer polygraph examinations in applicant screening, periodic testing, and with reference to specific events.

Congress has already recognized situations where the use of polygraph tests are appropriate. The DOD appropriations bill has been amended to require polygraph exams for those individuals whose duties involve access to classified information.

The aim of this legislation is laudable: to protect the right of privacy and protection of the individual as guaranteed in the Constitution. However, this bill is not perfect. An exemption for certain industries, particularly when the public trust is involved, would move it closer to the realm of legislative perfection.

I hope that my fellow cosponsors of H.R. 1524 will join me in urging such an amendment.

SIXTH MARINE DIVISION

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BILIRAKIS. Mr. Speaker, this week in Clearwater, FL, a very special group of patriots is holding its annual reunion.

The 6th Marine Division was first activated on Guadalcanal, British Solomon Islands on September 7, 1944. From September 1944 until March 1945 the 6th Marine Division trained on Guadalcanal for its first and only combat operation, Okinawa. All units were awarded the Presidential Unit Citation for extraordinary heroism in action against the Japanese forces during the assault and capture of Okinawa; April 1-June 21, 1945.

Returning to Guam, the division immediately started to train for the invasion of the Japanese homeland. It was at this time that the war ended. The 4th Regiment went to Tokyo Bay for the occupation of the Yokosuka Naval Base, and the rest of the division went to Tsingtao, China, to effect the surrender of the Japanese on Shantung Peninsula.

The 6th Marine Division remained at Tsingtao, China, as an occupational and repatriation force until deactivated on April 1, 1946. The "Striking Sixth' had the unique record of being the only American division that never served in the United States. In body, the "Striking Sixth" was dead. In spirit, it will live forever in the memories of thousands who had served and fought in Melanesia, Micronesia, and the Orient.

In 1970 the Sixth Marine Division Association was formed to pay tribute to the uniqueness of the "Striking Sixth." It also provided them the opportunity to rekindle friendships and recall memories through their annual reunion such as the one held this week in Clearwater.

Mr. Speaker, it is my honor that these men are meeting in Florida's Ninth Congressional District. May this entry in the CONGRESSIONAL RECORD reflect the heartfelt thanks from a grateful and free nation.

REAR ADM. THOMAS S. MADDOCK, TWICE A CITIZEN

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BADHAM. Mr. Speaker, on September 30, 1985, after more than 33 years of service to our Nation and to the U.S. Naval Reserve, Rear Adm. Thomas S. Maddock will retire. He is currently serving as the commander of the Reserve Naval Construction Force and commander of the 1st Reserve Naval Construction Brigade.

The brigade consists of 9 Reserve naval construction regiments, 17 Reserve naval mobile construction battalions, 4 Reserve naval construction force support units, and 13 construction battalion hospital units throughout the United States. With more than 17,000 officers and enlisted reservists, the brigade is the largest single command in the naval Reserve. These are commissioned units highly trained, hardware equipped, self-sufficient, combat ready, prepared to deploy anywhere in the world in response to contingency construction requirements in the early days of any conflict.

In addition, Rear Admiral Maddock administers the Reserve Division, Naval Facilities Engineering Command and the assistant chief of staff for construction management of the Commander in Chief, U.S. Naval Forces Europe. The Reserve division stands ready to augment the military staffing of the Naval Facilities Engineering Command and bring it to wartime manning levels and production capabilities. The assistant chief of staff for construction management is unique in that it is a wholly reserve staff organization functioning on a daily basis as an integral part of an active duty command—the only such operation in the U.S. Navy. These units, together with the brigade, comprise the triad that is the Reserve Naval Construction Force.

The Navy Seabees have a long history and rich tradition as a highly efficient "Can Do" organization. They have served our Nation with distinction and honor since the early days of World War II. Rear Admiral Maddock has continued and built on that history and tradition, significantly improving the mobilization readiness, morale and prestige of the Reserve Seabees.

Today, there is a resurgence of pride in serving our country and it is most fitting to recognize these contributions. I am pleased to call attention to Rear Admiral Maddock's years of dedication to the cause of our national defense. Rear Admiral Maddock was commissioned in the Navy Civil Engineer Corp in 1952, and served on active duty with the Seabees in the Philippine Islands and then at Marine Corps Air Station, El Toro, CA. After joining the Naval Reserve in 1957, he served in a variety of positions with ever-increasing challenges and responsibilities. His command positions have included commanding officer of Reserve Naval Mobile Construction Battalion 17, Port Hueneme, CA (selected as "best of type" in 1969); commander, 1st Reserve Naval Construction Regiment, Los Alamitos, CA; chief of staff for the Reserve Naval Construction Force, Kansas City, MO, and assistant chief of staff for construction management, commander in chief, U.S. Naval Forces Europe, London, United Kingdom. He was selected and promoted to rear admiral in 1981 and assumed command of the Reserve Naval Construction Force in September 1983.

His awards for accomplishments in the Naval Reserve include the Navy Commendation Medal, the Meritorious Service Medal, and the Legion of Merit. The latter award was for his performance as the assistant chief of staff for construction management, U.S. Naval Forces, Europe.

During his tenure as commander, Rear Admiral Maddock personally initiated great improvements in the Reserve Naval Construction Force. Under his leadership, the force was awarded the Golden Helm Award for achieving the highest level of personnel retention in the entire Naval Reserve. He also directed a paperwork reduction program that produced a 70-percent cut in report requirements for field units, saving almost 71,000 man-hours and freeing almost 370 men for mobilization training every year.

Rear Admiral Maddock has taken many steps to significantly increase the combat mobilization readiness training of the Reserve Naval Construction Force. He implemented a schedule of mobilization exercises, both by air and by sea, that involved all five armed services. He initiated joint training exercises with both active duty and reserve Marine Corps units and greatly increased the number of reserve Seabees deployed to U.S. bases overseas to construct vital support facilities and improve the quality of life for servicemen and women stationed there. These accomplishments will be of crucial importance if we ever have to mobilize to defend threats to our freedom.

It has been my privilege to know Tom Maddock and observe his strength, credibility and effectiveness as a leader while commanding the Reserve Naval Construction Force. His superb leadership, incisive perception, and brilliant planning have led the Reserve Naval Construction Force to new plateaus of readiness and responsiveness. The Reserve Naval Construction Force, under his leadership has become one of the most mobilization-ready forces in the Naval Reserve and is acknowledged to be on an equal footing with its active counterparts in the Naval Construction Force. He has worked equally hard to ensure that the public was aware of the accomplishments of the Reserve Seabees, their vital role in the Naval Reserve, and the tremendous asset they represent to the Nation.

In civilian life, Rear Admiral Maddock is president and chief executive of Boyle Engineering Corp., headquartered in my district in Newport Beach, CA. Boyle is one of the largest U.S. engineering firms working on major projects both domestically and internationally. Rear Admiral Maddock is nationally recognized for his technical expertise and is frequently an expert witness on engineering matters. He is a leader in professional societies such as American Society of Civil Engineers and Society of American Military Engineers, and has authored and published numerous technical papers.

Mr. Speaker, I take great pleasure in honoring this great American and in bringing to the attention of the Congress of the United States his substantial contributions to the welfare of our Nation. His accomplishments in the Naval Reserve and in civilian life indeed merit, in the words of the great statesman, Sir Winston Churchill, the accolade "twice a citizen." I am sure that my colleagues join me in wishing Rear Adm. Tom Maddock continued success in all his endeavors and congratulate him on

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the completion of a remarkable and highly successful naval career.

TRIBUTE TO DOMINIC MAIESE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues an outstanding public official and resident of Winslow Township, Camden County, Dominic Maiese. Born in 1919, Dominic Maiese is a life-long resident of Winslow Township, and has always felt a deep sense of concern and appreciation for his community, as well as his fellow man.

It is because of this deep sense of concern and commitment that Dominic first became involved with government. His concern for the quality of public education led him to become active in the operation of the school district.

This same sense of concern for working people led him to become involved in the trade union movement. In 1946, Dominic was elected president of Local 56 of the Industrial Union of Marine and Shipbuilding Workers of America, a position to which he has been reelected ever since. In 1949, Dominic was elected to the union's general executive board, and he is vice president of the South Jersey Council, as well as a national representative of the Ship Workers Union.

Yet, despite all other accomplishments, Dominic Maiese is best known by everyone as the mayor of Winslow Township. First elected to the office in 1961, Mayor Maiese has served Winslow continuously for 24 years. In that time, he has become one of the most respected municipal leaders in the State of New Jersey, and one of the most beloved people in Winslow. During his tenure as mayor, Winslow Township has made outstanding progress, a progress which residents have enjoyed without the burdens of a local purpose tax. Mayor Maiese's interest in education has kept the quality of the schools high. Clearly, the people of Winslow owe a great debt of gratitude to Mayor Maiese.

Now, after 24 years of leadership and service to Winslow, Dominic Maiese is retiring from public life, and will begin a well-deserved retirement. The same sense of commitment which Dominic has brought to public life can now be fully devoted to his family. His loving wife Stella, sons Ron and Tyrone, and six grandchildren have been a great source of support, pride, and love for Dominic, and I know he is looking forward to spending more time with them.

On Friday, September 20, Dominic Maiese will be joined by his family and hundreds of friends at Auletta's Caterers in Almonesson, in paying tribute to the years of love and commitment which he has given to his family, community, and friends. I am pleased to take part in this tribute, as Dominic truly has been a friend over the years, and I will always appreciate that friendship.

Mr. Speaker, I am sure that my colleagues will join me in thanking Mayor Dominic Maiese for his lifetime of commitment and service to his community, and in wishing him a long, healthy, and enjoyable retirement.

AMERICAN FOOTWEAR INDUSTRY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. GOODLING. Mr. Speaker, today I am introducing a bill which provides for relief for the American footwear industry. This industry is in dire straits, due to a market intrusion by imports of 72 percent in 1984.

Since President Reagan has not seen fit to uphold the decision of the International Trade Commission, I have incorporated the ITC's recommendations in my legislation. In fact, the only major difference between my legislation and the International Trade Commission's recommendation is that my quota is based upon a percentage of estimated market, rather than a straight numerical quota. I feel that this method is fairer to both our domestic footwear producers and importing countries, because a sliding percentage will not be effected by a change in the size of the market, as would a numerical quota.

I feel this legislation provides a fair and equitable solution to our domestic footwear industry's desperate plight. I am certain that the measures provided in my legislation will allow our industry to return to a robust state of operation.

BISHOP TUTU

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BROOMFIELD. Mr. Speaker, I was keenly disappointed at South African Bishop Tutu's assertion that President Reagan's carefully considered and constructive Executive order somehow demonstrates that the President is "a racist pure and simple." That outrageous charge is clearly unwarranted. It calls into question the judgment of a heretofore respected member of the clergy who has taken upon himself the burden of apparent spiritual and moral leadership in this tragic period of increasingly bloody social and political confrontation in South Africa.

Even the Washington Post, in a recent editorial, calls Bishop Tutu's inflammatory insult unfair. The Post editorial notes as a mitigating factor for this lapse of fairness that the bishop is a man caught up "in the heat of combat on the front line." I suppose we have to take that into account, but it is clear that the kind of rhetorical excess which the bishop's name calling represents is more likely to further inflame the situation in South Africa and to promote a climate of violence instead of justice. Perhaps the most ironic aspect of this is the bishop's own recent experience with being the target of inaccurate derogatory personal comments from another clergyman caught up in the high emotions of the environment in South Africa.

Of course, I am speaking of Reverend Falwell's remarks referring to Bishop Tutu as a "phony," a far less objectionable allegation than Bishop Tutu's attack on President Reagan. In that case, however, after the emotions of the moment had passed, Reverend Falwell had the courtesy to, in effect, apologize for his hasty words.

Certainly Bishop Tutu is a dedicated man of principle as evidenced by his Nobel Prize and instances of personal courage where he has intervened to save individual black South Africans from being murdered by enraged mobs. I sincerely hope that after he has had some time to reconsider the unjustified epithet which he cast at President Reagan, the bishop will vindicate his reputation for dedication to the principle of fairness by extending to President Reagan the apology which he is due.

IN RECOGNITION OF JAMES L. CAREY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. FORD of Michigan. Mr. Speaker, I would like to bring to the attention of my colleagues in the House a young man who has reached a position of accomplishment and leadership at the age of 18. The young man to whom I refer is James L. Carey of Dearborn Heights, MI.

On August 10, 1985, Mr. Carey was elected and inducted as State master councilor for the jurisdiction of Michigan, International Order of DeMolay. DeMolay is a youth organization sponsored by free and accepted Masons and other Masonic bodies. The goal of DeMolay is to build confidence as well as good leadership skills and citizenship.

Mr. Carey's many achievements inside the classroom include a high grade point average and election to the national honor society. In DeMolay, Mr. Carey is a recipient of the Representative DeMolay award and a nominee to the Order of Chavalier, the highest honorary award an active member may receive.

It is very fitting that I call this outstanding young individual to the attention of my fellow House Members today. It is very satisfying for me personally, and I know that all my constitutents in Michigan's 15th Congressional District join me in congratulating James Carey. Tomorrow's leaders are today's youth. Young people such as Mr. Carey should make Americans secure in the knowledge that the future of this country is bright.

THE STRIPED BASS REAUTHORIZATION ACT OF 1986

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. STUDDS. Mr. Speaker, I am today, along with Representative JOHN BREAUX, chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, introducing legislation to extend for 2½ years the provisions of the Atlantic Striped Bass Conservation Act. The purpose of this bill is to encourage continued action by the Atlantic Coast States to protect the striped bass, and to make possible the restoration of that species to its historic status as one of the most important commercial and recreational fisheries in the United States.

This legislation would extend the authority of the Secretary of Commerce to declare a moratorium on fishing for striped bass in any State that fails to meet its obligations to the Atlantic States Marine Fisheries Commission [ASMFC] to restrict fishing for the species. The bill would also extend for 2 years the striped bass emergency study currently being conducted by the National Marine Fisheries Service and the Fish and Wildlife Service. The study is needed to obtain the best possible scientific information concerning the status of the striped bass, and to discover the extent to which fishing restrictions and other remedial actions are having a positive effect on the health of the species. Finally, the bill would correct a technical problem with the existing statute by specifically recognizing the regulatory authority of the Potomac River Fisheries Commission and the District of Columbia over waters within their jurisdiction.

The Atlantic Striped Bass Conservation Act, approved by Congress last fall, has been a success. Its purpose was to encourage State governments to meet, in full, their obligation to comply with guidelines approved by the ASMFC to restrict fishing for stripers. It sought to achieve this goal by authorizing the Secretary of Commerce to impose a moratorium on fishing in any State that failed, in the judgement of the ASMFC, to comply with these regionally-approved standards. I am pleased to note that the record of compliance has thus far been excellent, and that it has not been necessary for the Secretary to use his authority to declare a moratorium on fishing in the waters of any State.

Despite the high level of cooperation from the States, it is obvious that restoration of the striped bass will be a long term proposition. The combined commercial and recreational catch of the striped bass is only 10 percent of what it was 20 years ago. This past May, the emergency striped bass study released a report indicating that bass stocks remain dangerously low, and that overfishing, habitat pollution, and acid rain have all contributed to the problem. The ASMFC has responded by adopting a series of amendments to its earlier striped bass restoration plan that will further restrict fishing in the months ahead. A major goal of the new guidelines is to protect female stripers of the relatively abundant 1982 year class, in order to guarantee their survival to spawn. Extension of the Striped Bass Conservation Act will encourage full compliance with these new regulations.

The approach taken in current law represents a compromise between those favoring an immediate and total federally-imposed ban on striped bass fishing, and those who are opposed to any Federal role in managing a species found primarily in waters subject to State jurisdiction. The Striped Bass Conservation Act, as well as the new legislation intended to extend its provisions, recognize the primary role of the coastal States and the ASMFC in managing stocks of striped bass. This organization is made up of representatives from all Atlantic Coast States, and its recommendations stem from deliberations carried out entirely at the State and regional level. The adoption of a Federal striped bass conservation law was required to provide the enforcement authority necessary to guarantee compliance with the ASMFC recommendations. It does not call for Federal management of the species, nor is it intended to undermine in any way the principle that State institutions are entitled to manage species under their jurisdiction.

It is obvious that no restrictions on fishing for striped bass can be adopted without resulting in some short term economic loss to commercial fishermen. But the purpose of these restrictions, in the long run, is to restore the health of a species of immense commercial value. It must be recognized that the failure to protet the striped bass would be folly, and that no benefit—economic or otherwise—will be derived from the species if its decline is permitted to continue.

I was pleased by our ability last year to construct a bipartisan coalition of Members from both the House and the Senate in support of action to protect the striped bass. I hope that this coalition can be recreated to ensure the extension of these protections for an additional 30 months.

WHAT THE SANDINISTAS SAY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. COURTER. Mr. Speaker, nearly 20,000 Nicaraguans, many of whom are operating on their own soil, are battling Sandinista army and militia forces. Last week, Nicaraguan lawyers told the World Court that American support of this resistance movement constitutes "state terriorism" and violates international law.

It is fascinating to see the Sandinistas gettting so gun shy.

A year ago Tomas Borge, the man who controls the Nicaraguan police—albeit with Cuban, Soviet, Bulgarian, and East German help—was in Tripoli proclaiming that "Even before the triumph of the Nicaraguan Revolution, we received the solidarity of the people of the Libyan Jamahiriya * * *" and "Our friendship with Libya is eternal." Colonel Qadhafi reciprocated as follows: "Libyan fighters, arms, and backing to the Nicaraguan people have reached them because they fight with us."

Four years earlier, in 1980, when there were already PLO-controlled guerrilla training camps in Nicaragua, and Sandinistas had already fought beside Palestinians in the Middle East, Borge exchanged similar plaudits with Yasser Arafat. He declared "We say to our brother Arafat that Nicaragua is his land and the PLO cause is the cause of the Sandinistas." The following day Arafat answered: "The triumph of the Nicaraguans is the PLO's triumph."

Borge specifically mentioned the participation of foreigners in the Sandinista revolution when he spoke on its second anniversary. And in North Korea he went so far as to say that "the Nicaraguan revolutionaries will not be content until the imperialists have been overthrown in all parts of the world."

Many other Sandinista officials have said many similar things. So whatever the Sandinista lawyers might be saying at The Hague, Americans should keep something in mind: It's not that the Sandinistas disapprove of armed insurrection; it's that they only countenance the totalitarian varieties.

SALUTE TO THE FOURTH ANNUAL "PROJECT LIFEBOAT" IN ORANGE COUNTY, CA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. DORNAN of California. Mr. Speaker, today I rise to call my colleagues' attention to a very special event that will be held on the 28th of September in Garden Grove, CA. I am speaking of the "Fourth Annual Project Lifeboat," a once a year cultural/musical show to raise money for funding of mercy ships to rescue boat people from the South China Sea.

The idea of organizing a charity event to raise money to help the boat people is highly commendable. As with the recent Live Aid fundraising concert for hungry Ethiopians, Project Lifeboat is a beautiful outpouring of compassion by fellow human beings in one part of the world to those much less fortunate in other areas. Now, in its fourth year, Project Lifeboat will again echo the true sentiment of all free men—the desire to break away from the iron grip of Communist oppression.

Under the auspices of the Boat People S.O.S. Committee, a national organization established by Vietnamese educators and scholars, the event is coordinated by hundreds of college and high school students. Many notable Vietnamese singers, actors, and performers will also donate their theatrical talents to this humanitarian cause. The famous names will attract thousands

of Vietnamese, as well as Americans, to come see the show and better understand the plight of the boat people.

In the past months, student volunteers have distributed thousands of fliers and notices across southern California to get the word out to the people. The committee will continue to hold periodic press conferences to give reports of progress. To date, donations have reached close to $70,000, but hopes are high to raise much more. Indeed, the contributions collected at this upcoming event will be the icing on the cake. Every dollar contributed will boost the chances of a refugee being saved from Thai pirates and the treacherous waters of the South China Sea. For some of these refugees, the fate of freedom or death on the high seas is directly dependent on donations from the States.

The proceeds will be entrusted to Medicins du Monde, a physicians' league in Europe which sponsors ships to assist stranded vessels. The money is used for gasoline, oil, crew salary, food rations, rent, and maintenance of the *Jean Charcot*, a ship of mercy chartered to patrol in the South China Sea. Also, a portion of the proceeds will be donated by the Boat People S.O.S. Committee to orphans in various orphanages in Southeast Asia. The focus of time and money volunteers and benefactors devoted to this upcoming event is in itself a triumph. It is a symbolic victory of faith over the adversities of fear and hoplessness.

Mr. Speaker, the Vietnamese boat people and the little orphans will be much comforted when they realize that we, as a constitutional body of representatives of the greatest democracy on Earth, strongly believe that freedom is not a privilege, but an inalienable right possessed by all men. For the Vietnamese boat people, the perilous sea journey in search of freedom is costing them dearly, on occasions paid for with the price of their very lives. Yet, hundreds of thousands of Vietnamese every year risk their own lives on rickety river boats for the simple fact that they cannot coexist with the Communists and the Godless ideology.

As a staunch ally during the Vietnam War, the U.S. Government has a special relationship with South Vietnam and its citizens. In our Nation's short history, we have never sacrificed so many young men for another country as South Vietnam with such a sad outcome. Arm in arm, our GI's and the South Vietnamese military forces fought and died together for the same democratic ideals. And let us not forget that 10 years after the U.S. Congress abandoned them, they are still, in moral principle, our allies. The Vietnamese people are our friends because they intimately share with us the belief that democracy is worth defending, and that communism is inherently inhumane and evil.

The theme of the "Fourth Annual Project Lifeboat" is a tribute not only to the boat people, but to all people who constantly live in the dark shadows of hunger, suppression, and humiliation. The spirit and dedication the Vietnamese exhibit in this noble cause touch the hearts of all Americans. Their unselfish efforts highlight the true character of this Nation as a good samaritan.

Mr. Speaker, I appreciate this opportunity to salute the success of the "Fourth Annual Project Lifeboat," and to commend all the Vietnamese who have made it possible. In essence, this momentous event represents America's true purpose and that of all freedom-loving people—the championing of democracy.

THE NUCLEAR POWER PLANT SECURITY AND ANTI-TERRORISM ACT OF 1985

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BROOMFIELD. Mr. Speaker, today I have introduced the "Nuclear Power Plant Security and Anti-Terrorism Act of 1985," which is badly needed legislation. For far too long, our country has been lax about conducting personnel security checks at U.S. nuclear plants. So far, we have been very lucky. We have not had a terrorist act perpetrated by an individual with access to a sensitive nuclear facility. This proposed act closes the door by requiring checks of all personnel working at nuclear facilitites.

This act better protects our national security by allowing access to certain Federal records. By amending the Atomic Energy Act, the legislation requires that all individuals having unescorted access to nuclear facilities be fingerprinted. The Department of Justice will provide the appropriate criminal record checks using these fingerprints.

This legislation is designed to protect the American public and our national security from those who might resort to terrorism while having access to a sensitive nuclear facility. The potential for a major terrorist act against the United States is enhanced by the existing practice of giving unscreened personnel access to nuclear facilities and nuclear material.

While we have yet to experience a terrorist incident involving a nuclear facility, we are waiting for a disaster to happen if we continue to allow basically unscreened personnel to work in sensitive facilities. Domestic terrorism is a possibility we cannot ignore. Today's terrorists are tough and sophisticated. This is why this legislation is both timely and necessary. A nearly identical bill was recently introduced in the Senate by Senator DENTON with bipartisan support. I urge my colleagues to support this legislation.

CONTRACT SAVINGS ACT OF 1985

HON. ROBERT F. (BOB) SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. ROBERT F. SMITH. Mr. Speaker, I take great pleasure today in introducing with my friend and colleague from Texas, Mr. STENHOLM, the Contract Savings Act, legislation that could—as the least of it benefits—save this Government more than $1 billion yearly.

I realize that many in this Chamber will have a hard time believing that a $1 billion savings can be discounted as the least benefit of proposed legislation. But in this case, Mr. STENHOLM and I are even more excited about the the private sector job opportunities that will be created, the significant improvement in quality and cost-effectiveness in Government work which will result, and the long-term benefits to the free enterprise system which fuels this Nation's economy.

The idea is simple: a broader reliance on America's private businesses for the services and properties needed by Government will save money. It saves on the costs of doing those chores today and returns even far greater savings in future years.

In a very real sense, though, the key to broad success of this legislation lies in a concept that is among the most deeply-engrained in the history of this Nation: competition.

America has grown strong because it has encouraged the growth and strength of its private enterpreneurs. The free enterprise system nurtured by more than two centuries of American Government has sparked a continual search for a better way, and rewards those who find it with profits—taxable profits, I might add. That search is called competition.

Free and open competition has served to improve products and services while keeping costs down. At the same time, the pressure of a competitive marketplace gives vitality to those who can make a better product or cut the costs of that product and it weeds out those who cannot.

Throughout history the Federal Government has dedicated itself to removing barriers to the free enterprise system that feeds both the Nation's families and the Nation's treasury. We've stood in the path of domestic monopolies and unfair foreign predators.

But in the last half-century, we've allowed an erosion of the competitive edge in the free enterprise system by the most unlikely, most insideous element: ourselves.

Today, many American private businesses recognize that their greatest biggest competitor is the Federal Government itself. The Contract Savings Act of 1985 recognizes that fact and seeks to offer a remedy: to save by broadly expanding the use of competition and private business to improve the quality and cut costs of similar work now done in-house by the Federal Government.

Mr. STENHOLM and I are first to admit that the key principle of our legislation may qualify as one of the oldest new ideas to be offered in the 99th Congress. The disadvantage of that kind of admission is that we can't claim to be geniuses. I think we can live with that.

But the advantage of bringing an old idea to new form is that there's a veritable flood of evidence to demonstrate that the idea is valid and to the new form is needed.

For proof of the idea's value, we need to look at the experiences of the Government since 1955. The agency that was to become the current Office of Management and Budget [OMB] said Government should rely more on the private sector to fill Government needs. Efforts to implement that policy have since been consolidated under OMB's "Circular A-76."

Allow me to stop right here for an important aside. Over the years, the term A-76 has grown a variety of identifying warts and bumps whose appeal is in the eye of the beholder.

To private business, A-76 is a referee; to many Government workers—and today there are more than 16 million of them at all levels of Government—A-76 is a threatening ogre.

To those who would objectively assess the value of its accomplishments and the potential of its promise—the Congressional Budget Office and General Accounting Office to name only two—A-76 is a good fairy, a beneficial phantom that seems to do good things when and where it appears.

Regardless of political affiliation, over the years the agencies which have looked at A-76 applications have universally said that it works. It saves money, it creates new tax revenue, it expands private sector jobs and it improves the product of Government. But the problem with A-76 is that it's still, after 30-years of use, only a suggested practice.

Time and again—right up to the Grace Commission and the GAO's assessment of its provisions this spring—agency after agency, group after group has identified A-76's major flaw: it still isn't the law of the land.

If we really want to affect the greatest savings, if we're really serious about relying on the private sector, if we really want to live up to the principle of a Government that does only what can be done by Government alone and does that in the most efficient and effective way it can be done, then the concept of competitive preference embodied in A-76 must be placed into law.

Enter the Contract Savings Act. It is legislation designed to place into law the principle of Government's reliance on competition and private sector reliance to build a better Government product.

Quickly, while the subject of perception and image is still the topic of discussion, allow me to address the three primary questions that need be answered before I would ever expect a single colleague to join Mr. STENHOLM and me on the bill.

First: will it save significant amounts of taxpayer money?

Second: will it serve the need; will it equal or improve the level of Government performance which we enjoy today?

Third, and admittedly the most volatile question: will it threaten the livelihood of significant numbers of persons now employed by the Federal Government?

Taken in order, first, the question of savings.

CBO has estimated that making full use of Circular A-76 would save this Government $1.1 billion annually. By placing every appropriate and qualifying job which is now done in-house by the Federal Government in an active and mandatory competition with private sector providers, we would shave $1 billion off the deficit.

In other words, if we took competition out of the please do category and placed it into the must do field by making it law, we'd begin to pile up savings.

This bill, however, goes CBO one better by removing one restrictive measure from the current A-76 practice.

Today, A-76 provisions create a cost competition between private businesses and Government providers. Once a task is identified as a commercial activity that could be done equally well by Government or private sector employees, both are invited to bid on the cost of doing that job. But the lowest bidder is not always the contract winner.

Today's A-76 gives the in-house Government provider an automatic, unquestioned, 10-percent advantage. If the private sector competitor can't better the in-house price by 10-percent or more, the task will remain in-house.

CBO's $1.1 billion savings estimate takes this factor into account. Mr. STENHOLM and I don't agree that savings of 1, 2 or 9 percent of a task's cost are inconsequential.

Our bill would eliminate the 10-percent differential and instruct the Administrator of the Office of Federal Procurement Policy [OFPP] to save us as much, or as little, as unbiased cost comparisons will allow.

As such, we would expect savings of more than the $1.1 billion CBO estimate.

While I'm delighted to point to estimated savings, I also realize that there are skeptics in this body who aren't impressed with anyone's estimate. They want cold, hard fact and proof where it's available.

There is plenty of that.

One of the most recent is also one of the most dramatic. It comes from an analysis of A-76 applications in everyone's favorite target, the Department of Defense. Published in the "Defense Management Journal" third quarter 1985 edition, is an analysis of DOD's commercial activity applications from early 1979 through 1984.

The article is a masterful study of the ways A-76 competitions saving money, but the statistics alone are convincing.

In that 5-year time period, the DOD conducted 1,054 competitions for military base-support functions, touching on some 35,500 jobs. In 48-percent of those competitions, the in-house, Federal workforce won the right to keep the job in-house. the remaining 52-percent was won by private contractors. What's happened since then is impressive.

On average, the Journal said, private contractors underbid the previous—in-house—cost by 21 percent. Maybe more startling, however, is the savings worked on the 48-percent of the contracts that stayed in-house simply because they went through the competitive bid process.

The cost of the same work, done largely by the same people within the Federal system was bid on average 17-percent below precompetition costs.

Overall, selection by the lowest bidder across the full range of the 1,054 competitions resulted in a 29-percent reduction in operating costs.

Remember that the savings were restricted because of the 10-percent differential which was in place, by the fact that defense activities have a larger than average percent of security-related job exemptions and by the fact that A-76 is not statutory.

Does competition save money? In answer to the first criteria, "You bet it does!"

How about question two, "Does competition help meet the needs and equal or improve the level of Government performance which we enjoy today?"

That's the easist of the three questions to answer. Whether a job is done in-house or under contract, we the Government, retain the right to decide performance criteria. We set the standards and we decide if they have been met.

The real difference between in-house and contract performance of a task, however, comes after it has been finished. It's only then that we can turn back the pages to decide if it has been done to our satisfaction.

If we're satisfied that the job has been done to our standards at a fair price, again the question of who did the job is comparatively inconsequential.

But what happens if the job wasn't done right? Who do you turn to then?

Thankfully, the satisfaction guaranteed spirit is still alive in America's private sector. If the job was done by private business, the chances are better than even that the job will be made right without additional cost.

If the job was done in-house, the story may be very different indeed. I have yet to hear of a single Government project where it didn't cost the Federal taxpayer money to fix a mistake.

It's the difference between fixing the pipes yourself or hiring a plumber. If the bathroom floods after you've done the job, you get the bill. If you hire a plumber for the job he pays for the flood repair.

Which brings us abruptly to the third question: the impact of a vastly-broadened reliance on competition and private sector contracting on the Federal workforce.

Nothing in this legislation is intended to impugn, or even question, the professionalism of the workforce of the U.S. Government. Nothing in this introduction is intended to suggest that a job can be done better by the private sector than by the Federal employee.

This bill does suggest, however, that there are greater benefits to the taxpayer, to the private sector, to the Government, and to those who are served by the Government by doing a job outside the Federal realm when the option is presented.

This isn't legislation to fire Federal employees. There is very good evidence to indicate that the experiences of Federal employees who have been touched by the A-76 process has not been particularly devastating.

For instance—going back to the Defense Management Journal—GAO recently reviewed 20 functions that Government contracted to private business during fiscal year 1983. Of the total 2,535 affected, only 5 percent, or 129 persons, had been involuntarily separated from their jobs.

Nearly three-quarters of the total found other Government jobs and many went right back to work, on the same job, for the winning contractor.

In those instances where the contract was won by the Federal employee, they returned to work with a new confidence and pride in their work, armed with incontrovertible proof that they were doing their job to the absolute best.

The answers to our three questions lead us on a path of greater savings, improved product and, most importantly, an appropriate reliance on the value of the spirit of competition which has made the private sector strong.

The Contract Savings Act will solidfy for Government, in usable law, the principles which have nurtured America's private sector.

We have tried as well to make the mechanics of the law as straightforward as the principle.

If brief, the Contract Savings Act calls on the Administrator of the Office of Federal Procurement Policy [OFPP] to create regulations, consistent with OMB circulars, to compare the costs of jobs which are still done in-house performance with private sector providers.

When outside costs are lower, the Administrator is directed to award the job to the private contractor. For the purposes of fair comparison, as I mentioned before, the 10-percent in-house advantage is eliminated and every effort is made to assure that the hidden costs of doing a job in-house are taken into consideration when costs of a contract are estimated.

While the intent of this legislation is to expand the use of private sector providers, it isn't blind to the fact that there will always be places where private business assumption of a chore is not appropriate.

The bill recognizes that certain matters and jobs which are sensitive to national security are not always appropriate for the private sector. Those jobs would be exempt from cost comparison and award.

The bill also recognizes that there are good reasons for leaving a job in the hands of an employee of the Federal Government, other than national security. But the procedure for that decision would be changed somewhat.

Current practice allows Federal agencies where private contracts are being considered to reject a cost comparison where the agency or department indicates that theirs is an inherently governmental activity, or so intimately related to the public interest as to mandate performance by Government employees.

Our bill would direct the Administrator of OFPP to review and affirm those departmental exemptions in writing and, for the first time, that decision could be appealed by private providers who feel that the decision to leave a Government position in-house is more protective than pragmatic.

The Administrator would be empowered to overturn a departmental rejection and force the job to cost comparison with private sector providers when departmental justifications are inadequate.

While it might seem that a list of jobs and responsibilities can be divided into commercial or governmental quite easily—particularly after national security exemptions have been granted—in reality the task can be far more complex.

One example of such a dispute can be found in my own home State of Oregon. It may be the Nation's longest-running argument dispute between private business and Government.

Oregon is the second-largest live plant exporting State of the Union. Those who have ordered rose bushes from firms like Jackson and Perkins, in my district, for instance, are aware of the national reputation of Oregon nurserymen.

Yet, for 80 years, commercial nurserymen have tried unsuccessfully to win the right to provide seedling trees to the U.S. Forest Service for use in our National Forest System and on other Federal lands.

For 80 years, the Forest Service has insisted that private business can't grow a tree as well as the Government grows a tree. The Forest Service continues today to operate 12 Federal nurseries around the country.

And, to add insult to injury, the Forest Service often sells those surplus seedlings from its own nurseries to large landowners, in direct competition with commercial nurserymen.

Today, using the please do approach to private contracting under the suggested guidelines of A-76, the Forest Service easily resists cost comparisons simply by saying that growing trees for the National Forest System is an inherently governmental responsibility.

By the same token, the general contracting industry throughout the United States finds itself frequently and consistently turned away from construction jobs that would be better done by private contractors.

But instead of the logical use of experienced, state-of-the-art, fully-equipped and bonded contractors who assure us of cost and specification compliance in necessary Federal construction, this Congress is turning the other way.

Actual prohibitions have been added in legislative language in recent years to prevent the use of private construction on some Federal properties such as the entire National Park System.

As a result, the Federal Government buys equipment which sits idle most of the time; it hires people who end up being part-time builders; it gets work without cost or satisfaction guarantees, inspected by the same people who do the work and done at a cost that ends up costing, well, whatever it costs.

In the construction business, particularly, Federal dollars are channeled through State and local governments doing federally assisted road or water control work where contracting with private builders should be the rule rather than the exception.

While this legislation specifically addresses Federal activities, the entire realm of federally assisted projects needs to be examined for private contracting opportunities.

More urgent than that, however, is the need to fit the spirit of improvement by competition into the full range of Federal activities.

The Contract Savings Act which we introduce today intensifies our search for budget reductions in a proven field of savings. More importantly, it pulls the reins on runaway Government even tighter, it bolsters the free enterprise system and it improves the product of Government.

I urge you to join with my colleague, Mr. STENHOLM, and me as a cosponsor of the Contract Savings Act. Thank you.

H.R. —

A bill to require the Federal Government to enter into contracts with the private sector for procurement of property and services needed by the Federal Government when any cost comparison demonstrates that the cost of such procurement from private sector sources is lower than the cost of providing such property or services by the Government, and to establish in the procurement policy of the Federal Government a greater reliance on private sector sources to provide property and services needed by the Federal Government

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Contract Savings Act of 1985".

SEC. 2. PROCUREMENT FROM PRIVATE SECTOR REQUIRED WHEN COSTS ARE LOWER.

(a) GENERAL RULE.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"COST COMPARISONS

"SEC. 24. (a) When any cost comparison carried out under regulations prescribed under subsection (b) shows that the cost of providing any property or services (or both) by the private sector is lower than the cost of providing such property or services (or both) by the Government, such property or services (or both) shall be procured from the private sector.

"(b)(1) The Administrator shall prescribe regulations to require that a comparison between—

"(A) the cost of providing property and services by the Federal Government; and

"(B) the cost of providing property and services by the private sector;

be conducted in any situation in which such property or services (or both) can be procured from the private sector. A comparison shall be conducted for each property or service which is needed by the Government after the date of the enactment of this section and which is not already provided by the private sector.

"(2) The regulations shall be part of the single system of Government-wide procurement regulations as defined in section 4(4) of this Act and may be similar to Office of Management and Budget circulars (except where any such circular is inconsistent with the requirements of this section). The regulations shall include the following:

"(A) A requirement that there shall be no cost differential in favor of performance by Government personnel or performance by private sector personnel.

"(B) A requirement that the cost estimate for Government performance shall include an estimate of indirect costs, computed on the same basis required of Government contractors.

"(C) A requirement that the cost estimate for Government performance shall include an estimate of the cost for retirement benefits provided to civil service employees, computed by the chief actuary of the civil service retirement system using a dynamic normal cost method and updated annually.

"(D) A requirement that any change in methods of performance by Government personnel (to achieve efficiency and reduce costs) that is proposed in a cost comparison must be placed into effect as proposed if the cost comparison results in a decision to continue performance by the Government personnel.

"(E) A procedure by which private sector providers of property and services may request and receive reconsideration by the Administrator of any determination made by the Administrator under subsection (c)(2), within 60 days of such determination.

"(c) This section does not apply—

"(1) in any situation in which private sector performance of a Government-operated activity (whether the activity is new or existing) would be inconsistent with national security;

"(2) to any activity which the Administrator determines in writing to be so intimately related to the public interest as to mandate performance by Government employees;

"(3) to the procurement of any property and services under title IX of the Federal Property and Administrative Services Act of 1949; or

"(4) to the conversion to private sector performance of any Government activity that involves 10 or fewer full-time positions (or the equivalent of 10 or fewer full-time positions), if fair and reasonable competitive prices can be obtained from qualified commercial sources.

"(d) Any determination made by the Administrator under subsection (c)(2) shall be reconsidered by the Administrator upon request by a private sector provider of property and services, in accordance with the procedure prescribed under subsection (b)(2)(E). Judicial reviews of the merits of a decision resulting from a reconsideration may be had in the United States District Court for the District of Columbia or the United States district court for the district in which the provider resides or in which the provider's principal place of business is located. In any such review, the facts of the case are subject to a trial de novo by the reviewing court.".

(b) EFFECTIVE DATE.—The Administrator shall prescribe the regulations required by the amendments made by this subsection as soon as practicable after the date of the enactment of this Act.

SEC. 3. DECLARATION OF POLICY.

Section 2 of the Office of Federal Procurement Policy Act is amended—

(1) by striking out "and" at the end of paragraph (12),

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof ", and", and

(3) by adding at the end the following new paragraphs:

"(14) applying principles that are accurate, fair, and impartial when comparing the costs of alternative sources of property and services;

"(15) relying on private, for-profit business sources to provide property and services to the Federal Government through an open and competitive bidding system in order to stimulate overall economic activity and thereby provide an additional return to the public in the form of taxes; and

"(16) relying to the maximum extent possible on private sector sources to provide property and services needed by the Federal Government.".

TREASURY II, AND ITS IMPACT ON CALIFORNIA'S SAVINGS INDUSTRY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. ANDERSON. Mr. Speaker, last month I received correspondence from Mr. W. Dean Cannon, Jr., president of the California League of Savings Institutions, which discusses the President's tax reform plan (i.e. Treasury II) and its impact on California's savings industry.

According to Mr. Cannon, "if the Treasury II proposal are incorporated into a tax bill, the effect will be to dissuade savings institutions from fulfilling their obligations as specialized financial institutions. In essence, such a tax policy would remove incentives for us to specialize in home finance."

As we continue the debate on general tax reform and simplification, I hope my colleagues will review Mr. Cannon's remarks on this important issue. The text of his correspondence follows.

CALIFORNIA LEAGUE OF SAVINGS INSTITUTIONS,
Los Angeles, CA, August 19, 1985.

Hon. GLENN M. ANDERSON,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ANDERSON: As the House Ways and Means Committee takes up tax reform, I am writing you to express our concern about five provisions of the Treasury II proposal that would adversely affect California savings industry.

As you know, the Treasury's proposal sets out to deliberately remove certain incentives from the tax code, while preserving or expanding others. Special incentives accorded the home finance industry are among its targets.

We do not quibble about the need for a fairer or simpler tax system. However, the Treasury's proposal creates an immediate tax burdern of more than *$1 billion for California's savings industry,* virtually wiping out its tangible net worth. We think it is inequitable and untimely.

I invite you to review the enclosed background paper and to urge your colleagues on the Ways and Means Committee to consider this aspect of the Treasury II proposal carefully.

The thrift industry is essentially being tugged in two directions by Congress. We concur with the direction set forth by the House Banking Committee, which would establish a "qualified thrift lender" test for savings institutions. On the other hand, if the Treasury II proposals are incorporated in a tax bill, the effect will be to dissuade savings institutions from fulfilling their obligations as specialized financial institutions. In essence, such a tax policy would remove incentives for us to specialize in home finance.

We believe that the Treasury II proposals are simply premature. We urge you to call on your colleagues to defer any action on these provisions until Congress can address the larger question of the future of financial institutions and then determine the most appropriate method for taxing thrift institutions consistent deregulation and the charge our industry receives from Congress.

Sincerely,

W. DEAN CANNON, JR.,
President.

TREASURY II—A THREAT TO SAVINGS INSTITUTIONS AND TO THE NATIONAL PRIORITY FOR HOUSING

POSITION STATEMENT OF THE CALIFORNIA LEAGUE OF SAVINGS INSTITUTIONS

A matter of priorities

A nation's tax policy is perhaps the surest indication of its social and economic priorities. For more than 80 years, Congress, mindful of the importance of home ownership, has employed tax policy to encourage residential mortgage lending. This policy has worked well: the rate of home ownership in the United States is among the highest in the developed world and the nation's savings institutions remain the single largest source of housing finance.

Treasury II—the tax reform proposal now being debated in Congress—would drastically reverse this historic priority. Intent on creating a "level playing field" for the entire financial industry, while simplifying the tax laws, the framers of Treasury II propose to restructure thrift industry corporate taxation and force savings institutions to diversify their assets away from home finance. What is proposed is the creation of a tax regime which would effectively penalize savings institutions for activities to which they are committed by statute and regulation.

Tax impact on savings institutions

Five principal provisions of Treasury II will impact savings institutions:

1. Elimination of the bad debt reserve deduction.—Currently, savings institutions which commit more than 60 percent of assets to specified housing related investments may deduct additions to bad debt reserves, up to a maximum of 40 percent of taxable income. This special allowance is designed to afford thrifts some measure of protection from non-performing loans and

interest rate fluctuations—risks associated with long-term residential mortgage lending.

Treasury II would eliminate such reserve accounting for all financial institutions, permitting bad debts to be deducted only when an actual loss is incurred—the so-called "specific charge-off" method of accounting. The effect is to raise the industry's effective tax rate while rates for other corporate taxpayers are being lowered.

2. "Recapture" of existing bad debt reserves.—Treasury II does not stop at eliminating the bad debt reserve deduction, but mandates that savings institutions reclassify a substantial portion of existing bad debt reserves as taxable income. Institutions are given the option of accomplishing this "recapture" in one year or spreading the resulting liabilities over 10 years.

The framers of Treasury II argue that the "recapture" provision is necessary to prevent a double deduction of bad debts included in current reserves—debts which would be written off again as specific charge-offs. In fact, the measure imposes an unfair, retroactive taxation on the S&L industry, a clear case of changing the rules—and the score—after the game has been played.

3. Curtailment of the net operating loss "carryback".—In 1969, when the current bad debt reserve system was adopted, Congress granted savings institutions the authority to carry net operating losses back 10 years to recover taxes already paid, and forward five years to reduce future tax liabilities. In doing so, Congress explicitly acknowledged that accepting short-term deposits to fund long-term mortgage loans made thrifts vulnerable to losses when interest rates rise rapidly.

The housing depression of 1981-82 proved the wisdom of this measure. Forced to pay high market rates for deposits, while carrying old, low-interest loans on the books, the industry as a whole experienced losses totaling nearly $9 billion. If the 10-year "carryback" provision of the 1969 law had not been available to restore much-needed capital, far fewer institutions would have survived.

Ignoring the lessons of recent experience, the framers of Treasury II propose to eliminate the special 10 years back/five years forward net operating loss rule for thrifts and impose the schedule applicable to all other corporate taxpayers: three years back/15 years forward. This could set the stage for crippling housing finance in the United States, should the 1981-82 scenario ever be repeated.

4. Enforced switch to accrual accounting for tax reporting.—Treasury II would require savings institutions to report taxable income on an "accrual" rather than "cash" basis. In other words, institutions would have to report all income earned during the tax year, whether or not the income has actually been received.

Here again, the realities faced by institutions specializing in long-term lending are simply ignored. Certain residential loans—adjustable rate mortgages, especially—may yield current earnings to the lender that cannot be received until the term of the loan ends. Under Treasury II, savings institutions would be taxed on this income many years *before* the receipt of cash is even possible.

5. Elimination of deduction for state and local taxes.—Treasury II's much publicized proposal to eliminate deductions for state and local taxes would also adversely affect savings institutions since institutions will face greater competition for depositors' funds from U.S. obligations, which are exempt from state and local tax. In essence, the savings industry will have to offer a higher yield to compensate for the fact that interest paid on deposits will be subject to state tax that is not deductible for federal income tax purposes. The California League estimates that an institution which now pays 11.24 percent in order to compete with a Treasury bill paying 10 percent, will have to offer a rate of 12.3 percent in order to make up the difference.

The non-deductibility of state income taxes will result in higher costs of funds to institutions, which leads inevitably to narrower margins and/or higher loan rates for borrowers—especially home owners.

Financial impact on the industry: Reduced net worth

Treasury II will sharply and immediately increase the industry's tax liability, which will be reserved for by diminishing institutions' net worth. The timing could not be worse—the industry is just now rebuilding capital following six difficult years.

The effect will be to weaken the financial strength of many institutions, thus adding to potential problems for the FSLIC. The impact could prove severe for savers, borrowers and investors alike.

In California, the additional tax liability of institutions will exceed $1 billion. The effect will be to virtually wipe out the tangible net worth of institutions, although many institutions will continue to enjoy net worth for GAAP and regulatory accounting purposes.

The recapture of the debt reserves alone would create an additional tax burden of $442 million for California institutions and some $1.8 billion for institutions nationwide.

The other proposed tax changes would result in additional financial adjustments of $729 million for savings institutions in California and an anticipated $2.9 billion nationwide.

Congress Must Choose

Clearly, Treasury II proposes to gut the system of tax incentives directed toward helping consumers realize the American dream of home ownership. The American public spoke out loudly against the suggestion to eliminate the home mortgage deduction. We believe that these incentives are equally important toward meeting that goal and will impact consumers just as much.

The question before Congress is whether out tax policy will continue to treat home ownership as a priority, or whether the home buyer must compete with every other bidder for capital.

If home ownership is a national priority, we urge that the existing incentives be maintained and that the Treasury II provisions above be deleted from any tax reform proposal.

If Congress deems that housing should no longer receive special consideration, we believe that lawmakers must be fully cognizant of the impact of such a public policy. Without an adequate flow of funds for housing, who will provide the investment dollars needed to finance the long-term construction of new homes and businesses? At minimum, we believe that Congress should:

1. Delete the provision calling for the recapture of existing bad debt reserves.—This retroactive form of taxation will simply devastate the industry's already fragile net worth.

2. Provide an orderly transition to any new set of tax regulations.—These transition rules (which are not provided for in the Treasury II proposal) should contain a sufficient phase-in period to reduce any detrimental impact on the net worth of institutions. We do not oppose fairness or simplicity in taxation; however, we believe that management must be given sufficient time to plan for the tax consequences of business decisions, particularly when lending long in a highly regulated yet rate sensitive environment.

3. Consider the impact on savings and investment.—When examining the much larger question of the deductibility of state and local taxes. We believe that the detrimental impact on savings and investment is a compelling reason why state and local taxes should continue to be deductible.

A BILL TO PROVIDE A SECURITY BUFFER ZONE FOR THE SAVANNAH RIVER PLANT

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. DERRICK. Mr. Speaker, today I am introducing legislation to transfer approximately 6,000 acres from the Department of Agriculture's Forest Service to the U.S. Department of Energy. The Department of Energy, which operates the Savannah River Plant near Aiken, SC, believes this transfer of land adjacent to critical facilities on the Savannah River Plant site will enhance the physical security of this critical nuclear defense installation.

This property was formerly Department of Energy land and part of the Savannah River Plant reservation until the 6,021 acres were transferred to the Forest Service in 1974. The transfer to the Forest Service was done to provide public recreational benefits under the President's Legacy of the Parks Program.

In the 97th Congress, the Committee on Energy and Commerce conducted oversight investigations which highlighted potential shortcomings related to the security of various U.S. defense materials production facilities, including the Savannah River Plant.

Officials of the Department of Energy have since undertaken numerous programs to bolster the physical security of these installations, and I am pleased with the progress that has been made to date at the Savannah River Plant.

The property which will be deeded back to the Department of Energy upon enactment of this legislation will increase the overland distance between critical facilities and the plant boundary by between 3,000 to 15,000 feet. This additional "buffer zone" will greatly enhance security by limiting public access to lands that are in close proximity to critical nuclear facilities.

Mr. Speaker, this legislation was introduced in the Senate by the distinguished senior Senator from South Carolina on August 1, 1985. I hope my colleagues will join me in providing the means by which one of the Nation's premier nuclear defense installations may significantly enhance its

security by ensuring prompt consideration of this proposal in the House of Representatives.

THE 100TH BIRTHDAY OF REV. THOMAS J.B. HARRIS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. TORRICELLI. Mr. Speaker, I rise today to acknowledge the 100th birthday of one of my district's finest citizens, Rev. Thomas J.B. Harris.

Mr. Harris was pastor of Bethany Presbyterian Church in Englewood from 1915 to 1927, during which time the church building was rebuilt in its present form. Mr. and Mrs. Harris have been residents of that city for 70 years.

Mr. Harris is a native of Charlotte, NC, and was educated at Johnson C. Smith University and Theological Seminary. He is the oldest alumnus of that university. In 1943 he received the degree of master of arts in business administration from New York University.

In 1919 he married the former Willie Mae Bowers. They had two daughters, one of whom died in infancy. The surviving daughter, Gladys Thomas, a resident of Teaneck, is the mother of Brenda Thomas.

Mr. Harris taught school in Woodbury, NJ, from 1912 to 1915. Chaplain in both world wars, he was stationed at Camp Merritt in Dumont during World War I. He has made his home in Englewood since 1915, when he became pastor of Bethany Presbyterian Church.

The Reverend Harris became pastor at Rendall Memorial Presbyterian Church in 1927, and has remained a member of the Presbytery of New York City. Following his military service in World War II, he served pastorates at Silnam Presbyterian Church, Elizabeth, NJ, and Brook Chapel, Hillburn, NY.

In 1948 he was the first black to run for the Englewood city council. He has been chaplain of the 369th Veterans Association, New Jersey District, since 1958, and is a charter member of the Henry Douglas Post 58, American Legion.

In his retirement years he has been occupied with real estate and income tax assistance. He is a never-failing source of help to those who seek his counsel. He has performed many marriages and funerals for Englewood people, and maintained a lively interest in community affairs.

HISPANIC HOUSING NEEDS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. GARCIA. Mr. Speaker, this week marks the national observance of Hispanic Heritage Week. There have been many notable events here in Washington and across the Nation in honor of Hispanic contributions to our country. Hispanics are involved in all phases of American life; the arts, fashion, politics, science, to name but a few. We have left as our legacy our culture, our architecture, and our language in almost every State in which we have settled.

Unfortunately, there is a dark side to this picture. Hispanics are living in poverty, at below subsistence levels, and in substandard housing. We are at a crossroads; the 1980's were supposed to be the decade in which the Hispanic came into his own, in which we were courted instead of shunned, and in which at last we were going to see some improvement in our position as citizens of this great Nation.

I have just attended a hearing held by our esteemed colleague and Chairman of the Subcommittee on Housing and Community Development, the Honorable Henry Gonzalez. The hearing was titled "Housing Needs and Conditions of Hispanics." The panels were made up of many distinguished men and women involved with the housing problems of Hispanics, and the picture they painted was not a pretty one. No one was surprised at the facts and figures regarding the terrible conditions in which so many Hispanics live, and how many are homeless. I commend my colleague for holding such an important hearing; the facts were not new, and the figures have not improved, but now they are on the record and give us a real idea of what this administration's policy of cutting social programs and housing programs is doing to our country's poor.

I am enclosing statements made by two gentlemen that I know well, and who have done a great deal to help alleviate the housing problems faced by Hispanics in New York City. Mr. Luis A. Miranda and Mr. Hector Pinero are with the New York Hispanic Housing Coalition, and I recommend that my colleagues read their statements with care.

TESTIMONY GIVEN BY LUIS A. MIRANDA, CHAIRPERSON, NEW YORK HISPANIC HOUSING COALITION

Mr. Chairman, members of the committee, I thank you for the opportunity to speak to you about the housing crisis that has befallen the Hispanic community in New York.

Two weeks ago we, at the New York Hispanic Housing Coalition, sponsored a daylong housing conference whose theme was "Taking Inventory: Housing Demand vs. Housing Supply." It was our intention to examine the housing needs of Hispanics—in other words, to take inventory at this, the mid-point of what began so hopefuly as the "Decade of the Hispanic."

Later, one of my colleagues on our board of directors will outline some of the recommendations that came out of that gathering. I, therefore, would like to take this opportunity to provide context to those recommendations, by giving you some idea of the housing problem that confronts Hispanics living in New York.

Let me be clear at the outset. There is a housing emergency in New York. It is crisis for low-income families and a threat to the middle class. Its chief components are a lack of income necessary to meet the rising costs of shelter, and an overwhelming demand that continues to outpace supply.

Fundamentally, for Hispanics, it has become a lack of choice. And it is the direct consequence of economic and social conditions: Poverty, overcrowding, poor urban planning and an unproductive spiral of property speculation that dislocates the poor in favor of a new urban gentry.

There are several barometers by which we can measure this crisis. One of them, the income data for the various ethnic groups in New York City, is particuarly instructive.

According to the Stegman Report commissioned by New York City's Department of Housing Preservation and Development, Puerto Ricans (who account for 12% of the city's population, and are the largest of the Hispanic groups in New York) comprise by far the largest proportion of households (39%) in the bottom one-fifty of annual income in New York City. In fact, Puerto Rican's median real income declined between 1980 and 1983, more than for any category in the survey except the ubiquitous "other."

In addition, Puerto Rican families have a higher welfare dependency rate—nearly four times higher than the average for the entire city.

These income statistics for Hispanics (and the picture is no better for other Hispanics in the city) translate into a housing picture that is bleak at best.

Not only do Puerto Ricans have the lowest homeownership rate of any group, the likelihood that a family will live in a dilapidated apartment is higher for Puerto Ricans than for anyone else. And one-third of all Puerto Ricans (who manage to find an apartment that is not dilapidated) still must live in housing with three or more maintenance deficiencies. And when they find such an apartment, if they have found any at all, they must nonetheless pay more rent as a proportion of their income (35.4%) than any other ethnic group.

For those who trumpet the virtues of a pristine private market, uncorrupted by Government assistance, the question becomes why is the force of the free market, that invisible hand that is supposed to bless all us and not just some of us with the benefits of the American dream, not working? And the answer is that the market is working, in exactly the way it always has. Let me be more specific.

In New York City in the face of a sellers market fueled by a vacancy rate of 2.04 percent, the lowest it has been since 1970, some of the housing stock is improving, new construction in targeted areas is beginning, less abandonment is occurring, nearly all of it for the benefit of the city's upper income strata of the city's residents. Yet, for the vast majority of others, there are increasingly unaffordable rents, a greater degree of overcrowding, a higher proportion of segregation and, as I said earlier, an almost total lack of choice.

The findings of the various studies that have been done in New York are clear. The latest figures show that there are only 39,594 vacant available housing units left in the city. Ten years ago there were 56,968 and twenty years ago more than 68,000 units.

There are 36,000 fewer rental units in the city today than there were in 1981, even though the city's population has grown by 78,000 people.

Gross losses from the housing inventory totaled 69,000 for the last three years. This is almost three times more than new con-

struction. It averages out to 1,917 units lost from the inventory every month. And, while some will point to the net gain in the city of 11,000 units, this is less encouraging than it seems, because it is almost totally due to the 24,000 conversions, or in other cases new construction, which for the most part only helps to satisfy demand at the high end of the price scale.

What we see then is both a verification of the old free-market verities, that is, that a shrinking supply and an increasing demand equals a higher price, and a ratification of long-standing historical patterns that have shown time and time and time again that the private market, left to its own devices and unaided by the efforts of liberal Democratic State largesse cannot be expected to provide housing for those of little means.

For decent housing, no matter what the current political ken may tell us, is not a commodity like any other. It is, along with food and clothing, one of the essentials of life. And, prior to the onslaught against it that began in 1980 and continues even today, it was thought to be a right of the many and not a luxury or a privilege for the few.

Today, in New York City Hispanics are increasingly being pushed into the ranks of the homeless. After decades of poverty, and assaults on the spirit the Hispanic family is now likely to find itself either part of the 100,000 families who are being forced to double and triple up, in order to compensate for the loss of affordable units, or otherwise threatened by co-op or condo conversions, their high prices and chic new establishment that decimate old, yet stable, neighborhoods.

Seen in this context, it should be clear to all that when we are talking about housing assistance we are talking about pro-life legislation. And when Government walks away from the business of housing as this national administration has done, that is both anti-family and abortive of an individual's right to decent shelter.

Today, there are in New York City 605,784 households eligible for section 8 rent assistance, based on income below 80 percent of the median and payment of more than 30 percent of that income for rent. 526,119 of these are of very poor income: below 50 percent of the median.

What that means is that 22.5 percent of all households in the city of New York, 31.8 percent of all tenants in the city, need Federal assistance to obtain adequate housing within their income levels.

The figures paint a portrait of despair: increases in rent are now outstripping inflation. In the last three years, rents have risen by 24.5 percent compared to the consumer price index increase of 18.1 percent. Incomes, on the other hand, have gone down, in real terms. Today, 27 percent of all renters in New York City have incomes below the official poverty level—more than 393,000 households.

And where will they live? In the last three years the number of vacant units with asking rents below $300 declined by more than 11,000, while vacancy rates in most rent classes below $200 per month are now under 1 percent. In addition, the New York City housing authority reports a waiting list of 200,000 families, a great proportion of whom are Hispanic. Yet, vacancies here average only 3,000 units per year. Only the lucky ones will get in. Everyone else will find themselves locked out.

I began this presentation by informing you, the members of this committee, that there is a housing emergency in New York. I characterized the magnitude of the problem as a crisis. I am sure you will agree, after having heard some of the grim statistics, that this is no exaggeration. Clearly, conditions are intolerable. And when something is intolerable, actions must follow. Our hope, as Hispanics, yet abides—in bodies like this one which has the capacity to act now, in the face of a crisis that is agonizingly in the present and rapidly consuming our future as well.

This week is, as we all know, Hispanic Heritage Week. It should also mark, as well, the renewal of the compact between America and her immigrant children.

Good intentions alone are not enough, nor even are a few courageous politicians. The fulfillment of the American dream requires institutional response. And unless it is forthcoming then that heritage which America represents, of justice for all of its citizens, will have carelessly been squandered on policies that favor only the privileged few.

TESTIMONY GIVEN BY HECTOR PINERO, NEW YORK HISPANIC HOUSING COALITION

Mr. Chairman, members of the committee, I am grateful for the opportunity to outline for you the recommendations concerning the housing needs of Hispanics that came out of the fourth annual conference sponsored by the New York Hispanic Housing Coalition two weeks ago.

Nationally, the Federal commitment to low-income housing began with the landmark United States Housing Act of 1937, sponsored by Senator Robert F. Wagner. The major housing developments made possible in New York by that legislation and its progeny, are now home to approximately ½ million New Yorkers. Yet fifty years after the Federal Government recognized the need for an aggressive national housing policy targeted to the poor, it has begun to retreat from that cause which has been honored by eight previous Presidents, representing both major parties.

I think it fair to say, that perhaps nothing better symbolizes the end of the so-called "American Century" than the rapidly fading American dream of homeownership—which as you have already heard has never really been more than a dim hope for New York's Hispanics, who have the lowest rate of homeownership of any ethnic group in the city.

The current housing crisis may be the worst since the depression. Yet, it gives us the chance to redefine housing as a basic right and to concentrate on ways of stimulating the production of housing for a low-income market that increasingly finds itself without any decent affordable shelter.

It gives us the chance, as well, to recognize that the housing industry is unlike any other and cannot be expected to compete for scarce capital against an IBM or an Exxon. It would be no contest. No bookmaker in the country would take odds on that one.

Nor is the frequently heard admonition to lower our expectations a very reasonable choice. Because, as you have also heard, Hispanics in New York and more pointedly the burgeoning army of the homeless, lack even the semblance of a choice. In short, for Hispanics and for the housing industry, it is now high noon.

The housing crisis will inevitably affect the future of whole regions of the country. The New York metropolitan area alone will gain an estimated 2.7 million new households by the turn of the century. Yet, at the rate that housing has been built over the last decade, only half of these will find a place to live. A recent study by New York's regional plan association has concluded that a shortage of housing may inhibit growth and thereby undermine local efforts to promote a healthy economy. Limited housing then, means diminished economic growth and all the hardship which that implies.

The New York Hispanic Housing Coalition believes that Congress can take specific steps to reaffirm this Nation's historic commitment to decent affordable shelter.

First, with respect to the matter of Treasury Two, the President's proposed tax plan must be altered. As it stands, it would remove virtually all tax incentives for construction of low-cost rental housing.

The dollar value of tax deductions: exemptions and exclusions—including depreciation, deferred and current interest, tax-exempt financing (if retained), charitable contributions, and capital gains exclusions (again, to the extent retained)—would all be reduced substantially. Those taxpayers currently in the 50 percent bracket, would experience a 30 percent reduction in the dollar value of their tax deductions. A principle result would be a substantial decline in syndication proceeds on a given project, from that which could curently be obtained.

In addition, the repeal of the "at risk" real estate exception by which a taxpayer real estate investor in a limited partnership can deduct both losses and his allocated share of debt, would discourage investment in low-income housing by curtailing the very tax benefits which comprise the primary return investors receive from such projects. Historically, the "at risk" exception has been used to leverage loaned funds and attract equity investments. If this provision were to pass, community development syndication would surely be rendered unmarketable.

Under Treasury Two, after-tax cash flow would be impaired by both the lower maximum individual income tax rate (35 percent, down from 50 percent) and new depreciation—the capital cost recovery system. (CCRS).

According to a computer analysis of a hypothetical rental project, done by David F. Harris, vice-president of Dominion Financial Projection, negative cash flow for rental housing investors would be the rule, for the first seven years of operation. While real estate investors are currently able to claim a positive after-tax cash flow from the beginning, the proposed changes would make that impossible. And in the end, the investor would also have to settle for a lower rate of return from the sale of his property than is now the case.

Others have noted that for low-income housing the combined impact of CCRS and the proposed lower marginal income tax rates, would be to cut tax benefits from depreciation during the first five-years of operations, by about 70-75 percent below the benefits now available. Syndication proceeds are attributable to these benefits and would be reduced accordingly.

The Treasury plan would further squeeze the REHAB low-income housing investor by subjecting him to the standard 28 year depreciation schedule, instead of the current five-year amortization period. Because syndication proceeds are generally directly related to the amount of deductions available in the early years of a project the negative impact on low-income rental housing rehabilitation could be significant.

At the same time, the Tax Reform Act would withdraw the authority for public corporations to issue tax exempt bonds for mortgages for low- and moderate-income housing.

Today, tax-exempt bonds are employed for a variety of purposes: mortgages for first-time homebuyers, certain low-and moderate-income rental housing, and commercial and industrial development. Moreover, the issuers of single family mortgage revenue bonds can trade in part or all of their issuance authority for authority to issue mortgage credit certificates (MCCs). These entitle homebuyers using conventional non-tax exempt mortgage financing, to a credit against their Federal income taxes equal to a portion of the mortgage interest they pay.

Under the administration's proposal, tax-exempt financing would continue to be available only for purely public purposes, such as tax anticipation notes and bonds issued to construct Government facilities or public infrastructure improvements. Housing and economic development, as strange as it seems, would not qualify as a public purpose. States and localities, under this formulation would not have authority to issue single family housing bonds. Thus, the MCC program would be terminated.

Tax-exempt bonds, as everyone here knows, are a major resource for community development projects. Therefore, the prohibition on this funding source would be catastrophic.

But, not only might Treasury Two lock the poor out of what is the traditional symbol of the American dream, it could also price them out of a rental. HUD's own estimates, similar in scope to that of the Treasury Department, suggest that rents would rise by 25 percent within seven years and 30 percent in two decades, after inflation is taken into account. An increased number of condo conversions in the face of diminished tax benefits are also anticipated.

New York City, with 1.9 million rentals—11 percent of all rental units in the country—will be greatly affected. But half of the city's renters already pay more than 30 percent of their income for rent. They can harldy be expected to pay more.

Clearly, if Treasury Two prevails, then this country will have managed to lose the war for decent shelter, after 50 years of winning most of the battles.

But relegating these provisions in the tax proposal to the dustbin of history is not enough.

The Hispanic Housing Coalition would like to see this body retain section 8 certificates for existing housing at its current 15 year term. A reduction to 10 years would be one more nail in the coffin for this, the "whipping boy" of housing programs. For Hispanics, whose income needs require a rent subsidy, it would also be destructive.

The recent elimination of a $500 million program reserve established by the Appropriations Committee to provide funds for programs not yet authorized by the full Congress, but included in H.R. 1, should also be rescinded. Among the projects to be affected are the Nehemiah Housing Demonstration Grant Program and the Second-Stage Shelter for the Homeless Program, as well as the Public Housing Child Care Demonstration, all approved once before by the Full Banking Committee. We believe that unless this money is restored, these development efforts which have provided so much hope to so many will be doomed.

As it is, the current so-called 80/20 programs which provide 80% middle and 20% low-income housing cannot be relied upon alone to fill the large gap in housing production for low-income groups. The need at the low end of the scale is far greater, and the criteria should recognize it.

Beyond this, innovation in housing production must be encouraged in order to produce creative solutions to our housing needs. Homesteading, construction and technology improvements, and energy efficiency programs must be stimulated through adequate Government assistance, in order to make affordable living units possible.

In this regard it must be said that the administration's voucher proposals will do nothing to build more housing, despite a vacancy rate in New York and of 2 percent. It will do nothing to regulate rents for Hispanics who continue to have the highest relative rent expense burden in the city. And it will do nothing to replace the section 8 rent-subsidy program which serves 1.3 million households nationally. It will simply be one more hand-out of taxpayer money, this time to landlords who charge prevailing rents.

Finally, the goal set forth in the U.S. Housing Act of 1949, that of a "'decent home and suitable living environment for every American family . . ." clearly remains to be achieved. And unless there is the political will to steer this country away from the detour it has taken in recent years and back on the road to responsibility, then the ideal of opportunity will be lost, the hope which has sustained Hispanics for so long will die, and the American dream of prosperity will fade away.

THOMAS WINSHIP, FORMER EDITOR OF THE BOSTON GLOBE, ADDRESSES MARLBORO GRADUATES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. MARKEY. Mr. Speaker, under the able direction and leadership of Thomas Winship, the Boston Globe became the flagship newspaper for New England and the Northeast. Mr. Winship and his paper pursued issues tirelessly, working hard to ensure that the public understood all sides of a story. His commitment to social justice is legendary, and his influence at the Boston Globe will live long into the future. Mr. Winship's commitment to his profession and his contributions to the press are famous. Boston, MA, and the rest of New England benefited greatly from his stewardship at the Boston Globe. Given his insight into the news and into our society, I offer for the perusal of my colleagues, an excellent address given by Mr. Winship.

COMMENCEMENT: 1985

(At Marlboro's 38th graduation ceremony, held May 19 on a clear cold Sunday, one of the College's largest classes—44 seniors—received their diplomas. Before President Rod Gander and Chairman of the Board John Straus presented the diplomas, former managing editor of the Boston Globe Thomas Winship joined Vermont Governor Madeleine Kunin and senior speaker Hilary Sloin in addressing the graduates.)

ADDRESS BY THOMAS WINSHIP

DOCTOR OF LETTERS, HONORARY

What does my Marlboro '85 profile add up to? I choose to think you're latent world savers. And guess what, your timing may be perfect. I think I see a welcome mat unfolding for citizen activists after the recent dark ages of the era of Washington's government by greed.

I raise my glass to you, bravo. Go get 'em. When I say you will not have long to wait to be wanted, I realize how personal prejudices often tilt one's judgment in the forecasting of political trends. Before I go off the deep end, I want to buttress my sense that things are looking up for all of us by the recent comments of that smart Reagan administration cheerleader, Kevin Phillips. So far, he's been a good prophet. In last Sunday's New York Times, he said, "My sense is that the American mood is getting ready to shift toward an affirmative role for government again, and conservatism may not have much more time to come up with a positive program framework." Phillip's thesis is supported by the past history of second term presidencies.

So often incumbent presidents become overconfident in their second term. They misread the poll results and press their views far beyond what the mainstream of America wants. Phillips questions whether Reagan is in step with the public on military spending, his Central America policy and his inattention to our sagging educational system.

You know the social agenda before you: drought followed by famine in vast areas; deregulation followed by giant takeovers and spreading acid rain; a deaf ear to sex education followed by a soaring teenage pregnancy rate; small and large farm failures every day and everywhere; government cutbacks in education followed by very white and affluent college student bodies, followed by college shutdowns; and in cities, where Yuppies of limited talent and zero social conscience live nearby but oblivious to minorities sinking deeper and deeper into squalor. Yes, I'm afraid, and much of it aggravated in part by the trillion dollar nuclear arms race our leaders love so dearly.

Discouraged? Don't be, because we have a marvelously creative system of self-government. It is designed to be manipulated for the public's good. But it needs people with energy and conscience, leaning against the barricades at all levels. Some of your older brothers and sisters and perhaps some of your parents did some leaning not so many years ago. And they made some changes.

They supported ever so stoutly the liberation of minorities in this country. We are seeing today that was only a start. But the ice age of prejudice was melted and it will keep melting.

In this connection, it is worth recalling the mood of the mid 60's when in nine wild months, in 1965, Congress approved President Johnson's Great Society legislative package which included: Medicare, providing health insurance for the elderly financed by payroll taxes; Medicaid, which pays for health care for the poor; the first general aid to local public schools; the first broad based federal scholarships and loans to college students; Voting Rights Act which has led to blacks voting at almost the same rate as whites; creation of the National Endowment for the Arts; rent supplements for the poor and special assistance for Appalachia.

This administration has taken potshots at these milestone programs but has been unable to dismantle them. An activated public—mostly the younger people—pushed this burst of responsive government action. You can do it too.

A few years later, they blocked an immoral war. See "Killing Fields," if you haven't, to remind yourself of what gargantuan mayhem they struggled to stop.

They revolutionized relations between generations by insisting upon honest and frank dialogue. That's what the student revolution of the 60's was all about. Those kids of the 60's paid a dear price for insisting upon straight answers from their parents, from their teachers and from their government.

Your parents and your older brothers and sisters fueled the women's movement, perhaps the most successful of all the great movements of the last quarter century. And they hit the pavement three years ago for nuclear sanity in the freeze demonstrations across the country. I will always maintain that it was the peace marches, not the arms build-up or star wars, that drove the superpowers back to Geneva.

Now, to the sermon.

Social scientist Yankelovitch says that we are now leaving behind the excesses of the "me generation." He does not perceive a return to the traditional ethic of self denial, but rather an emergence of a new "ethic of commitment" to a life that supports self-fulfillment through enduring commitments to relationships, work and mere survival. That is not enough. Society needs much more than a generation satisfied only with mere survival.

You folks out there are needed like never before. I want to see all of you find genuine fun out of life. And, the best formula for having fun is to be involved and useful—possibly even at a living wage. I have some ideas for you:

Become a journalist in some form or other. It now pays well, anywhere from $200 a week on very, very small papers for reporting and copy editors, to $900 on the big ones. For effecting change, zest, people-helping and people-watching, nothing can touch journalism. It is hard to get a job on TV or on a newspaper? It sure is, but if the determination is there, so is the job. I know.

If you are a computer whiz, offer yourself to government, on the city, state, or national level. You will have more fun and make almost as much money as in the private sector. The computer is here to stay.

Go into the environmental protection business. It is a growth industry. Some people are very gainfully employed fighting the toxic waste crisis.

Go to graduate school. Borrow if you need to. Learn about aqua agriculture, fisheries management or forestry, to name a few offbeat disciplines

Man the refugee camps on the African and Asian fronts. Believe it or not, they pay in some of these lifesaving jobs.

Don't go to law school or into the investment business—unless you have limited talent and a lust for money.

Turn to the Third World, which encompasses three-quarters of the earth's land mass and population and which is the battle ground for our very existence over the long haul. Where does national violence break out most often? Where is nuclear accident most likely to occur? Where are our greatest future markets for our goods and labor? Where is genocide by famine and the population explosion a daily story? We cannot go on pretending the problems of the developing nations are too far away to affect us, and we cannot continue to comfort ourselves with "let's solve our own problems first" thinking. There are jobs in the Third World—hundreds of them, and they pay well too, in the World Bank, in our economic aid programs, in private relief agencies. There are jobs for foresters, for agriculture specialists, for disease and population control workers. And for many of these jobs, you do not need graduate degrees. What you do need is courage and a desire to help people in trouble.

Incidentally, I am setting up a Third World journalism center outside of Washington DC to help mid-career reporters and editors of the developing nations to write more effectively. We will expose them to modern news techniques, not ideologies. My newspaper brethren in the faraway lands are in such desperate need of the most basic tools of writing and editing. Our government has been generous in aid to the havenots in almost every segment of life except in improving the communication of ideas and events. That is where our new center for foreign journalists comes in.

Government leaders come and go in their emerging nations, but generally the journalists remain. They are one of the few stabilizing forces in these countries. I know that better Third World journalism can help to better the lives of humankind living in the developing countries. Even more important, it can contribute so much to international understanding in an interdependent world of nuclear terrorism, of rising tensions, of global economic cycles and of a desperate struggle against unemployment and hunger. Communication is a grossly neglected tool in the Third World.

I have another piece of career advice which came to me a few days ago from an unorthodox businessman friend. He is Warren Buffett, the investment genius who recently coughed up half a billion dollars to buy a piece of the ABC television network. I told him I was talking to Marlboro graduates today and asked if he had a thought for them. Without a moment's hesitation, he said, "Tell them to go to work for the person they admire the most. Something good will come of it. Emulate your hero as best you can," he said. I like the thought.

What I really want to leave with you this morning is just one idea. Please, please take the challenge of our self-government to make life fairer and more responsive to everyone—work that built-in idealism you learned at home and at Marlboro.

Friends, there is nothing wrong with idealism, no matter what the cynics say.

Thirty years ago, Justice Louis D. Brandeis said: "There is in most Americans some spark of idealism, which can be fanned into flame. It takes sometimes a divining rod to find what it is; but when found—and that means often—when found and disclosed to the owners the results are often extraordinary."

Get out the divining rod. Have fun! And, thank you.

CHIROPRACTIC CARE GAINS IN POPULARITY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Ms. KAPTUR. Mr. Speaker, today, many of our concerns with the health care system involve the expansion of choices in health care. Providing alternatives in health care is a major factor in increasing competition and thereby serving to restrain expenditures for health care. I would like to direct my remarks to an area of health care that can be a valuable alternative method of treatment and whose practitioners are increasingly recognized as vital participants in our health care delivery system.

Chiropractic is the diagnosis and treatment of human ailments without the use of drugs or operative surgery. As such, persons who utilize the services of a chiropractor can avoid many expensive medicines and unnecessary surgery. The nature of chiropractic, which distinguishes it from other healing arts, is based on the principle that interference in the nervous system can cause illness. The chiropractic approach is to correct the source of the illness by restoring the nerves' capacity to work without obstruction. By using a procedure called "adjustment," chiropractors manipulate a person's bones, usually the vertebrae, to relieve pain caused by the skelton's obstruction of the nerves.

In all 50 States, the District of Columbia, the Virgin Islands, and Puerto Rico license and officially recognize chiropractic as a health care profession. Chiropractic coverage, to varying degrees, is included in Medicare, Medicaid, and Federal vocational rehabilitation programs. Chiropractic care is recognized by the Internal Revenue Service as a legitimate medical deduction. Over 10 million people, or approximately 1 out of 25 Americans, each year seek out the services of a chiropractor.

Chiropractic is the second largest health discipline in the Nation with over 31,000 doctors of chiropractic serving millions of patients each year. In Ohio, there are over 800 members of our State chiropractic association and there is a chiropractic center within my district at Parkview Hospital in Toledo.

Chiropractic care is an effective means of care. Correct posture and proper alignment of the spine have been widely accepted as important factors in good health not only by chiropractors, but by public health officials, physicians, pediatricians, the military, and industrial relations specialists. Research has shown that, under State workers' compensation programs, patients have lost fewer work days and returned to their normal occupation much faster under chiropractic care, compared to other medical treatment.

It is obvious that chiropractic care is gaining a strong public following. A 1983 Gallup poll indicated that 70 percent of

people who had been to a chiropractor would do so again if they had a similar ailment. We in Congress have taken many positive steps toward promoting greater use of chiropractic services. Congress included schools of chiropractic under the Health Education Assistance Loan Program in 1981 and, last year, provided several demonstration projects on chiropractic services in the military. Once again, chiropractic medicine was included in the reauthorization of the Health Professions Educational Assistance Act which passed the House and Senate in July and is awaiting consideration by a conference committee. We must continue our efforts to expand our citizens' available health care choices and encourage the development of the chiropractic profession.

MASON CITY, IOWA, HONORS MEREDITH WILLSON

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BEDELL. Mr. Speaker, Meredith Willson, who wrote "The Music Man," now enshrined among the great American stage and screen musical classics, captured the hearts of his hometown, Mason City, IA, when he made "River City" known to the rest of the country. Willson also captured the hearts of an entire nation by demonstrating his talent and versatility and dazzled Broadway with his entertaining musicals. It is not surprising that Mason City is honoring Meredith Willson again by putting together a montage of his greatest works on September 21, at the North Iowa Area Community College Auditorium. At that time his wife, Rosemary, will be presented with an award.

Showing early musical promise, plus the persistence and power of concentration which have made his record of musical composition and authorship so remarkable, Willson has had an impressive list of accomplishments. Probably the most recognized of Willson's achievements have been his Broadway ventures. "The Music Man," for which Willson wrote book, music, and lyrics, was one of the five longest-running musical plays in Broadway's history. This musical has brought Meredith Willson a countless number of awards including the Outer Circle Award, five Tonys, and several awards from the New York Drama Critics.

Willson also wrote several other successful musicals including "The Unsinkable Molly Brown," which was one of MGM's most successful productions; "Here's Love," which recorded the best opening week in Shubert Theatre's history; and "1491."

A vast number of songs have been composed by Meredith Willson. He has contributed to the music world unforgettable songs such as "May the Good Lord Bless and Keep You," "It's Beginning to Look Like Christmas," "You and I," "I See the Moon," and who can forget the numerous hits of "The Music Man" and his other popular musicals? Meredith Willson also composed many more various tunes including "Meredith Willson's Nocturne for Piano," "Symphony Number One in F. Minor," "Symphony Number Two—Missions of California," "Prelude to America," and others.

Besides being a conductor, composer, and lyricist, Willson was also a writer. In addition to a novel entitled "Who Did What to Fedalia," Willson wrote several autobiographical accounts: "And There I Stood with my Piccolo," "Eggs I Have Laid," and "But He Doesn't Know the Territory," which details his struggle to write "The Music Man."

Meredith Willson proved that even though he was a great composer and Broadway personality, he had a tremendous amount of compassion for his fellow man. Some of the awards he received demonstrate what he accomplished in his lifetime toward improving human betterment. Willson was a six-time president of the Big Brothers of Greater Los Angeles which he helped found and in recognition of his work for the cause of youth, he was presented with the National Big Brother Award. Willson was also given the annual Humanitarian Award of the National Father's Day Committee and the "Sally" award from the Salvation Army for his contributions to American music and human betterment. In addition, the American Bandmasters Association has given him its rarely conferred Edwin Franko Goldman Award.

Despite his nation-wide fame and popularity, Meredith Willson never forgot the sounds of Iowa, the sights of Iowa, and the people of Iowa. He was proud of his State and his hometown. Willson wrote a song entitled "Iowa, It's a Beautiful Land" to make sure that everyone knew the State's correct pronunciation. He once wrote, "We were awfully proud of being from Mason City. We were always very quick to correct anybody from out of town who said 'Mason.' With a very superior and belittling tone we'd say: 'Mason City.' "

Excerpts from the June 16, 1985, edition of the Mason City Globe Gazette portrayed Meredith Willson as a man awfully proud of his heritage, and no one who knew him would ever deny that. "But Iowa wasn't just a matter of nostalgia. Willson was in the State often, and his boosterism wasn't a self-serving gimmick based only on memory. He wrote a composition called "The Band" for the University of Iowa. He wrote fight songs for the University and Mason City High School." Not only did he love the places, but he loved the people. Another excerpt from his hometown newspaper displays this affection: "He was proud of his hometown's musicians. He once had Mason City vocal and instrumental groups join him in launching a national Christmas Seals campaign in Des Moines."

But the relationship between Willson and his hometown was reciproacal. Several times Mason City honored him by naming him Grand Marshal of the Band Festival parade, one of the highest honors bestowed upon someone in Mason City. One of the lasting remembrances Mason City has of their favorite son is "Mr. Toot," a caricature of Meredith Willson playing a trombone, which has been made the official logo of Mason City. "Mr. Toot" is a symbol of the pride the people of Mason City have in the man they feel has given them so much.

Mason City Mayor Ken Kew summed up what so many people thought of Meredith Willson, "Meredith was a talented man . . . but he was more than that. He was kindly, patient, unassuming, determined, cooperative, and God fearing. Meredith Willson was not the kind of man who would want his friends to be sad. He was the personification of light . . . not darkness. He was given of joy . . . not despair." His relationship with the people of his hometown was also fondly remembered by Kew, "Everybody in this City knew Meredith Willson . . . just ask them. That indicates to me the pride our people have in letting the world know that he was one of us. And Meredith knew all of us. If he couldn't call you by name . . . you were Cousin. No one in this world had more cousins than Meredith Willson."

But Meredith Willson also realized Mason City's potential when he said, "The only change I can see in Mason City that really matters is that she is still proving her beliefs." That is no more evident than it is today.

Mason City never left Meredith Willson and Meredith Willson never left Mason City, wherever he traveled.

DAVID BRODY, ADL REPRESENTATIVE, LOBBYIST WITH "ACCESS"

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. GREEN. Mr. Speaker, I would like to call to the attention of my colleagues an article which appeared in the September 14 issue of the National Journal on David A. Brody, the representative of the B'nai B'rith Anti-Defamation League.

[From the National Journal, Sept. 14, 1985]

MAKING MATCHES MEANS ACCESS

(By Dick Kirschten)

Most Washington lobbyists boast about having connections. David A. Brody takes pride in making them.

The veteran Washington representative of the B'nai B'rith Anti-Defamation League is an inveterate matchmaker who wends his way through the capital's power circles on the lookout for people who ought to know one another.

No sooner do his antennae pick up a nugget of conversational information about somebody's past or present interests than the next words out of his mouth are invariably, "I'd like to put you together with. . . ."

The very next day, if not later the same day, Brody will be on the telephone proposing a luncheon involving himself and the two people he wants to bring together. Invariably, they are people who would have

gotten together on their own at some point but, as Brody said in an interview, he finds that it advances his long-term interests if he can be the "facilitator or catalytic force."

"I do it so that the two people will know each other, so they will not be strangers when they need to deal with one another. Both parties usually welcome it," he explained. Those involved may run the gamut from Members of Congress, White House aides and ambassadors to reporters, fund raisers and constituents.

Twenty years at his job has taught Brody that at some point, his gestures of good will are likely to be returned in some form. "It's not so much that people are beholden to me, as it's a matter of providing greater access for me," he said, stressing the golden word of the lobbyist's trade—access.

The autographed pictures on the wall of Brody's office attest to his success in gaining access at the very highest levels. They also attest to his skill at hearing what people say and sensing what makes them tick and what their current concerns are.

"In this town, so many people talk rather than listen," explained Brody, giving away a major secret of his success. It also helps to be quick-witted enough to put information to immediate use. "If I happen to be in a Member's office and a name comes up, we'll often set up a lunch right then."

Brody is constantly on the lookout for likely connections, two Members of Congress who haven't met each other yet, a reporter who is starting out on a project involving principals he hasn't met, new arrivals at the Israeli Embassy who need to meet the people they will be dealing with in Washington.

"It's just a matter of having almost an intuitive sense about people's needs," Brody said. "I guess it is just a matter of knowing how to relate to people. I will occasionally bring Members of Congress together whose views may be divergent. In bringing them together, they find that they are able to work together on other issues."

Those other issues, with luck, may turn out at some point to be the very ones upon which Brody is lobbying. And, even if their votes do not always go his way, Brody at least gets a chance to have his say. In 1981, when Congress approved the sale of military aircraft to Saudi Arabia, Brody recalled, "a number of good friends of mine voted for the sale, but I still had the opportunity to sit down and talk to the principal—to the man who cast the vote."

That statement is also revealing. In lobbying, as in matchmaking, the permanence of relationships is important. Accordingly, significance attaches to Brody's reference to "good friends" who voted against his position. They still are his good friends, and maybe next time they will be with him.

Besides putting his lunch hour to regular use, Brody and his wife, Bea, entertain at their home, throwing dinner parties that may bring anywhere from a dozen to three dozen Washington notables together to trade information and get to know one another better.

"From time to time, press people are invited to my parties at home as friends," Brody explained. What goes on is not intended for publication, Brody noted, but it is recognized "a reporter may pick something up at a party." But, he added, "the story won't be that I had that group of people to dinner."

Brody added that he has never hesitated to bring politicians and journalists together in a social setting. "I don't draw any lines," he said. "When I find it useful to play that catalytic role, I do it." With reference to the politicians, he observed, "I think they welcome the opportunity too, otherwise they wouldn't agree to it."

To the best of his recollection, Brody over the years has never become a matchmaker in the romantic sense. He says that he knows of no marriages that have resulted between people he has brought together and quickly adds in a businesslike tone that "if it has happened, that would not be the purpose that the meeting started out with."

There is more than a bit of a Horatio Alger aspect to Brody's career. The man who now wines, dines and facilitates friendships among the high and mighty started out in life as the son of an immigrant garment worker who entered this country through Ellis Island. He grew up in Brooklyn, attended public schools and ended up studying law at Columbia University on a scholarship. He came to Washington in 1940 to work as a lawyer for the government and has been with the Anti-Defamation League since 1949.

Brody said he has developed his skills as a lobbyist-social connecter as he has gone along. "I like to say that the things I do, I never learned in law school." Nonetheless, the 69-year-old lobbyist makes it clear that he enjoys what he does. "I have no plans to retire,' he said.

The matchmaker is obviously well matched to his calling.

BIG CORPORATIONS OBLIGATED TO PAY TAXES; VIETNAMESE DEMANDS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BEREUTER. Mr. Speaker, two editorials that appeared recently in the Sioux City Journal, of Sioux City, IA, are especially worthy of notice.

One concerns the obligation of this Nation's big corporations to pay taxes. The editorial points out that, while corporations are supposed to pay 46 percent of their profits over $100,000 in taxes most of them pay about 15 percent. If, only for illustration purposes, 275 major corporations had paid the full 46 percent tax in 1984, that would have raised $185 billion—enough to balance the budget.

The other comments on the demands of the Vietnamese authorities that the United States make economic and political concessions to that Communist dictatorship in exchange for the return of the remains of U.S. soldiers missing in action.

I commend both of these editorials to my colleagues' attention.

[From the Sioux City Journal, September 6, 1985]

MORE OF SAME

Americans who have not forgotten this country's missing in action in Vietnam, and the MIA families who cannot forget them, can only have been tantalized by the recent news from Hanoi. Vietnamese officials all but admitted that they were holding the remains of many MIAs and that these could be released and returned to the United States with little further delay.

But then came the condition, Hanoi's tradeoff for allowing the families of the missing in action a measure of peace at last. The United States would have to drop its "hostile" policy towards Vietnam and terminate the embargo against U.S. trade with Vietnam. There was also mention of U.S. payments to cover the supposed expenses of Vietnam's supposed searches for more remains of MIAs. And, finally, the Vietnamese talked of "borrowing" the sophisticated equipment that could theoretically help in locating, for example, crash sites.

The excuse offered by the Vietnamese authorities for this undisguised extortion is so patently transparent that it qualifies as a deliberate insult. The Vietnamese people, Hanoi says, can only be persuaded to cooperate in locating the remains of U.S. servicemen if the United States adopts policies friendly to Vietnam. In fact, of course, Vietnam is a totalitarian, communist state in which people do exactly what they are told or suffer the draconian consequences.

Cruelly, there appears little or nothing new in Hanoi's position a dozen years after its representatives signed a peace agreement pledging them to return all prisoners of war, all remains, and to provide all information they possessed on the missing in action.

It is still the same crude extortion: If America wants the hundreds of sets of remains the Vietnamese are almost certainly holding it will have to pay for them. And payment must come in the form of economic and political concessions to a communist dictatorship that brutalizes its own people, makes common cause with the Soviet Union, and wages wars of aggression and conquest against its neighbors in Southeast Asia.

Jane Fonda, where are you now?

[From the Sioux City Journal, September 9, 1985]

NO FREE RIDE

There are those who think it's wrong for big corporations to avoid paying taxes when small businesses have to pay through the nose. In some quarters, it is considered, well, not quite right, that big defense contractors, which depend on billions of dollars in government contracts, don't pay taxes to support defense.

The thoughts are reinforced by a report from a tax monitoring group that 40 big corporations didn't pay a cent in taxes in 1984. The corporations earned $10.4 billion in profits. The 40 got a total tax rebate totaling $657 million.

The news is particularly disturbing in light of the fact that this nation is experiencing its biggest peacetime budget deficit in history.

The rising economy was supposed to lift all boats. Greater profits were supposed to generate higher tax revenues at lower tax rates. It's not happening.

Certainly, corporate accountants can't be faulted for taking advantage of legitimate tax loopholes. But Congress and the White House can be faulted for creating the tax code that results in those loopholes.

The basis of any free society is the ability to accept the burden of self-taxation in return for the freedom of self-government. But now we don't want to tax ourselves; we want to tax the other guy, as if the other guy was responsible for running up the bill.

The companies running up the defense bill—the biggest in postwar history—ought to feel responsible for paying their fair

share of it. Isn't government solvency a part of national security?

The companies benefiting from the free economy, benefiting from America's national security, benefiting from our system of public highways, ought to help shoulder the burden of freedom, of defense, of transportation.

Corporations are supposed to pay 46 percent of their profits over $100,000 in taxes. Most of them pay about 15 percent. Many pay zero.

If 275 major corporations had paid the 46 percent tax in 1984, that would have raised $185 billion—enough to balance the budget.

The solution to America's problems won't come from soaking the big corporations. We think President Reagan's proposals for tax reform would come nearest the mark, but his proposals are being greeted with vast disapproval, not only in Congress, but among the rank and file of American taxpayers.

In any event, it is not too much to ask that all corporations, large and small—as well as all income-earning citizens—shoulder an equitable share of the burden of maintaining our government. A free government doen't mean a free ride.

INTERNATIONAL FAMILY PLANNING PROGRAMS ASSAULTED AGAIN

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. KOSTMAYER. Mr. Speaker, the following column by the Pulitzer Prize winning author Ellen Goodman, is not fantasy, but fact. The Reagan administration is steadily and surely unraveling America's 20-year bipartisan commitment to voluntary family planning in the Third World.

As a member of the Foreign Affairs Committee in the House and as a member of the Select Committee on Hunger, I believe that population plays a central role in the economic, social, and political instability now threatening large parts of Asia, Africa, and Latin America. In the face of this threat, the Reagan administration has undertaken an effort to defund some of the world's most distinguished family planning organizations, including the U.N. Fund for Population Activities and the International Planned Parenthood Federation, while dramatically increasing funding for those organizations committed exclusively to natural family planning, generally regarded as the least effective method of contraception.

The Reagan administration's commitment to the social agenda of the far right will have damaging and lasting impact.

As Abraham Lincoln once said, "Bad promises are better broken." This is one promise the administration would be better off breaking. Ms. Goodman's column from the Philadelphia Inquirer of September 3, 1985, follows:

[From the Philadelphia Inquirer, Sept. 3, 1985]

ILL-RECEIVED IDEOLOGY NOW EXPORTED

(By Ellen Goodman)

BOSTON.—Let us imagine the following scenario: A woman goes into a public family-planning clinic in any American city, looking for a way to limit or space her children.

The clinic gives her information about "natural" family planning, an updated version of rhythm. She is told that with careful monitoring of her vaginal mucus, tracking her temperature, and with abstinence, natural family planning is "highly effective."

How highly? she might ask. If the clinic shares the best research on the subject, she will be told that among careful users 24 percent will become pregnant during one year.

Let us now imagine—this is the easy part—that she gulps and asks what else the clinic has to offer. The answer she gets is: "Nothing."

This is just a fantasy. It couldn't happen in America. Yet. A federally funded clinic is required to offer a full range of options to each client. We call this "informed consent." In any medical encounter, a patient must be given full information before she can consent to treatment.

Change the backdrop now to a Third World country, and the scenario becomes all too real. The Reagan administration decided this summer to fund organizations that offer Third World women exactly one option: the "natural" one. Under a new directive, the Agency for International Development (AID) is passing out money, not to the medically sound, but to the politically correct.

It is all part of the successful business in exporting our political disputes. Those who can't ban birth control here are trying it overseas. The government is, in effect, dumping right-wing ideology that it can't sell in America (the way others have dumped banned chemicals) onto Third World markets.

This export business first began to thrive at the population conference in Mexico City last year. The U.S. government told an astonished collection of countries that we no longer believed that family planning was so vital for the developing world. The administration then went on to deny family-planning funds to the International Planned Parenthood Federation and withhold funds from the United Nations Fund for Population Activities.

In both cases, the "hook" that pulled the funding rug out from under these organizations was the abortion issue. But neither group was using American government money for abortions. The real attack was on artificial birth control.

It is no secret that many of those opposed to abortion are also opposed to "unnatural" family planning. The American Life Lobby, for example, has opposed Title X provisions that provide five million American women with family planning.

Now the Reagan folk are using foreign policy, not just to appease but also to fund this right-wing constituency. Money has been taken away from the United Nations by the one hand and given to groups like the Family of the Americas Foundation by the other hand.

As a longtime AID staffer says, "This is no aberration. It's part of a concerted effort by groups opposed to family-planning programs to bring them to an end." As Faye Wattleton, head of Planned Parenthood, puts it: "They're promoting these policies abroad because it's the only place where they can give this constituency their red meat."

There is nothing inherently wrong with natural family planning. It is one of the choices offered by all our overseas programs. But it is also one of the least effective methods of preventing pregnancy.

A World Health Organization study showed that 35 percent of the women who use the method in the Third World give it up after 13 months. Half of them give it up because they are pregnant. Supporters of natural family planning argue that the method isn't at fault, people are. But how do you call the method a success if the patient is pregnant?

The argument becomes theological, rather than scientific. But the main question is quite straightforward: are women in foreign countries entitled to make the same choices from the same range of options that American women have? Will we allow Third World women to decide for themselves?

At the moment, only $7 million or $8 million of AID's budget is going to the "natural" method. But this is not family-planning money. It's political-payoff money. And the real target of these political players is much closer to home.

SPECIAL IMMIGRATION STATUS FOR "SILVA" CLASS RESIDENTS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. ROYBAL. Mr. Speaker, I am introducing a bill to amend the Immigration and Nationality Act to provide for special immigrant status for a certain group of individuals, popularly known as the Silva class. This bill would remedy an injustice that has prevented these long-term residents of the United States from obtaining immigrant status.

Let me give a brief account of their situation. Between 1968 and 1976, the Immigration and Naturalization Service used 145,000 Western Hemisphere immigrant visa numbers to adjust the status of Cuban refugees. A class action suit, Silva versus Levi, was filed on behalf of Western Hemisphere visa applicants with registration dates during that period. A Federal court ruled that the 145,000 visas had been improperly used and should be "recaptured" and used for the Silva class visa applicants who had been waiting the longest. The court also ordered that Silva class members already in the United States, numbering about 250,000, be allowed to stay while the visas were being issued.

Following that court order, the INS issued letters to many of these class members confirming their right to stay in the United States. By October 1981, the 145,000 recaptured visas had been issued, leaving thousands of Silva class members without visas. The injunction protecting them from deportation was lifted in December 1981, and the temporary reinstatement of the protection in 1982, when the Senate passed the Simpson immigration bill, expired in 1983. These unfortunate people have been living in fear of removal from this country since then.

Who are the Silva class members? They are would-be immigrants from the Western Hemisphere, primarily from Mexico. Virtually all of them have been living in the United States at least 8 years. They have es-

tablished roots in this country. Their applications for visas have not been granted because of the large backlog, and are virtually sure to remain in that status indefinitely.

It is especially appropriate to consider the plight of Silva class members during Hispanic Heritage Week. Their inability to immigrate legally, despite a desire to do so, could be remedied if this humanitarian legislation were passed. The current restrictions in our immigration laws regarding legal immigration from the Western Hemisphere, while designed to be fair to all intending immigrants, fail to take into account historical immigration patterns from our closest neighbors. It is important to remember that numerical restrictions on immigration from the Western Hemisphere are very recent. Annual ceilings were first applied in 1968, and the preference system and per-country limits were applied in 1977. The resulting backlog of immigrant visa applications from Mexico grew to about 330,000 by January 1985.

While this bill would not remedy that larger inequity, it would provide justice for a specific group of individuals who have been waiting for a long time to receive official permission to reside in this country. Many have U.S. citizen children who have never been to the parents' native countries.

There seems little point in continuing the current dependence of Silva class members on passage of one of the various legilization programs being considered by Congress. Whether or not legalization legislation is enacted, my bill would ensure a fair and final resolution of the status of the Silva class. It would have a significant effect in reducing the backlog of visa applications in the Western Hemisphere as well.

Exceptions have been made in the past for particular groups stuck in the pipeline of immigration. For example, a special provision for investor immigrants, whose applications had been pending for many years for lack of visa numbers, was enacted in 1981. At the same time, immigrant status was granted to alien physicians who could not otherwise qualify for immigrant status.

In view of the special circumstances of the Silva class of persons wishing to immigrate to this country, this bill warrants strong congressional support. It would grant those persons born in the Western Hemisphere who entered before March 11, 1977, and who were granted a priority date for an immigrant visa between June 30, 1968 and January 1, 1977, special immigrant status. It would allow them to apply for such status in the United States, and would exempt them from preference and quota restrictions that now preclude their legal immigration.

STRENGTHEN INADEQUATE SUPERFUND BILL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. FLORIO. Mr. Speaker, several committees of the House are now considering legislation to extend and expand the Superfund Program. Funding for the existing $1.6 billion program runs out on September 30 with scant progress made on the cleanup of thousands of dangerous abandoned hazardous waste sites across the country.

This past August, the Energy and Commerce Committee reported a bill (H.R. 2817) to extend this vital environmental program for 5 more years. I voted against final passage of the legislation because it is substantially weaker than the bill (H.R. 5640) overwhelmingly approved by the House last year, 323 to 33. The bill is now being considered by several House committees, including the Public Works Committee, the Ways and Means Committee, the Judiciary Committee and the Merchant Marine Committee.

I recently received a letter from a broad coalition of environmental, labor, consumer, religious, and health organizations which also oppose the Commerce Committee bill and urge us to strengthen it in several key areas as it proceeds through the legislative process. I commend this letter to my colleagues' attention.

SEPTEMBER 11, 1985.

Hon. JAMES J. FLORIO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FLORIO: H.R. 2817, the Superfund legislation sponsored by Representatives John Dingell (D-MI) and James Broyhill (R-NC), takes a step backwards from H.R. 5640, the strong Superfund reauthorization bill passed overwhelmingly by the House one year ago by a vote of 323 to 33. The undersigned environmental, labor, consumer, religious and health organizations urge you to support critically needed amendments to H.R. 2817. Unless the key amendments (outlined below) are adopted, H.R. 2817 will not provide the essential tools needed to tackle Superfund cleanups over the next five years.

This year, Congress should mandate a Superfund program that will provide for real improvement in EPA's inadequate record. Although H.R. 2817 does raise $10.1 billion, the Dingell-Broyhill proposal leaves program spending decisions primarily in EPA and OMB hands, thus promoting an alliance that has cleaned up only six sites in five years.

The Dingell-Broyhill bill must be strengthened in the following key areas:

1. *Mandatory schedules must be written into the law.*—At present, EPA has completed only 6 hazardous waste cleanups. The agency has identified approximately 20,000 suspect hazardous waste sites and 800 National Priority List (NPL) sites. Unfortunately, the Dingell-Broyhill bill does not require that any specified number of cleanup construction starts take place on an annual basis. We urge you to support the amendment mandating a schedule, similar to that passed in H.R. 5640, which will guarantee an improved annual record of progress in cleaning up dumpsites.

2. Strong and effective national cleanup standards must be set.—These standards must be achieved as part of a permanent cleanup remedy. Uniform cleanup standards must be mandated in order to put clarity into the debate over what "clean" really means. We urge you to support the amendment which requires that chemicals regulated by another federal environmental law be cleaned up to the level specified in that law. About 150 chemicals have been regulated by other statutes; 130 of these are subject to the water quality criteria in the clean water act.

The Dingell-Broyhill bill reduces the number of chemicals in the standard safety net from 150 to 20 by eliminating the water quality criteria. It also creates additional waivers to the standards, including a "fund balancing" proposal, which would even allow private party cleanups to avoid meeting federal standards when funds in the Superfund are low, even though the cleanup is entirely privately funded.

3. Citizens whose health is threatened by leaking dumpsites must be given the right to go to court to protect themselves.—The Dingell-Broyhill bill weakens the citizen suits provision in last year's Superfund reauthorization bill. We urge you to support the amendment to restore the right of citizens to go to court to prove that a dump may be causing an imminent and substantial risk to their health.

Without this provision, citizens cannot force dump owners to take actions to prevent a public health threat before it occurs. State common law usually does not provide remedies for citizens in these instances since they are usually available only when contamination or harm has already occurred. Frivilous cases would be prevented under this provision since citizens cannot sue for damages or bring cases on contingency fees.

4. Community right-to-know provisions must provide useful information to concerned citizens.—The recent tragedy in Bhopal has evoked a public outcry for federal community right-to-know legislation. Citizens are concerned about dangerous chemical processing activities occurring, almost literally, in their backyards. We urge you to support an amendment mandating the compilation of "mass balancing" information on routine hazardous chemical use and releases.

The Dingell-Broyhill bill does not require companies to reveal information concerning community exposure to chemicals (i.e., venting of gases and routine air and water emissions).

5. Victims of hazardous waste must be given their fair day in state courts to seek reimbursement of medical and other costs from responsible parties.—Last year, the Energy and Commerce Committee approved a federal cause of action allowing victims to sue in either federal or state court to recover costs related to their injuries. A uniform and equitable statute of limitations (three years after the person knew or should have known that the injury was exposure-related) and a strict, joint and several liability standard were established. This enables victims to recover costs without having to identify every polluter who contributed to the contamination and without having to prove that polluters disposed of wastes in a "negligent" manner.

The Dingell-Broyhill bill prevents victims of hazardous waste from getting a fair day in federal or state courts to seek reimbursement of medical or other costs. Though it does slightly improve state statute of limitation laws, H.R. 2817 does not provide even limited remedies for those injured prior to 1980. In addition, there is no mandated liability standard. We urge you to support an amendment to provide victims with their right to a fair day in court.

These and other amendments (addressing leaking underground storage tanks) are crucial to the passage of a Superfund which can solve the hazardous waste cleanup

crisis. Without these crucial amendments, the Dingell-Broyhill bill will serve only as a half-hearted attempt at tackling a very serious problem. We look forward to working with you to pass these amendments.

Sincerely,

Helen Burstin, American Medical Student Association; Victor W. Sidel, M.D., American Public Health Association; Ann F. Lewis, Americans for Democratic Action; Michael Jacobson, M.D., Center for Science in the Public Interest; Ralph Watkins, Church of the Brethren; Sally Timmel, Church Women United; Charles Lee, Commission for Racial Justice United Church of Christ; David Saperstein, Commission on Social Action of Reform Judiasm; Jeffrey Tryens, Conference on Alternative Local Policies;

Sister Joan Carusillo, Congregation of Sisters of the Holy Cross, Eastern Region; Gene Kimmelman, Consumer Federation of America; Dan Becker, Environmental Action; Geoff Webb, Friends of the Earth; Kathleen Tucker, Health and Energy Institute; Anthony Guarisco, International Alliance of Atomic Veterans; Cheryl Martin, Mennonite Central Committee, Washington Division; Leslie Dach, National Audubon Society; Cathy Hurwit, National Campaign Against Toxic Hazards; Chris Cowap, National Council of Churches of Christ in the U.S.A., Division of Church and Society;

Linda Tarr-Whelan, National Education Association; Norman Soloman, National Fellowship of Reconciliation; Martha Broad, Natural Resources Defense Council; Janet Hathaway, Public Citizen's Congress; George Coling, Rural Coalition; Blake Early, Sierra Club; Sister Loretta Hennedkes, Sisters of St. Joseph, St. Louis Province, Social Justice Office; Robert Alpern, Unitarian Universalist Association, Washington Office; Jay Lintrer, United Church of Christ, Office for Church in Society; and Rick Hind, U.S. Public Interest Research Group.

CONGRESSIONAL INTENT ON AMENDMENTS COVERING ALL AGRICULTURAL COMMODITIES TO BE CLARIFIED WITH AMENDMENT

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BEDELL. Mr. Speaker, today I am joined by Mr. MADIGAN, Mr. ROBERTS, Mr. DASCHLE, Mr. EVANS of Iowa, Mr. PENNY, Mr. BEREUTER, Mr. TAUKE, Mr. SLATTERY, Mr. GUNDERSON, Mr. GLICKMAN, Mr. COLEMAN, Mr. VANDER JAGT, Mrs. SMITH of Nebraska and Mr. LIGHTFOOT, in introducing legislation designed to clarify congressional intent that producers of a raw agricultural product may be considered in the application of antidumping and counterveiling duty statutes.

The legislation would require the International Trade Commission [ITC], in determining whether imports are causing material injury to a domestic industry, to treat producers of raw and initially processed agricultural products as members of the same industry, provided that the more advanced product is produced in a single continuous line of production from the raw product.

Thus, in order for the language of the bill to apply, the raw product would have to be completely or substantially devoted to the production of the more advanced product and, likewise, the more advanced product would have to be produced completely or substantially from the raw product. Producers of raw and initially processed products who exhibit a high degree of economic interdependence would also be members of the same industry. The amendment covers all agricultural commodities, including livestock and other animals.

In the recent counterveiling duty determination involving live swine and fresh, chilled and frozen pork from Canada, the ITC ruled that hog producers and pork processors were not producers of a like product and consequently were not members of the same industry, even though the Commission found that fresh, chilled and frozen pork is produced from live swine through a single continuous line of production.

The Commission held that hog producers and pork processors were not producing a like product because the test of economic integration evidenced by legal and contractual interdependence was not established. In a strong dissent, one of the Commissioners said that the measure of injury incurred by producers is properly related to the amount of their product that goes into the final processed product and it is not determined by the form of the contractual relationship between producers and processors.

Hogs are transformed to fresh, chilled, and frozen pork by a process—slaughter—which represents a wholly single continuous line of production. Indeed all hogs become pork products and all pork products come from hogs. Furthermore, the value of hogs represents approximately 90 percent of the value of fresh, chilled and frozen pork produced by domestic pork processors.

The decision by the ITC to impose a counterveiling duty on live swine but not on pork products from Canada may be easily circumvented by the increase in the shipment of pork products instead of swine across the border. Indeed one Commissioner noted that the Canadians have the facilities available to accomplish this product shifting without major capital investment or reorganization to the industry.

United States hog farmers have already been affected by the ITC ruling. In the real world, there is no logical differentiation between the importation of live hogs or pork products, in the determination of injury to U.S. hog producers. Whether the swine come in as hogs or pork products, the effect is the same on prices. U.S. hog farmers will be undersold and denied their rightful share of the market by subsidized pork products, which will be coming in, in increasing quantities.

The purpose of the legislation I am introducing today is to permit the producers of a raw agricultural product to be considered in counterveiling and antidumping duty cases involving a more advanced processed product where the relationship between the growers and processors is characterized by a single continuous line of production or there is a significant degree of economic dependence. This amendment rationally links related industries where the effect of subsidized imports would be the same.

I believe that the adoption of this legislation will rectify an anomalous situation and while it will not guarantee relief to U.S. hog producers it will provide them with the opportunity to seek relief from the import of subsidized pork products. The text of the amendment follows:

H.R. 3328

A bill to amend the Tariff Act of 1930

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

That section 771(10) of the Tariff Act of 1930 (19 U.S.C. 1667(10)) is amended by designating existing section (10) as paragraph (10)(a) and adding at the end thereof the following new paragraphs:

(b) Agricultural products which are processed from raw agricultural products (including livestock and other animals) shall be considered a like product with such raw product provided that, either:

(i) the more advanced product is produced from the raw product through a single continuous line of production, or

(ii) the producers of the raw product and of the more advanced product otherwise have a significant degree of economic interdependence as manifested by price, market, or other economic interrelationships, whether or not such interdependence is based on legal relationships.

(c) For the purposes of paragraph (b), the more advanced agricultural product shall be considered to be produced from the raw agricultural product through a single continuous line of production, to the extent that:

(i) the raw product is substantially or completely devoted to the production of the more advanced product, and

(ii) the more advanced product is produced substantially or completely from the raw product.

U.S. JOINS THE INTER-AMERICAN INVESTMENT CORPORATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BEREUTER. Mr. Speaker, there seems to be too little good news about economic developments in Latin America these days, so it is particularly encouraging to note last week's official ratification of U.S. participation in the Inter-American Investment Corporation. This new facility, affiliated with the Inter-American Development Bank, is designed to provide much needed capital and credit for small and medium-sized enterprises in Latin America and the Caribbean.

Small and medium sized businesses hold an important key to economic growth and job creation in Latin America where unemployment rates of up to 25 percent are not uncommon. The external debt crisis in the southern half of our hemisphere has resulted in a drastic reduction of capital available for investment, so urgently needed by the region's thousands of small businesses to expand their operations, provide employment and begin growing. The Inter-American Investment Corporation hopes to help meet that need in some part, acting as a catalyst for bringing external capital and management skills to help small and medium sized Latin American businesses.

Secretary of the Treasury James Baker's signature on the documents of ratification culminates a long negotiations process supported by this administration from the beginning. Thirty-three other member countries of the IDB have committed themselves to participate in the IIC. Startup is expected in 1986. I am pleased that the U.S. is now an official member of the IIC.

MAKE-A-WISH

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. McGRATH. Mr. Speaker, I would like to take this opportunity to urge my colleagues to cosponsor House Joint Resolution 221, designating the month of October 1985 as "National Make-A-Wish Month." The Senate has successfully passed the companion bill and it is now time for the House to take similar action.

The Make-A-Wish Foundation is a nonproft organization formed to fulfill the desires of terminally ill children through the aid of civic organizations, businessmen, celebrities, sports figures, fire and police departments and other volunteers who can provide time, talent, service or love.

The foundation now has 40 chapters in 24 States. The work performed by the foundation should certainly be recognized, not only to exhibit the caring that goes on daily within our communities, but also to promote similar activities nationwide.

Over 5,000 children lose their lives to terminal illnesses each year. Many times, a child's bout with a terminal illness is filled with memories of hospitals, medical tests and treatment, and painful thoughts of the road yet to come. The Make-A-Wish Foundation has made these memories a little brighter by giving them a chance to be a fireman or policeman for a day, take a trip to the beach, meet their favorite celebrity or by fulfilling any one of their lifelong dreams.

I would like to share with my colleagues some excerpts of letters the foundation has received since the short time of its inception:

Guess what—sometimes I forget I am sick. Sometimes I even forget I have cystic fibrosis, and even though I have spent most of my life in hospitals, sometimes I can forget that. My VCR helps me forget. Thank you for it and making it possible for me to pick out the films I want to watch. I hope you can help other kids get what they wish for, then maybe for a little while they will be able to forget their illnesses. That is my wish for them.

P.S. These are my words but my mom's handwriting. My I.V. is in my left hand, the one I use to write with.

We would like to thank you for the wagon you gave Corey when he left Children's Hospital on Feb. 4th. He liked it very much. Corey lived at home until Feb. 22nd and then he died in his wagon.

As a member of the board of directors for the Make-A-Wish Foundation of Nassau/Metro New York Inc., I implore my fellow Representatives to take the initiative needed to make House Joint Resolution 221 a reality. Let's show our support for the efforts of all those individuals who have shared their time, talent and love with these young children. The memories created by the Make-A-Wish Foundation will long be remembered by all the families and lives they have touched.

ARMENIAN GENOCIDE

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. COELHO. Mr. Speaker, for more than 45 years, the leading nations of the world focused a great deal of attention upon the constant oppression of the Armenian population of Ottoman Turkey. The final period of the massacres—the Armenian Genocide of 1915–23—is really in fact a final chapter in a protracted period of human suffering and destruction.

To its great credit, the 54th Congress of the United States took up the cause of the Armenian atrocities. On January 24 and 27 of 1896, the Senate and House passed a concurrent resolution deploring the slaughter of Armenians and calling upon the signatory nations of the 1878 Treaty of Berlin to fulfill their obligation to protect the Armenian population. I insert the full text of the 1896 resolution in the RECORD:

[The Statutes at Large of the United States of America, from December, 1895, to March, 1897, and recent treaties, conventions, and executive proclamations, with an appendix containing the concurrent resolutions of the two Houses of Congress. Edited, printed, and published by authority of Congress, under the direction of the Secretary of State. Vol. XXIX; Washington, Government Printing Office, 1897.]

ARMENIAN OUTRAGES

Whereas the supplementary treaty of Berlin of July thirteenth, eighteen hundred and seventy eight, between the Ottoman Empire and Great Britain, Germany, Austria, France, Italy, and Russia, contains the following provisions:

"LXI

"The Sublime Porte undertakes to carry out without further delay the ameliorations and reforms demanded by local requirements in the provinces inhabited by the Armenians, and to guarantee their security against the Circassians and Kurds.

"It will periodically make known the steps taken to this effect to the Powers, and will superintend their application."

"LXII

"The Sublime Porte having expressed the wish to maintain the principle of religious liberty, to give it the widest scope, the contracting parties take note of this spontaneous declaration.

"In no part of the Ottoman Empire shall difference of religion be alleged against an individual as a ground for exclusion or incapacity as regards the discharge of civil and political rights, admission to the public service, functions, and honors, and the exercise of the different professions and industries.

"All persons shall be admitted, without distinction of religion, to give evidence before the tribunals,

"Liberty and the outward exercise of all forms of worship are assured to all, and no hindrance shall be offered either to the hierarchial organization of the various communions or to their relations with their spiritual chiefs.

"The right of official protection by the diplomatic and consular agents of the Powers in Turkey is recognized both as regards the above-mentioned persons and their religious, charitable, and other establishments in the holy places;" and

Whereas the intent and object of the above cited provisions of said treaty are to place the Christian subjects of the Porte under the protection of the other signatories thereto, and to secure to such Christian subjects full liberty of religious worship and belief, the equal benefit of the laws, and all the privileges and immunities belonging to any subjects of the Turkish Empire; and

Whereas by said treaty the Christian Powers, parties thereto, having established, under the consent of Turkey, their right to accomplish and secure the above-recited objects; and

Whereas the American people, in common with all Christian people everywhere, have beheld with horror the recent appalling outrages and massacres of which the Christian population of Turkey have been made the victims: Therefore,

Resolved by the Senate of the United States (the House of Representatives concurring), That it is an imperative duty, in the interest of humanity, to express the earnest hope that the European concert brought about by the treaty referred to may speedily be given its just effect in such decisive measures as shall stay the hand of fanaticism and lawless violence, and as shall secure to the unoffending Christians of the Turkish Empire all the rights belonging to them both as men and Christians and as beneficiaries of the explicit provisions of the treaty above recited.

Resolved, That the President be requested to communicate these resolutions to the Governments of Great Britain, Germany, Austria, France, Italy, and Russia.

Resolved further, That the Senate of the United States, the House of Representatives concurring, will support the President in the most vigorous action he may take for the protection and security of American citizens in Turkey, and to obtain redress for injuries committed upon the persons or property of such citizens.

Passed the Senate January 24, 1896.

Passed the House of Representatives January 27, 1896.

During the discussion surrounding this resolution, Congressman McCreary of Ken-

tucky pointed out that the prior Congress had taken steps to bring about an end to massacres taking place in Armenia. Mr. McCreary stated:

During the last Congress we received information of these robberies and murders in Armenia. Hoping and believing that we might accomplish something, we authorized the appointment by the President of the United States of a consul at Erzerum and a consul at Harpoot, in the Turkish provinces where the greatest atrocities had been committed. These consuls were appointed by the President, but they were at first denied their exequaturs. After months of delay I believe they at last reached their posts of duty.

The actions of the 54th Congress demonstrate for those of us in the 99th Congress that the treatment of the Armenian population in Ottoman Turkey was of profound concern to the United States. One needs only to go back and read the statements made on the floor of this Chamber in January 1896 to realize just how involved the Congress was in this question. The resolution I introduced earlier this year, House Joint Resolution 192, merely seeks to remember the Armenian victims of this protracted tragedy. By approving House Joint Resolution 192, we will be reaffirming the record established by prior Congresses. The minority of Members who oppose this resolution ought not be permitted to rewrite the history of this body. We must approve House Joint Resolution 192 when it returns for a vote this year.

NATIONAL COMMISSION TO PREVENT INFANT MORTALITY

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. LELAND. Mr. Speaker, infant mortality is widely utilized as a measure of the health status of a community. Thus, it is a tragedy that the infant mortality rate for the United States, the wealthiest country in the world, continues to exceed that of many developed nations. According to Secretary Heckler's report "Health, United States" issued earlier this year, in 1981, our country ranked 14th—behind nine European nations, Japan, Canada, Australia and Singapore. More importantly, while infant mortality rates have declined significantly since 1970, the trend clearly has stagnated. In some areas, rural and urban, infant deaths have increased. Here, in our Nation's Capital, recent statistics issued indicate the infant mortality rate increased by 16 percent during the past year. Black infant mortality overall remains twice as great as for whites. This gap has not decreased; on the contrary, indications are that it is widening.

Mr. Speaker, as many of my colleagues are aware, the situation is abysmal. It is imperative, therefore, that we mobilize the efforts of this great country to end this national disgrace. I am troubled and deeply disturbed by the lack of a concerted and coordinated effort to reduce infant deaths here, in our country—a land of plenty—and so I have introduced legislation today to establish a National Commission to Prevent Infant Mortality.

The charge of the Commission shall be to "address respective governmental and private roles in the delivery of services associated with preventing infant mortality, and to recommend actions designed to change and improve the Nation's comprehensive approach to this national problem." The Commission shall recommend a national policy to change and improve our current approach to preventing infant mortality.

The Commission shall be composed of 15 members, and include the Secretary of Health and Human Services and the Comptroller General of the United States. Four members shall be appointed by the majority and minority leaders of the House and Senate—one each; three members from representatives of State and local government selected by the President—one shall be a Governor; one a State legislator; and one a representative of local government—no more than two of whom shall be members of the same political party. The remaining members of the Commission shall be jointly selected by the majority leader of the Senate and the Speaker of the House.

Mr. Speaker, our current efforts are clearly falling short, and in some instances failing. In 1982, according to the National Center for Health Statistics of the Department of Health and Human Services, 42,401 infants died before reaching their first birthday. If our fight to end infant mortality were succeeding, the vast, vast majority of these young citizens would be alive today. It is children, healthy children, who make our Nation secure. I invite and urge my colleagues to cosponsor this vital legislation.

NIHONMACHI LEGAL OUTREACH CELEBRATES ITS 10TH ANNIVERSARY

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mrs. BURTON of California. Mr. Speaker, on September 27, 1985, the Nihonmachi Legal Outreach [NLO] of San Francisco will be celebrating their 10th anniversary. This special day will commemorate a decade of dedicated legal service which the Nihonmachi Legal Outreach has provided to the residents of the San Francisco Bay area.

The Nihonmachi Legal Outreach—or NLO as it is commonly referred to by its supporters, clients, and staff—was founded in 1975 by a group of Asian American law students who were attending law schools in the San Francisco area. These students felt that there was a need to provide a culturally sensitive type of legal service to the Asian/Pacific community. Individuals such as Richard Eijima, Paul Wada, Ranko Yamada, Dannette Sakoda, Carole Morita, Kent Hori, Dennis Hayashi, Dean Ito Taylor, and Grant Tomioka, the founders and initiators of NLO, then established an office in San Francisco's Japantown to begin providing for the needs of the community.

Since its inception, NLO has provided legal services on a regular basis as well as having promoted the status and well-being of women, immigrants, the elderly, youth, minorities, and low-income individuals.

Furthermore, the staff and volunteers of NLO provide educational workshops and written materials on frequently encountered legal questions in addition to its information and referral service in the social service and counseling area.

During the past decade, NLO has displayed their public spirit and community involvement, but more importantly, their efforts have reached individuals and organizations who were not able to represent themselves to seek and acquire the liberties and equal justice due to them.

May I take this opportunity to personally convey my thanks and admiration to the Nihonmachi Legal Outreach and ask my colleagues to join with me in congratulating and wishing them many more years of continued success.

DURHAM, NC, SCHOOL EARNS TOP RANK IN NATION

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. VALENTINE. Mr. Speaker, exactly 2 years ago, the National Science Board's Commission on Precollege Education in Mathematics, Science, and Technology released a disturbing report. The report concluded that the United States "is failing to provide its own children with the intellectual tools needed for the twenty-first century." The Commission's report is only one of many in recent years that have criticized the condition of American education. Almost every facet of education in the United States has come under attack, including academic standards, student performance, curriculum, teacher preparation and quality, disciplinary standards, and its apparent overall weakness relative to education in other nations.

These criticisms reflect legitimate concern about our efforts to prepare our children for the future. The United States has long been a world leader in education, and we must maintain our leadership if this generation and future generations are to keep pace with the unprecedented speed of technological innovation.

All of this concern has naturally focused public attention on the perceived shortcomings of American education. I believe that this focus is necessary if we are to improve our schools. But I also believe that we should highlight those areas of education in which we have been successful.

Mr. Speaker, I have one such success story to report. For the second consecutive

year, the North Carolina School of Science and Mathematics in Durham, NC, has led the Nation in the number of National Merit semifinalists.

The North Carolina School of Science and Mathematics is only 5 years old, and yet, under the able leadership of Charles Eilber, it has established a nationwide reputation for excellence. As the first residential high school of its kind in the entire country, it enjoys a history of pioneering and leadership. This year, 85 students from a senior class of 210 have been named National Merit semifinalists.

This achievement is a tribute to the school's admissions policies, which are designed to find the most gifted students in science and math. Leadership in the National Merit competition also reflects great credit on the entire North Carolina school system. Students come to the North Carolina School of Science and Mathematics from throughout the State. Their superior performance provides clear evidence of the solid foundation they receive at their hometown high schools.

The contributions of the North Carolina School of Science and Mathematics go far beyond the impressive academic accomplishments of its students. The school is constantly expanding its horizons and extending its reach to develop new programs for the future.

Through a recent grant from the IBM Corp., the school will soon have, according to the best available estimate, the largest number of computers per student of any educational institution in the country.

With the IBM grant and a second grant from the Carnegie Corp., the school will begin a series of projects to develop new methods of using computers in schools and to design a new high school math curriculum that could serve as a nationwide model.

Finally, with a third grant from the Ford Foundation, the North Carolina School of Science and Mathematics has become a major participant in the Durham Mathematics Council project. This project could involve every secondary math teacher in the city and county in a program to build professional skills as both mathematicians and teachers.

I might add that the city of Durham is by far the smallest of seven metropolitan areas selected nationally to participate in this project. That achievement reflects Durham's reputation as a growing, progressive area as well as the advantages of close proximity to the Research Triangle Park and the national reputation of the North Carolina School of Science and Mathematics.

The school was originally intended to develop leaders in math and science for North Carolina. It has succeeded admirably. I think it is particularly noteworthy that nearly two-thirds of its highly qualified graduates stay in North Carolina for their college education.

Mr. Speaker, we have a long way to go before we can say that most of our Nation's educational problems are solved. But it is encouraging to note the success of innovative programs such as this which allow our brightest students to grow and develop to the limits of their potential.

Since much of the current concern about the state of American education has focused specifically on science and math, I am especially proud of this school. The North Carolina School of Science and Mathematics is leading the way in preparing our young people to meet the technical challenges of the 1990's and beyond. I hope this outstanding example of educational innovation will inspire similar projects in other areas of American education.

STAR WARS MAY PROVE IMPRACTICAL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BEREUTER. Mr. Speaker, I take this opportunity to call to my colleagues' attention an editorial that appeared in the Norfolk Daily News of Norfolk, NE. The points made regarding premature decisions about the feasibility of the strategic defense initiative are worthy of consideration.

All of us pray that peaceful negotiation will take the place of military systems, but until we can be confident that such defense is not needed or that it would not work we cannot gamble with the survival of a nation.

The editorial follows:

[From the Norfolk (NE) Daily News, Sept. 12, 1985]

NOT SCIENTIFIC

The university scientists who oppose the Strategic Defense Initiative, the administration's attempt to devise an anti-nuclear missile capability, say their emphasis is not to make a political statement. Rather, it is, in the words of one of their leaders, John Kogut, a physics professor at the University of Illinois-Urbana, "to point out that the bulk of the scientists who would be working on it think it is technically infeasible and at the level of science fiction."

Nuclear warfare was in the category of science fiction; so was space travel or flight by heavier-than-air machines. Of all people, scientists ought to be most skeptical of arguments that anything within the realm of the human imagination is impossible.

Star Wars may prove impractical or too costly, but any early decision to that effect without more research and whatever testing that research may call for is not to America's benefit. The purely defensive weapon that would be created would not be designed to destroy enemy cities and kill millions, but to prevent that sort of thing happening to America.

The movement will probably have no telling effect on the actual effort. There are enough scientists who see the problems as a challenge with the possibility of helping to continue policies of peace through strength that work will proceed. Congress has tentatively set aside $2.7 billion of a five-year, $26 billion effort which President Reagan seeks.

Of course it remains a gamble, and all people of good will earnestly pray that any military systems will be rendered obsolete by international agreements to decide all differences by peaceful negotiation, not arms.

One can join in such prayers without gambling the life of a nation on them.

The scientists who pledge not to take part in Star Wars research are acting out of principle, of course. But so are all the others who are not so quick to conclude it is impossible to develop an effective shield of satellite sensors and lasers. We appreciate the principles of this latter group more, and are reminded that peace is not a state derived from military weakness, but from strength.

THE BERGEN RECORD ON FREE TRADE AND THE IMF

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. COURTER. Mr. Speaker, the Bergen Record newspaper of New Jersey recently spoke out on the trade-war fever gripping the Congress and offered some profound insights I hope my colleagues will consider.

The entire editorial is outstanding, yet the most important point the Record makes is that the International Monetary Fund's austerity prescriptions are, for instance, forcing Brazil to boost exports and restrict imports. These policies are endorsed by the Federal Reserve Board and, indirectly, by the Congress when we passed the $8.4 billion in loan guarantees to the IMF in 1983.

It is long past time for us to consider the role the IMF is playing in the disruptions of trade and rising protectionism that threaten the global economy.

The Bergen Record editorial follows.

PROTECTIONIST FEVER

A specter is haunting Congress, the Specter of Smoot-Hawley. On one hand, Congress is under siege from workers, farmers, and manufacturers who are up in arms over the loss of one industry after another to foreign competition. The legislative hopper is brimming with some 400 proposals to restrain imports of everything from lumber to water beds.

ON the other hand, senators, representatives, and nearly everyone else who lived through the Great Depression or read about it in history books know all too well what happened the last time Congress succumbed to protectionist fever. That was back in 1930, just a few months after Wall Street laid its famous egg. With the economy sinking fast, two Western Republicans, Sen. Reed Smoot of Utah and Rep. Willis Hawley of Oregon, hit upon a time-honored remedy—protect American trade at the expense of the rest of the world. They introduced a bill raising industrial tariffs by a third. It passed Congress and, despite overwhelming opposition by professional economists, was signed into law by President Hoover.

For once, the economists were right. Instead of making things better, the Smoot-Hawley Tariff Act made them much, much worse. Inevitably, other nations retaliated, and soon the world had sprouted a new crop of tariffs, import quotas, and other trade barriers. Commerce slumped, and the Depression deepened.

The political order was also upset. America's embrace of protectionism helped under-

cut the liberal, free-trade faction in the Japanese government, which was elbowed aside by militarists arguing that only force of arms could guarantee Japan the foreign markets it so badly needed. The result was the Far Eastern "co-prosperity sphere" and Japan's lurch to war. In Germany, meanwhile, the worldwide Depression exacerbated by Smoot-Hawley helped undermine the democratic Weimar government and clear the way for Hitler and the Nazis.

Fifty-five years later, Americans are once again clamoring for relief from foreign competition. But Smoot-Hawley's terrible legacy is not easily shaken off. On one side lies recession and unemployment, on the other rising economic and political tensions. How will Congress react?

Preliminary indications are discouraging. Although many trade proposals before Congress are frivolous, a few are truly dangerous. The most sweeping is Sen. Lloyd Bentsen's proposal to levy a 25 percent import surcharge on countries with large trade surpluses against the United States.

Like any protectionist measure, the Texas Democrat's surcharge proposal would penalize success and reward failure. If Japan, South Korea, and Taiwan are high on the Bentsen hit list, it is mainly because they manufacture goods that are sophisticated, cheap, and well-made—unlike too many American products. Another country that has also incurred the senator's wrath is Brazil, whose only sin, apparently, is struggling too hard to keep up with payments on its $100-billion foreign debt, much of which is held by American banks.

Brazil achieved its sizable trade surplus by devaluing its currency and severely restraining imports. The result was a one-way flow of goods from Brazil to the United States and, inevitably, rising American resentment. But Mr. Bentsen forgets that it was the International Monetary Fund that pointed Brazil on its way toward this aggressive export strategy—endorsed by Congress in 1983, when it voted additional financial credits for the IMF to help Third World nations pay their debts. The Bentsen bill would thus punish Brazil for doing exactly what Congress said it should do.

By penalizing Brazil, Mr. Bentsen is virtually inviting it to default on its foreign debt, with possibly disastrous consequences for U.S. banks. By penalizing Japan, Taiwan, and South Korea, he would open the door to retaliatory measures throughout the globe. Senator Bentsen's proposal may be less sweeping than Smoot-Hawley, but it could point the world down the same slippery slope.

AFL-CIO/UNITED WAY HONOR FRANCIS J. CONWAY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. RINALDO. Mr. Speaker, the AFL-CIO and the United Way of Union County, NJ, will honor Francis J. Conway at its labor participation dinner dance on October 25. It is a distinction Frank Conway richly deserves for his outstanding service to the community for many years.

Mr. Conway retired in August as the Union County AFL-CIO and community service representative of labor to United Way.

Over the years, Frank Conway has exemplified the highest standards of the labor movement by his continued efforts to help people with dignity and compassion. He started his career in the labor movement when he was employed as a slate picker and blacksmith's helper at Raven Run Colliery in Pennsylvania over 40 years ago. He also served in the U.S. Merchant Marines and was drafted into the U.S. Army Air Force in 1946.

Frank Conway worked for the General Motors Co. as an assembler, and later for the Singer Manufacturing Co. He was the chief steward and a member of the executive board of the Union County CIO. He also served on the board of directors of the Community Chest as a CIO representative. These involvements led to his appointment as a full time AFL-CIO Union County community service liaison.

A resident of Roselle Park, Frank Conway serves on numerous boards and committees, such as the advisory committee on aging, the Senior Citizen Home Repairs and Maintenance Program, the regional health planning council, and human services planning council.

One of Frank Conway's favorite duties was the chairing of the AFL-CIO Community Service Counseling Program. Since 1957, over 700 graduate counselors have been serving their fellow union members and the community during their time of need by guiding them to the proper health, welfare and emergency services.

Frank Conway can be very proud of his accomplishments and the good will that he has brought to organized labor and its members who have so generously supported the United Way and its member agencies. Frank Conway's spirit of compassion for others is an example of the American spirit of generosity and neighborly concern for others. I wish Frank Conway and his wife, Burt, good health and happiness in their retirement years.

AUBREY MORGAN

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BONKER. Mr. Speaker, it is my sad duty to announce the passing of a distinguished former British diplomat who has been a resident of my district since 1947.

Mr. Morgan was born in Llandaff, Wales, attended Cambridge University, and served as controller of British Information Services in the United States. From 1948 to 1953, he served as personal assistant to British Ambassador Sir Oliver Franks and Counselor to the Embassy. While he retained his British citizenship, Mr. Morgan called Plas Newydd in Ridgefield his home and was a prominent supporter of the Portland Opera, the Oregon Symphony, and the Oregon Historical Society.

He possessed all the qualities of a senior statesman, and even in later years Aubrey Morgan retained his wit, intellect, and warm disposition. On my visits to Plas Newydd. I always came away refreshed and a little more enlightened. Mr. Morgan kept on top of the issues and was an astute observer of world events. I will miss his counsel, but more assuredly we all will miss his engaging personality and superb humor.

Aubrey Morgan is survived by his wife, Constance, the daughter of Dwight Morrow, a former U.S. Senator and Ambassador to Mexico, three daughters, including Elisabeth Pendleton whose husband is a foreign service officer, and one son.

All who knew and loved Aubrey Morgan will miss him, but we shall never forget this extraordinary person and the rich legacy that he has given to us.

[From the Oregonian, Sept. 16, 1985]

EX-DIPLOMAT AUBREY N. MORGAN DIES

Aubrey Niel Morgan, a former British diplomat and supporter of the performing arts in Portland, died Saturday in his home, Plas Newydd, in Ridgefield, Wash. He was 81.

Mr. Morgan was born in Llandaff, Wales, and attended Charterhouse and Jesus College, Cambridge University. He played cricket for teams at Charterhouse, Cambridge and Glamorgan.

During World War II, Mr. Morgan served as controller of British Information Services in the United States. He moved to Ridgefield in 1947 and lived there continuously, except for a five-year period, beginning in 1948, when he served as personal assistant to the British Ambassador Sir Oliver Franks and Counsellor to the Embassy. In 1953, he returned to Plas Newydd, his Washington farm, which was built in 1850 and is reputed to be the oldest frame building in the state.

In 1954, he received the Order of St. Michael and St. George.

In 1969, Mr. Morgan was awarded the William Hopkin Medal by the St. David's Society of New York for his services and especially for his work in raising funds for the National Museum of Wales.

In Portland, he served on the boards of the Portland Opera Association and the Oregon Symphony Association. The opera association honored Mr. Morgan by its establishment of the Aubrey Morgan Award for outstanding service to the opera.

Survivors include his wife, Constance, the daughter of Dwight Morrow, a former U.S. senator and ambassador to Mexico; three daughters, Saran Hutchins of Chicago, Elisabeth Pendleton of London, and Eiluned Morgan of New York City; a son, Rhidian of Portland; and seven grandchildren.

Funeral will be for family only. The family suggests that remembrances be contributions to the Portland Opera Association, the Oregon Symphony Association or the Oregon Historical Society.

The body was cremated.

THE BIRTHDAY OF MAYOR TOM DUCH

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. TORRICELLI. Mr. Speaker, I rise today to acknowledge the birthday of one of my district's brightest and most hard-

working citizens, Mayor Tom Duch of Garfield, NJ.

Mr. Duch is an outstanding leader in the city of Garfield. In addition to his mayoral responsibilities, Mr. Duch devotes much of his time to several community organizations. He is an active member of the Russian Club, the Italian American Forum of Garfield and the Saint Ciro Society. He is also married and has one child.

Elected mayor in 1980, the foundation of his tenure has been a commitment to community service and promotion of progressive government. As a public servant Tom has been an exceptional example of honor and integrity.

On this occasion, as we gather to celebrate Tom's birthday, let us offer our congratulations to a friend and respected official in Garfield, NJ.

THE CASE AGAINST SDI

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. MOAKLEY. Mr. Speaker, I have long been concerned over the prospect of extending the arms race into outer space. It is my opinion that such a move would add nothing to our security and only serve to bankrupt our national treasury. It would be far better for the United States and the world community if the superpowers would engage in meaningful negotiations aimed at the strictest possible limits on space weaponry.

Dr. Carl Sagan has been a thoughtful and steadfast critic of the move to weaponize space. In an excellent article which appears in the September issue of Discover magazine, Dr. Sagan accurately points out the shortcomings of the Reagan administration's star wars proposal. I would like to have the article printed in the RECORD and I urge all my colleagues to carefully consider the points Dr. Sagan raises—especially as we prepare for future debates on this issue.

The article follows:

THE CASE AGAINST THE STRATEGIC DEFENSE INITIATIVE

(By Carl Sagan)

"The central problem of our time . . . is how to employ human intelligence for the salvation of mankind. It is a problem we have put upon ourselves . . . Missiles will bring antimissiles, and antimissiles will bring anti-antimissiles. We are now speeding inexorably toward a day when even the ingenuity of our scientists may be unable to save us."—General of the Army Omar Bradley.

Humans are in trouble. This truth is increasingly recognized on both sides of the political and ideological divide. There are some 20,000 strategic nuclear weapons in the American and Soviet arsenals—waiting to be delivered to their targets by a variety of ingenious gadgets: some burst from under the ground or up from the ocean depths and carry their warheads through nearby space; some fly supersonically through the stratosphere; some barrel along just above the ground, deftly following the contours of every glade and hillock. Every one of these weapons is more powerful than the bombs that destroyed Hiroshima and Nagasaki. (We here ignore the more than 30,000 so-called tactical nuclear weapons.) The prompt fatalities of a major exchange between the U.S. and the U.S.S.R. have been variously estimated as ranging from a few hundred million to two billion people. When intermediate time-scale radioactivity, toxic smogs from the burning of cities, and nuclear winter are thrown in, it becomes clear that we're a hair's breadth from ultimate catastrophe.

Over the past 40 years there has been a steady expansion in the number and the variety of nuclear weapons and their delivery systems. The net result is that a country such as the U.S. is much more vulnerable, its population much more at risk, than was the case in 1945. Nevertheless, as the arsenals grew, the citizens of many nations became tranquilized by official assurances that nuclear weapons would buy something called "national security." Only when the stockpiles swelled to grotesque proportions did it become apparent that the political leaders have done something supremely foolish—arranging for us to live under a regime of planet-wide nuclear intimidation, the so-called balance of terror.

In this paradoxical posture, both the U.S. and the Soviet Union know that a nuclear war would mean national suicide. And yet, for deterrence to work, they believe they must show every possible readiness to use nuclear weapons. However meritorious the argument for a balance of terror may have been in the beginning, long before we reached 20,000 strategic weapons the justifications unraveled. And so you now see large groups of physicians, lawyers, retired military officers, Roman Catholic bishops—not so long ago the exemplars of conservative attitudes—decrying the nuclear arms race. We've gone too far, they say, and indeed anything conservatives wish to conserve will be destroyed in a nuclear war. When 75 per cent of the American public opt in opinion polls and referenda for a bilateral, verifiable freeze on new nuclear weapons and their delivery systems, the issue becomes politically charged.

As was clearly recognized by General Bradley, the last of America's World War II five-star generals, there are, in the long run, only two approaches to the nuclear arms race: increasing reliance on gadgets to save you from your adversary's gadgets, or getting rid of the nuclear arsenals.

Faced with the extraordinarily dangerous, morally dubious, and now politically risky posture of strategic deterrence, President Reagan on March 23, 1983 called for American scientists to contrive a defense that would render strategic missiles "impotent and obsolete." With that, the very prospect that Bradley had feared was proposed by a U.S. President. The scheme was dubbed Star Wars by the media, but the administration, for some reason believing that the phrase constitutes bad press, prefers the ten-syllable mouthful Strategic Defense Initiative (SDI).

In essence, Star Wars is a multi-tiered defense involving lasers, particle beam weapons, and kinetic energy kill vehicles. One of the laser weapons under development would explode hydrogen bombs in space to generate narrow beams of x-rays. Some components would be based in space, others on earth.

Now what could be wrong with this? Isn't it a morally superior position to be able to defend ourselves in time of war than merely to threaten, perhaps ineffectually, our potential adversary in time of peace? Imagine some highly effective defensive shield over the U.S. The Soviet Union launches an attack of 10,000 strategic warheads, all of which reach the American shield, in effect go boing, and harmlessly slither off into the Gulf of Mexico. Or imagine a comparable shield over the U.S.S.R. so that if the U.S. attacks with 10,000 warheads, they all go boing, and slide off into the Sea of Okhotsk. What could be wrong with this? In my opinion, nothing. If absolutely impermeable shields were miraculously emplaced, simultaneously and at reasonable cost, over the U.S. and the Soviet Union, the security of both nations would increase. But the moment the shields are even a little permeable, the moment one is deployed before the other, the situation, I maintain, reverses; then the world becomes much more perilous, and the two superpowers—as well as all the other nations—would be far better off had the shield never been invented or deployed. Consider some of the difficulties.

Permeability. Even scientists and engineers who support SDI doubt that a system much more than 50 per cent effective can be deployed in the next few decades. But, to be generous, let's imagine a system that's 90 per cent effective. The Soviets would fire 10,000 warheads at the U.S. and only ten per cent would get through. But ten per cent of 10,000 is 1,000, and 1,000 warheads are enough to destroy the U.S. Even a system that was 99 per cent impermeable would provide inadequate protection. By concentrating the defenses, it would be possible to protect a few missile silo complexes, or even a few cities—but that would not represent a significant break with the posture of the balance of terror. And if SDI cannot protect the bulk of the American population, what is its purpose?

Overwhelming. Suppose the U.S.S.R. wishes to inflict a certain level of damage on the U.S., and believes that the U.S. will be able to deploy a strategic defense that is 50 per cent impermeable. A natural response would be to double the Soviet arsenal of strategic weapons. The large Soviet rockets can incorporate many more multiple warheads than they do today. Increasing the Soviet offensive arsenal involves existing technology and not much in the way of development costs. Soviet offensive response to SDI is likely to be cheaper (and more reliable) than the defensive shield. The burden of proof is on those who claim otherwise. That Star Wars is likely to spur the already grotesque race in offensive weapons must be considered among its principal deficiences.

Underflying. SDI, even if it were perfect, would work only against missiles fired on high ballistic trajectories. Even if the U.S. were able to develop an impenetrable shield, it would still be fatally vulnerable to nuclear weapons delivered by bombers, by ground-hugging cruise missiles, and by such unconventional means as motor boat or private plane. The prospect of strategic defense provides incentives for potential adversaries to increase their reliance on such delivery systems. Small airplanes, delivering bulky cargoes of illegal substances, seem to land with impunity in America today, despite serious efforts at control.

SDI is sometimes justified on the minimalist grounds that even if it is ineffective against a Soviet attack, it would work against a terrorist strategic missile. But a small nation or terrorist group that wanted to explode a nuclear weapon in the U.S.

would be much more likely to deliver it by suitcase than by ICBM. When the original justification for an expensive weapons system becomes a little threadbare, there is frequently a tendency to find some more modest objective for it. The technology tends to drive the justification, rather than the other way around. Concerns about terrorism may have implications for border security and diplomatic pouches, but they do not provide an argument for strategic defense.

Outfoxing. The Soviets, with many firsts in space technology, are unlikely to sit on their hands while the U.S. spends decades developing SDA. There are many options open to the Soviets that would make the task of the defender much more difficult. These include space mines that could destroy space weapons systems, and fast-burn boosters that would enable the offensive warheads to separate from their boosters and become hard to attack while still shielded by a blanket of air, as well as decoys and "penetration aids." (The terminology of the nuclear arms race is so infused with phallic imagery as to suggest, on both sides, an important psychosexual component to the whole business.)

The misleading graphics displayed on television programs purporting to explain this subject routinely show a few Soviet warheads leisurely arcing over the North Pole, while spiffy laser battle stations surgically dispatch them with little blue flashes. There are sometimes sound effects, as in video arcade games. A central exchange is much more likely to include some 10,000 Soviet warheads enveloped in a "threat cloud" of hundreds of thousands to a million decoys. There are ways to make decoys look like warheads, and ways to make warheads look like decoys. A number of studies show that it will easier, as well as much cheaper, for the U.S.S.R. to outfox SDI than for the U.S. to build SDI.

Computer Reliability. Your job, should you choose to accept this assignment, it to track 10,000 warheads and a considerably larger number of decoys, leave the decoys untouched, and shoot down every warhead before it detonates on or just above U.S. territory. If you perfer, you can simply shoot down everything. In either case, you have only a few minutes to complete your assignment.

It is clear that no human being would be able to control such a strategic defense, the offensive forces have simply become too big. Instead, the job would be handed over to what is called a battle management computer. No computer with the necessary capabilities exists, and none will for at least several computer generations. The computer's program, as explained by SDI advocates, would be too complex to be written by a human being; it would have to be devised by another computer. The program would also be too complex to be debugged by humans; this, too, would have to be performed by a computer. Moreover, the entire strategic defense system could never be tested—except in a nuclear war.

From long experience with the high-stakes, high-visibility civilian space program, we know that, despite the best efforts of the best people, serious programming errors occur. Often they aren't caught until they cause some launch failure, or a malfunctioning satellite drifts off into space. Eventually, after several trials, the errors tend to be caught and corrected. But there's no opportuntiy for trial and error with Star Wars. One chance is all we'll ever get.

Star Wars as an inducement to nuclear war. Twenty years ago the Soviet position was that strategic defense was in everybody's best interest, that it was a sacred duty for governments to protect their citizens. But through a series of discussions culminating during the Nixon administration, American strategic analysts persuaded their Soviet counterparts to adopt the opposite point of view: a defensive arms race is likely to lead to an even more dangerous offensive arms race, the U.S. argued. A nation with even a partly effective defense might be tempted to launch a first strike and then hide behind its defense, blunting any retaliatory blow. The Soviets learned this lesson, and came around. In 1972 the two nations signed the Anti-Ballistic Missile Treaty, which severely limits the defensive systems permitted on either side. Now, from the Soviet perspective, the U.S. has changed its tune, and the U.S.S.R. wonders whether a first strike isn't what the Americans have in mind these days.

An impermeable American shield—were the Soviet military so foolish as to believe that the U.S. could build one—would represent the strategic disarmament of the Soviet Union. If Soviet missiles could indeed be rendered "impotent and obsolete," and if the U.S.S.R. had no comparable defensive system, then the U.S. could, by threat of obliteration, work its will on the Soviet Union. Even a leaky American shield might threaten the survival of the U.S.S.R. if the U.S. struck first: in this scenario, America destroys fixed missile silos, strategic air bases and the like, and some population centers, and the more limited Soviet counterattack—from surviving submarines and and silos and mobile missiles on land—is mopped up by SDI. No U.S. reassurance on this score can be satisfying to the Soviets, as we can easily understand were the circumstances reversed.

Accordingly, during an international crisis that happened to occur when an American strategic defense system was already partly in place, the Soviets would have an incentive to mount a preemptive first strike against the U.S., its overseas bases, and its space assets. Similar inducements for an American first strike would be offered by a Soviet defensive system. Even if we were to grant the proposition that the world would be safer once full SDI systems were deployed on both sides, the transition period—which must necessarily be a long one—would be unbelievably perilous. There is no way to get from here to there. This is one of the ways in which weapons in space, even non-nuclear weapons in space, can lead to nuclear war on earth.

Technology transfer. The President and Secretary of Defense Caspar Weinberger have on several occasions talked about giving SDI technology to the Soviets, so the two defensive shields could be emplaced simultaneously. (Presumably, they imagine the Soviets sitting tight for two or three decades, entrusting their national security to the offhand remarks of a long-gone American president.) But this administration, more than any other, has been concerned about the transfer of "sensitive" strategic technology to the Soviet Union. Yet the battle management computer would represent orders of magnitude improvement over existing military computers, and it's hard to imagine this administration, or indeed any other, handing it over to the Soviets. Perhaps this is why we hear less these days about sharing American Star Wars technology with the U.S.S.R.

Treaties. That the nuclear arsenals have not become still more bloated is in part the result of a few painfully negotiated treaties between the U.S. and the Soviet Union, including the Partial Test Ban Treaty (1963), the Outer Space Treaty (1967), the Nuclear Non-Proliferation Treaty (1968), the ABM Treaty, and SALT I and II (the last largely adhered to by the two nations, though still unratified by the U.S.). Although you may argue that these treaties have served as little more than tranquilizers, they have done some good, and they serve as reminders that we can do better. And while each side has accused the other of violating some of these treaties, most of the allegations fall in grey areas in which ambiguous language has been differently and self-servingly interpreted by the Soviets and the Americans. Many of the treaties are valued the world over—the Partial Test Ban Treaty, for example, is esteemed because not a single U.S. or U.S.S.R. nuclear weapon has been exploded in the atmosphere or in space since it was signed. But as currently conceived, Star Wars would, in one way or another, violate every one of these treaties.

Verification. It is sometimes argued that strategic defense systems must be deployed because treaties to ban them cannot be verified. This is a curious argument. We are asked to imagine a system capable of tracking a million warheads and decoys at the same time, and in the same breath are told that the testing in space of individual components of a strategic defense system cannot be monitored. Advocates of Star Wars can't have it both ways. If a tiny fraction of the genius and national treasure that would be required for Star Wars went into improvements in treaty verification technology, anxieties on this score could be readily set to rest.

Cost. Strategic defense is not so much a thing as a process. Once started, there is no natural termination point. Instead, as Bradley envisioned, it will lead to an open-ended set of actions and reactions in both offensive and defensive technologies. For this reason, among others, it is difficult to put a price tag on SDI. However, for a system designed to shoot down at least high tens of per cent of the warheads in a massive attack, the cost has been put by former secretaries of defense, of both parties, as something in the neighborhood of a trillion dollars. Some knowledgeable analysts think it would be much more. A trillion dollars is a great deal of money. It is, for example, more than half the national debt, about which the administration and the Congress profess some concern. It is almost twice the amount owed to the West by Third World debtor nations—a circumstance that is in danger of jeopardizing the international banking system. With a trillion dollars we could dramatically reduce hunger, disease, poverty, and illiteracy, making large segments of the world's population self-sufficient. With a fraction of a trillion dollars we could establish permanent human settlements on Mars.

The trillion dollars to be spent on Star Wars must come from somewhere. It will be taken from social services, education, support for family farms, rebuilding, opportunities for the disadvantaged. A trillion dollars on Star Wars will make it much more difficult to implement needed improvement in conventional defenses so we can lessen our reliance on nuclear weapons. When we make a decision to spend a trillion dollars on something, we're also making decisions to abandon existing programs and to forgo future options.

A trillion dollars represents an unprecedented bonanza for the aerospace industry. A trillion dollars means jobs, corporate profits, civilian and military promotions. A trillion dollars creates its own constituency, independent of its original purpose. Already efforts are being made to enlist prestigious universities in the SDI ranks and to distribute Star Wars dollars among many congressional districts. Co-option is the name of the game. That's why, if Star Wars is to be stopped, it must be stopped now. By the time $10 billion or $20 billion have been spent, the SDI may have become a juggernaut that even a powerful and determined future president could not stop.

Research." There's a tendency in certain circles to describe present expenditures of SDI as "research." (The fiscal year 1986 budget for Star Wars is already larger than the entire science and engineering budget of the National Science Foundation.) Who can be against research? But there's a standard distinction between research and development. Research keeps us up to speed on what's possible. Development is a major step toward the actual construction of functioning systems. The threshold between SDI research and development may already have been breached, and it would be good to have a clear statement from proponents of Star Wars on just where they think this boundary lies.

Space and the future. Military hardware has been in space for decades, and everyone on earth has benefited. Surveillance satellites give a realistic measure of the adversary nations' capabilities and intentions, and tend to restrain those on both sides who consider it prudent to plan for the worst case. Militarization of space is not the issue; the introduction of weapons into space is. I am concerned that space weaponry, once given the go-ahead, will expand outward without limit.

There are already incentives for placing "dark" satellites—ones difficult to detect—in distant or unusual orbits where they can be activated in an emergency. The farther away they are, the harder they are to detect. Once the Outer Space Treaty is breached and nuclear weapons are emplaced in space, there are incentives for storing them at greater and greater distances from the earth; then they represent a second-strike capability that is hard to eliminate without giving advance notice. Nuclear missiles on the moon, for example, could not be destroyed from the earth in less than the three-day earth/moon transit time—unless of course gadgets to destroy them were already in place on the moon. "Logic" of this sort may lead over many decades to the conversion of the inner solar system into a vast arena for nuclear confrontation.

In addition to increasing the chance of nuclear war on earth, the confrontation of American and Soviet weapons systems in space would threaten to undo one of the few technolgical advances that commend our time to the historians of the far futures—the exploration, by American and Soviet spacecraft, of our solar system. I see in this exploration and important perspective against which to judge events on earth, and an aperture to a benign future for the human species. But even with the best will in the world, it's hard to see much open and peaceful scientific exploration of the sort that has graced the past 25 years in an age in which the skies are rippling with weapons.

In short, strategic defense cannot protect the U.S. in a nuclear war, can be overwhelmed, underflown, and outfoxed, flagrantly violates treaties America has solemnly ratified, is ruinously expensive, jeopardizes space exploration and increases the changes of nuclear war. Other than that, it's a great idea.

The U.S. and the Soviet Union have together rigged the planet with 20,000 strategic weapons and called it security. Belatedly, they have begun seeking a way out, recognizing that people the world over yearn to be free from the threat of nuclear obliteration. The U.S. has proposed strategic defense as a unilateral technical response—new gadgets to save us from our old gadgets. It is superficially attractive; it is, so far, politically acceptable; and it is tragically shortsighted and dangerous.

But if strategic defense isn't the solution, what is? The only alternative for the U.S. and the U.S.S.R. is to act in what is clearly their mutual interest: to negotiate both a moratorium on the development and deployment of new nuclear weapons systems, and to make massive, bilateral, and verifiable reductions in the present nuclear arsenals. Because the arsenals are so bloated—a single American missile-carrying submarine can destroy 192 Soviet cities—deep cuts can be made without compromising strategic deterrence. This is a task that does not require, as Star Wars does, a whole series of technological breakthroughs; it requires only political will. The two nations can take major steps now and create a climate for subsequent joint action to reduce the peril in which they have placed our species.

Bradley confessed, "I am sometimes discouraged. It is not by the magnitude of the problem, but by our colossal indifference to it. I am unable to understand why—if we were willing to trust in reason as a restraint on the use of a ready-made, ready-to-fire bomb—we do not make greater, more diligent, and more imaginative use of reason and human intelligence in seeking an accord and compromise which will make it possible to control the atom and banish it as an instrument of war."

LET THE "TITANIC" REST IN PEACE

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. BOLAND. Mr. Speaker, on September 12, 1985, I addressed the House on the great achievement engineered by scientists of the Woods Hole Oceanographic Institution, led by Dr. Robert Ballard, and the French Institute for Research and Exploration of the Sea in discovering the wreck of the *Titanic*. At that time I echoed the hope voiced by Dr. Ballard that the place of repose of the victims of the *Titanic* disaster will not be desecrated by adventurers motivated only by greed.

On September 15, the Washington Post carried an editorial, "Respecting the *Titanic*" which eloquently and succinctly captures Dr. Ballard's message. The lessons of the *Titanic* lie in its fate, and the fact that the liner's final resting place has been found does not lead to the conclusion that it should be disturbed. Dr. Ballard and his colleagues have captured the imagination of the world with their technological prowess. I hope his call to the world's conscience will be heeded as well.

Mr. Speaker, I would like to insert the Post editorial at this point in the RECORD.

RESPECTING THE TITANIC

"The Titanic lies now in 13,000 feet of water on a gently sloping alpine-looking countryside overlooking a small canyon below. Its bow faces north. The ship sits upright on its bottom with its mighty stacks pointed upward. There is no light at this great depth and little life can be found. It is a quiet and peaceful place—a fitting place for the remains of this greatest of sea tragedies to rest. Forever may it remain that way, and may God bless these nowfound souls."—Dr. Robert Ballard, Leader of the expedition that found the Titanic.

One rarely expects to hear such reverent words from the perpetrator of a technological miracle. But if you think a little about the accomplishment of the team of American and French scientists that found the wreck of the *Titanic* on the ocean floor last week, no other response seems possible. This is one scientific discovery whose significance does not need to be belabored. The story was retold in detail over and over week before last, but its elements were familiar, even if only from the lyrics of old summer-camp songs. Since April 14, 1912, those elements have taken firm hold in popular consciousness: the "unsinkable" design, the confident start, the calm night, the distress calls unanswered, the shortage of lifeboats, the 1,500 dead. To most of us, the *Titanic* story is less history than legend. And as with most legends, its theme is simple: the extravagant pride of man and technology, and the revenge of nature.

Today, "state-of-the-art technology" means to us something more powerful than the *Titanic's* overconfident builders could ever have imagined. It is harder and harder to remember that however far back we push the boundaries of technological civilization, the natural forces beyond that boundary remain as unforgiving as ever. Only those who work at the edge of current exploratory technology—such as team leader Robert Ballard, whose revolutionary scanning device Argo was, like the *Titanic*, on its maiden voyage—retain awareness of just what nature has the power to do. Hence, perhaps, Dr. Ballard's emotional reaction and his plea to prospective treasure-hunters "not to desecrate this memorial." Such a message will not reach everyone. Various would-be salvagers have declared their intention to search for the wreck and either raise it or strip it of valuables—since, as they shrewdly note, nobody actually owns the stuff.

Within a week after the discovery, six congressmen had introduced legislation that would deter such buccaneering by designating the *Titanic* an international memorial site. Though such a measure is unlikely to discourage the more determined would-be scavengers—one of whom told Time magazine that "you can do anything you're big enough to do out there"—it will nevertheless be all to the good if Congress can amplify Dr. Ballard's basic message.

BISHOP GEORGE R. EVANS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mrs. SCHROEDER. Mr. Speaker, America lost one of it's most compassionate and forceful advocates for equality, compassion and justice.

Denver Roman Catholic Auxiliary Bishop George R. Evans died last Friday.

I was honored to work with the Bishop on a number of issues. He was never afraid to speak out, to put the prestige and power of his office on the line for the less fortunate, the less powerful.

The article follows:

[From the Denver Post, Sept. 15, 1985]

ALLY OF POOR, BISHOP EVANS DIES AT AGE 62

(By Virginia Culver)

Denver Roman Catholic Auxiliary Bishop George R. Evans, one of Denver's best-known and most popular religious leaders, died Friday at Saint Joseph Hospital in Denver after a long bout with colon cancer. He was 62.

Evans underwent surgery for colon cancer June 5 and re-entered the hospital July 9 because of extreme pain. Tests after the June surgery showed the cancer had spread outside the colon wall.

He underwent five days of chemotherapy treatments and was released a week later. He was readmitted July 22 because of continuing pain, and remained in the hospital until his death.

Services will be at 7 p.m. Wednesday and 10 a.m. Thursday at the Basilica of the Immaculate Conception, East Colfax Avenue and Logan Street in Denver.

A native Denverite, Evans worked tirelessly on interfaith and interracial issues, lobbied at the state Legislature on behalf of the poor, and spearheaded an archdiocesan project to build 600 housing units in the metropolitan areas for low-income families and senior citizens.

There were few community religious efforts in which Evans didn't participate.

He once said: "If I get to purgatory and find out that all these meetings don't count, that'll be hell."

He marched with the union organizer Cesar Chavez in California in the 1970s, and conducted services in 1984 at a Denver railroad track over which the White Train—carrying nuclear weapons—was to travel.

He constantly battled for rights of the elderly and poor, and against abortion, the arms race, and capital punishment. For two years, he said weekly Masses for women in the Denver County Jail.

Evans was on the U.S. Bishops Committee on Women in the Church, and led other bishops in supporting the rights of women in the church. Several years ago, he wrote an article in a national Catholic journal saying there was no theological reason why women couldn't be ordained.

Responding to a previous article in which the author said women couldn't be ordained because Jesus hadn't invited a woman to the Last Supper, Evans wrote: "There were no Irishmen at the Last Supper, either."

While the article probably halted his climb up the ecclesiastical ladder, Evans said no one called him on the carpet for it. But he never was given his own diocese to run, always serving as auxiliary bishop to Denver Archbishop James V. Casey.

An avid tennis player, Evans was on the court almost daily at the Denver Tennis Club for more than 20 years. The six-foot Evans was a hustler on the court, and was considered one of the guys.

NO-FRILLS BISHOP

During one game, opponent Ed Friedman groaned and yelled as he tried to return one of Evans' shots. "I gave at the office," Evans yelled back at his complaining partner.

Evans was a no-frills bishop who lived on $550 a month—the same salary paid other priests in the archdiocese. He lived in one of the archdiocesan housing projects for a time.

His last home was a spartan, two-room apartment at St. Rose of Lima Catholic Church, 1320 W. Nevada Ave., where he said 8 a.m. Mass daily.

He confessed an addiction to pasta but still managed to keep his high school weight of 155—a feat he credited to "starting out with four lean grandparents."

George Roche Evans was born Sept. 25, 1922, in Denver to George H. and Mary Evans. His father was a car salesman.

Devoted to sports, he played basketball at Regis High School, where he was an above-average student.

He dropped out of the University of Notre Dame to enter St. Thomas Seminary in Denver, graduating in 1947. He was named pastor at St. Philomena Church in east Denver.

In 1950, he was sent to study at the Lateran University in Rome. There he earned a degree in canon (church) law. He said he never learned Latin "and faked 'em" to get through the course. He wrote his thesis in English and "conned" someone into retyping it in Latin.

When Evans returned from Rome, then-Archbishop Urban Vehr named him vice chancellor of the archdiocese, then a small operation.

Evans' job description was to handle the archdiocese's investment, type letters, answer the door, and drive the archbishop to appointments.

In 1969, Evans was named auxiliary bishop and served as vicar general, or administrator, of the huge archodiocesan headquarters at 200 Josephine St. and Archbishop Casey's liaison for rural and urban affairs

He was instrumental in 1973 in persuading the archdiocese to join the interfaith Colorado Council of Churches, which had been an all-Protestant organization. He was its president for one term.

Early this year, Evans helped organize the Denver Area Interfaith Clergy Conference and was its first president.

A BRONCOS FAN

He shared Archbishop Casey's addiction to the Denver Broncos, and they often attended home games together, making sure that no confirmations were scheduled when the Broncos were in town.

Evans started his day at 5:15 a.m. and usually was in bed right after the 10 p.m. news. He watched television only for the news or out-of-town Broncos games.

His faith was as simple and straightforward as his lifestyle. On being a Christian, he once said: "It helps us understand the Lord loves us and we are supposed to share that love with others."

The Most Rev. Richard C. Hanifen, bishop of Colorado Springs, will be chief co-celebrant at the Wednesday evening service.

Archbishop Casey will be chief concelebrant and preacher at the Thursday morning service, according to the Rev. Lawrence St. Peter, archdiocesan vicar for priests.

All Catholic bishops in the United States will be invited, and about 50 bishops are expected to attend Thursday's service, St. Peter said.

Evans' body will lie in state for 2½ hours after Thursday's service. Burial will follow at Mount Olivet Cemetery at West 44th Avenue and Youngsfield Street in Golden. The cemetery is owned by the archdiocese of Denver.

Casey requested Friday that contributions be made in Evans' name to the Samaritan Shelter, c 200 Josephine St., Denver 80206.

RENAME THE STINSON CREEK AREA TO THE LLOYD D. HAYES RECREATIONAL AREA

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. SHELBY. Mr. Speaker, on May 27, 1985, Pvt. Lloyd D. Hayes, an Alabama National Guardsman from West Blocton, AL, was killed in a tragic accident while helping to install a pontoon bridge as a part of the dedication ceremonies at Columbus, MS, for the Tennessee-Tombigbee Waterway.

Private Hayes was 20 years old. The staging area used by the National Guard unit for assembling the bridge was the Stinson Creek Recreation Area, located in Lowndes County, MS, on Columbus Lake. Stinson Creek, currently used by the Corps of Engineers as an operation and maintenance facility, is one of the proposed recreational sites for the waterway.

Mr. Speaker, legislation that I am now introducing, would rename the Stinson Creek area to the Lloyd D. Hayes Recreational Area as a memorial to this young, courageous serviceman who lost his life in the preparation for the Grand Opening of the Tennessee-Tombigbee Waterway.

A TRIBUTE TO HARRY BURNETT JR., RETIRING CAPITOL PHOTOGRAPHER

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. DYSON. Mr. Speaker, I rise today to honor one of Maryland's First Congressional District's newest, and most distinguished residents, Harry Burnett, Jr.

As photographer to the Architect of the Capitol for the past 30 years, Harry Burnett's extraordinary talent and kindly demeanor is well known to Members of Congress. Harry's work required efforts as diverse as crawling through subbasement conduits to perching on the shoulders of statues hundreds of feet high.

In recognition of remarkable accomplishments, Harry was recently awarded the

prestigious "Master Photographers" title at the Professional Photographers of America's International Convention in Rosemont, IL. This crowning commendation, coming as it did on the eve of Harry's retirement, is a fitting way to close out a most exemplary career.

As Mr. Burnett ends his Capitol service, he leaves us a rich and enduring legacy. Capturing on camera the charm and character of our Capitol, Harry has preserved for all of time a myriad of architectural wonders.

I salute Harry on the occasion of his retirement and extend to him a warm welcome to Maryland's mid shore.

ROD DIRIDON

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. MINETA. Mr. Speaker, I would like to ask you and our distinguished colleagues to join me in saluting Santa Clara Supervisor Ron Diridon. Rod Diridon, whose public service in our community serves as a model for all citizens, will be honored at a special dinner, September 26, 1985, during which he will receive the City of Hope's highest recognition—the Spirit of Life Award.

The City of Hope serves all America as a national pilot medical center. Its superb staff and ultramodern facilities in Duarte, CA, make available free care of unsurpassed quality for patients from throughout the Nation. The City of Hope has pioneered achievements in psychosomatic approaches, personalization of patient care, and family centered medicine. Thousands of scientific firsts have emerged from the City of Hope research while its staff works to relieve pain, prolong life, and effect cures in the diseases it treats, as well as in lupus, Huntington's disease, genetics, and in brain and nerve function. As a think tank for other hospitals, the City of Hope seeks improvements in the quality, the quantity, the economy, and the efficiency of the delivery of health care. Public contributions across the Nation are vital to its multimillion-dollar operating budget and New Horizons building expansion program.

Each year, the City of Hope honors an individual who has shown untiring devotion and service to his or her community. For 1985, Rod Diridon has been chosen and he is most deserving of the honor. Rod began his political career in 1972 when he was elected to the Saratoga City Council with the highest vote total ever received by a first-term council member. During this time, Rod began establishing a reputation as a forward looking thinker.

The 1974 Fourth Supervisoral District election was Rod's first venture into county government. He won a difficult campaign against a 16-year incumbent and also won the distinction of being the youngest member ever seated on the Santa Clara County Board of Supervisors. His first priority became cutting government costs and improving productivity. Rod developed a keen interest in transportation while working for Southern Pacific Railroad as a brakeman and fireman during college and today he is recognized nationwide for his work on mass transportation, particularly light rail transit. He chairs regional, State, and national transportation committees, including the Guadalupe Corridor Project Board of Control which will implement the multimodel transit system to carry Santa Clara County residents through the next century. Effecting positive changes in the world is not an easy task—it requires intelligence, dedication, hard work, and a strong belief in the future. Rod Diridon's relentless service is our guarantee that tomorrow will hold more promise than today.

Mr. Speaker, on the occasion of this awards banquet, Rod and his wife, Mary Ann, and their two children, Mary Margaret and Rodney, Jr., can be confident that our country is most grateful for his contributions and accomplishments. Therefore, I ask you, Mr. Speaker, and our colleagues to join with me in expressing our thanks and congratulations to Rod Diridon and to wish him the best for his health and future endeavors.

Thank you, very much.

SOVIETS POSTURING FOR UPCOMING GENEVA MEETINGS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. RUDD. Mr. Speaker, the Soviets have been posturing for advantage at the upcoming summit in Geneva with talk of testing moratoria, a chemical-free zone in Europe and a hint of radical reductions in offensive nuclear weapons in exchange for our abandoning the strategic defense initiative.

Mr. Speaker, talk is cheap.

The Soviets are not saying much about their deployment of 18 more SS-20 medium-range missiles in the last 3 months despite their unilateral pledge in April to freeze such deployments.

Those deployments bring the total number of SS-20's, each of which carries 3 warheads, to 441.

Had they kept their promise of freeze deployments, the Soviets would still have had an overwhelming advantage. NATO has deployed only 134 of the Pershing II and cruise missiles to counter the SS-20 threat.

The Soviet posturing is nothing more than thinly veiled propaganda. If they are serious about arms reductions, they should offer concrete proposals at the bargaining table and allow adequate verification procedures to ensure compliance.

CHILE'S NATIONAL ACCORD

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1985

Mr. WEISS. Mr. Speaker, this past week marked the 12th anniversary of Gen. Augusto Pinochet's bloody destruction of Chilean democracy.

During the reign of this brutal dictatorship, tens of thousands of Chileans have been killed by government forces, and many thousands more have been detained, tortured, or exiled. Political parties and political activity have been outlawed.

Despite this, the Chilean people have not been silenced. On August 25 of this year, 11 Chilean political parties, with the encouragement of the Archbishop of Santiago, Cardinal Fresno, reached a historic accord which forms a firm basis for a return to democracy over the next 4 years. It has been endorsed by a wide range of parties from across the Chilean political spectrum, and it has also been praised by our State Department. I commend the text of this accord to the attention of all Members of this House.

NATIONAL ACCORD FOR THE TRANSITION TO FULL DEMOCRACY

In furtherance of the appeal for national reconciliation made by His Eminence the Cardinal, Archbishop of Santiago, and as a testimony of the willingness of broad political and social sectors to endorse a great national accord which will ensure peaceful evolution toward full and authentic democracy, all the undersigned, as a positive step toward the desired reconciliation, express their support for the political, economic and social principles which are set forth below.

Democratic values must govern our common life. To achieve them, there must be an orderly transfer of political power to authorities vested with full and undisputed democratic legality; a political, economic, and social framework which guarantees the governability of the country as well as the basic conditions for collective effort called for by the challenges of today and the future; and, also, the return of the Armed Forces to their indispensable permanent functions, with full respect for their values, dignity and institutional requirements.

By the same token, reconciliation requires full respect for the right to life and all other rights included in the Universal Declaration of Human Rights and supplementary Covenants. This implies the renunciation of violence, from whatever source, as a method of political action. It also makes it indispensable to clarify the assaults and crimes which have shocked the country and to apply the full force of the law to those responsible. It is a matter of high priority to unite the Chilean people in the task of constructing the essential bases of their common life.

It is imperative to meet the requirements of justice in a manner consistent with the spirit of national reconciliation. Therefore, proceedings which may take place on account of human-rights violations will require a responsible accusation of a specific crime, duly substantiated. Such cases will be considered exclusively by the existing Courts, thus ensuring due process without

humiliation, vengeance, or ad hoc mass trials.

In the cultural and freedom-loving tradition of the Chilean people, democracy is the best possible way of life. For this reason, the present accord is based on the fundamental conditions which should be met, not only to make possible the transition to democracy, but also to ensure its stability once it is fully re-established.

The magnitude of the problems which must be faced, at least for the remainder of this century, makes it urgent that, by means of the great national accord which is here outlined, a high and stable rate of growth be achieved which will lead to higher levels of well-being and equity. This is the only way to construct and make permanent an authentic, modern and participatory democracy.

Taking the foregoing into account, the stability of the democratic system which is to be established requires a solemn agreement among all those who sign or adhere to the terms of this document. They must agree to carry out future political action in a spirit of democratic loyalty, mutual respect, and effective application of the law, consistent with the institutional, economic and social principles here indicated. Only in this way can the governability of the country and the effective transition to full democracy be guaranteed.

To the extent that our common national life guarantees greater justice and security for all, it will be possible to maintain public order, avoid the use of violence, contribute to the elimination of terrorism, and punish anti-democratic conduct. In any case, the effective defense of human rights will be a primary concern of the public authorities in the discharge of their duties.

The undersigned agree, effective immediately, to devote their will and their efforts to the task here set forth. They invite workers, businesspeople, professionals, and other participants in national life to join them, with equal willingness, so that a real democratic consensus representing the whole nation may emerge.

I. CONSTITUTIONAL ACCORD

The re-establishment of democracy makes it absolutely necessary that all Chileans have the right to express their views and be secure in their freedoms in a constitutional order which includes at least the following elements:

(1) The entire membership of the National Congress shall be elected by popular vote, with clearly-defined legislative, supervisory, and constituent powers.

(2) A procedure for constitutional reform shall be instituted which, with all due regard to the stability which must necessarily characterize the Basic Charter, shall allow for its amendment; and, in case of disagreement between the Executive and Congress, shall provide for submission of the reform to a plebiscite.

(3) The President of the Republic shall be directly elected by absolute majority of the popular vote, with a runoff election to be held if necessary.

(4) A Constitutional Court of Law shall be established, in the membership of which the Executive, Legislative, and Judicial Powers shall be adequately represented.

(5) The Political Constitution shall guarantee the free expression of ideas and the organization of political parties. Parties, movements or groups whose objectives, acts or conduct fail to respect the periodic renewal of governmental leadership by popular will, alternation of power, human rights, the validity of the principles of legality, the renunciation of violence, the rights of minorities, and the other principles of democratic rule defined in the Constitution, shall be declared unconstitutional. This determination shall be made by the Constitutional Court of Law.

(6) Those States of Constitutional Exception which permit restrictions on individual liberties of assembly, freedom of movement, access to information and expression of opinion shall be regulated, with the specific provision that in no event, while any such state is in force, may human rights be violated, and it shall always be possible to appeal to the Courts of Justice for defense and protection.

II. THE SOCIAL AND ECONOMIC ORDER

It is essential to dispel any uncertainty about the social and economic order which will prevail once normality has been re-established. Democratic coexistence requires stability in the basic rules for the functioning of the economy, so that social harmony and economic efficiency can be assured. To accomplish this, a proper balance must be struck between the exercise of freedom and the claims of equity.

The nation must aim to achieve simultaneously a high growth rate and a steady reduction of inequalities in opportunities and in levels of consumption.

Similarly, dynamic and equitable development under democracy requires clearly-defined rules, not subject to arbitrary interpretation, to block the domination of one social group over another and of the State over society.

In light of the foregoing considerations, all of the undersigned agree to support the following basic principles for the future social and economic order:

(1) The following shall be high-priority goals: overcoming extreme poverty and marginality; creation of opportunities for productive and secure employment; and the achievement of a high and sustained growth rate. To accomplish these, it will be necessary to overcome the limitations imposed by the shortage of external resources and to substantially increase domestic savings, both public and private, these being the main constraints on investment and, therefore, on growth.

(2) To achieve these objectives, a nationwide intention to equitably share benefits and burdens will be necessary. This implies consumer austerity, solidarity, and social discipline.

(3) The right to private ownership of tangible and intangible assets, including the means of production, must be constitutionally guaranteed. This is a necessary condition for the encouragement of individual enterprise under different forms of organization and in different economic activities. The tax system shall not be used as a mechanism for expropriation.

The existence of State and mixed ownership of the means of production shall also be recognized.

(4) The State must have an active function. It shall be its responsibility to determine the major national objectives, based on direct planning of its own activities and indicative planning for the other parts of the economy, preferably using tools of persuasion and incentives. Thus the State will co-ordinate and guide the economy, without prejudice to its regulatory and redistributive functions.

In this way a mixed economy will take shape in which the State and private enterprise complement each other, with a well-defined differentiation of functions and corresponding division of responsibilities, and in which market forces, mutual agreement, and State action, among other things, will constitute mechanisms for the efficient allocation of resources.

(5) In the formulation and evaluation of national development strategy and in basic questions of economic and social policy, the opinions and experience of workers and businesspeople shall be considered.

(6) Commitment of the various groups in society to democracy and development requires social participation. For this to occur, it is necessary that civil society be organized around the activities which directly affect the interests of its members, that ways of arbitrating conflicts be sought, and that the State decentralize its functions so that growing responsibility is given to intermediate social organizations in the solution of their own problems.

(7) It is essential to achieve concerted action among participants in the economy based both on the recognition that—without ignoring the interests of consumers—businesspeople and workers share the objective of achieving higher levels of general well-being, and on acceptance of the principle that conflicts must be resolved by means of negotiated agreements.

(8) Relations between workers and businesspeople must be balanced, which requires due recognition of the function of labor in its various forms and strengthening of labor organizations and their rights of petition, assembly, strike, etc. These organizations, together with the corresponding employer organizations, will act as intermediate groups in the proposal of policies of mutual interest and in mediation of controversies about matters of common concern.

III. IMMEDIATE MEASURES

In order to restore to the Chilean people the full exercise of their citizenship, with the capacity to participate in decisions that affect their future in conditions of freedom and equality, and in order to endow the political process with the indispensable elements for an effective evolution toward an authentic democracy, it is necessary to adopt the following measures:

(1) Termination of the States of Exception; full restoration of all public liberties, real university autonomy and constitutional guarantees; and agreement by the government not to apply interim Article 24 of the 1980 Constitution. Abolition, likewise, of exile, which negates the legitimate right to live in one's own Country, and return of citizenship to those who have been deprived of it.

(2) Creation of electoral registries.

(3) Termination of the political recess and repeal of the rules which prevent the political parties from functioning.

(4) Adoption of an electoral law under which the President of the Republic, Senators and Deputies shall be elected by direct, personal, free, secret, informed and impartially regulated vote. To this end, the law shall guarantee liberty of dissemination of information and equitable access to the communications media of the State and the universities.

(5) The plebiscite on the enactment of the provisions set forth in this document shall be carried out subject to the guarantees defined in the preceding paragraph.

The signers of this document agree to maintain permanent contact with each other, in order to perfect and implement its contents.

PARTICIPANTS IN THE APPROVAL OF THE DOCUMENT OF ACCORD

René Abeliuk	Fernando Maturana
Andrés Allamand	Sergio Navarrete
Sergio Aguiló	Darío Pavez
Patricio Aylwin	Germán Pérez
Carlos Briones	Patricio Phillips
Francisco Bulnes	Mario Sharpe
Pedro Correa	Enrique Silva Cimma
Armando Jaramillo	Ramón Silva Ulloa
Luis Fernando Luengo	Gabriel Valdés
	Gastón Ureta
Luis Maira	Hugo Zepeda

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, September 19, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 20

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on the economic deregulation of the trucking industry.
SR-253

Energy and Natural Resources
Business meeting, to consider certain spending reductions and revenue increases to meet reconciliation expenditures as imposed by S. Con. Res. 32, First Budget Resolution for 1986.
SD-366

Labor and Human Resources
To hold hearings on the impact of Grove City legislation on private education.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for U.S. 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

Environmental and Public Works
Environmental Pollution Subcommittee
To hold hearings on proposed legislation authorizing funds for wildlife refuge programs.
SD-406

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings on Middle East arms.
SD-419

3:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for U.S. 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

SEPTEMBER 23

9:30 a.m.
Finance
International Trade Subcommittee
To resume hearings on S. 680, to limit imports of textile products into the United States to a 1-percent growth rate for exporting countries.
SD-215

SEPTEMBER 24

9:00 a.m.
Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold oversight hearings on innovative approaches in industrial energy efficiency.
SD-366

9:30 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to consider certain reconciliation expenditures as imposed by S. Con. Res. 32, First Budget Resolution for 1986.
SD-538

Commerce, Science, and Transportation
Business meeting, on pending calendar business.
SR-253

Finance
To resume hearings on the President's tax reform proposal.
SD-215

10:00 a.m.
Environment and Public Works
Business meeting, to consider certain spending reductions, and revenue increases to meet reconciliation expenditures as imposed by S. Con. Res. 32, First Budget Resolution for 1986.
SD-406

Judiciary
To resume oversight hearings to examine the controversies, problems, and alleged abuses under the criminal and civil sections of the Racketeer Influenced and Corrupt Organizations Act (RICO).
SD-226

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on child fitness and health programs.
SD-430

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy (Phase II).
SH-219

10:30 a.m.
Environment and Public Works
To hold hearings on the nominations of Orson G. Swindle III, of Georgia, to be Assistant Secretary of Commerce for Economic Development, and Jennifer J. Manson, of Virginia, and Lawrence J. Jensen, of Virginia, both to be Assistant Administrators of the Environmental Protection Agency.
SD-406

Governmental Affairs
To hold hearings on the nomination of James C. Miller III, of the District of Columbia, to be Director of the Office of Management and Budget.
SD-342

11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

2:30 p.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 985, to protect the rights of victims of child abuse.
SD-226

SEPTEMBER 25

9:30 a.m.
Labor and Human Resources
To hold hearings on private sector initiatives to feed the world's hungary.
SD-430

10:00 a.m.
Judiciary
To hold hearings on S. 239, to establish constitutional procedures for the imposition of the death penalty for Federal crimes.
SD-226

Judiciary
Security and Terrorism Subcommittee
To hold hearings on mercenary counterterrorism training camps.
SR-485

Joint Economic
Trade, Productivity, and Economic Growth Subcommittee
To hold hearings on the economic outlook for 1986.
SD-106

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

SEPTEMBER 26

9:00 a.m.
Veterans Affairs
Business meeting, to consider certain spending reductions and revenue increases to meet reconciliation expenditures as imposed by S. Con. Res. 32, First Budget Resolution for 1986.
SR-418

9:30 a.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold hearings on S. 812, to authorize the President to control loans and other transfers of capital to any or all Soviet bloc countries.
SD-538

Commerce, Science, and Transportation
Aviation Subcommittee
To hold closed hearings on international airport security and terrorism.
SR-253

Finance
To hold hearings on the President's tax reform proposal.
SD-215

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
International Economic Policy, Oceans, and Environment Subcommittee
To hold hearings on the General Agreement on Tariffs and Trade (GATT).
SD-419

2:00 p.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on pending small watershed projects of the Soil Conservation Service, Department of Agriculture.
SD-406

Foreign Relations
To hold hearings on financing of foreign military sales.
SD-419

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on S. 209, the Federal Debt Recovery Act.
SD-342

4:00 p.m.
Select on Intelligence
Closed briefing on worldwide intelligence matters.
SH-219

4:30 p.m.
Select on Intelligence
Closed briefing on international terrorism.
SH-219

SEPTEMBER 27

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To resume hearings on the economic deregulation of the trucking industry.
SR-253

SEPTEMBER 30

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on proposed revisions in subchapter C of the Internal Revenue Code relating to corporate taxation.
SD-215

10:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 1440, the Non-Smokers Rights Act.
SD-342

OCTOBER 1

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on airport safety, focusing on windshear, aircraft inspection, and air traffic control safety.
SR-253

Finance
To resume hearings on the President's tax reform proposal.
SD-215

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on pension policy implications of the President's tax proposals of fringe benefits and retirement savings.
SD-430

10:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To continue hearings on S. 1440, the Non-Smokers Rights Act.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on the problem of illiteracy in the United States.
2175 Rayburn Building

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on the exploitation of runaway children.
SD-628

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SD-106

OCTOBER 2

9:30 a.m.
Finance
To continue hearings on the President's tax reform proposal.
SD-215

Labor and Human Resources
To hold hearings on the nomination of Edward A. Curran, of Maryland, to be Chairman of the National Endowment for the Humanities.
SD-430

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy.
SH-219

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Select on Indian Affairs
To hold hearings on S. 1558, to settle certain claims affecting the Pyramid Lake Paiute Indian Tribe of Nevada.
SR-485

OCTOBER 3

9:00 a.m.
Foreign Relations
European Affairs Subcommittee
To resume hearings to review the North Atlantic Treaty Alliance.
SD-419

Office of Technology Assessment
The Board, to hold a general business meeting.
EF-100, Capitol

9:30 a.m.
Finance
To continue hearings on the President's tax reform proposal.
SD-215

Veterans' Affairs
To hold hearings on proposed legislation to provide a cost-of-living increase for fiscal year 1986 in the rates of veterans disability compensation and dependency and indemnity compensation for surviving spouses and children.
SR-418

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nominations of Anthony G. Sousa, of Hawaii, to be a Member of the Federal Energy Regulatory Commission, and Donna R. Fitzpatrick, of the District of Columbia, to be an Assistant Secretary of Energy (Conservation and Renewable Energy).
SD-366

Governmental Affairs
To hold hearings on the President's management initiatives and related measures.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on the problem of illiteracy in the United States.
2175 Rayburn Building

1:30 p.m.
Foreign Relations
European Affairs Subcommitee
To continue hearings to review the North Atlantic Treaty Alliance.
SD-419

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

OCTOBER 8

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 1310, the Clean Campaign Act.
SR-253

OCTOBER 9

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on Robert Elsner, of Alaska, and Karen Pryor, of Washington, each to be a member of the Marine Mammal Commission.
SR-253

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy (Phase II).
SH-219

10:00 a.m.
Commerce, Science, and Transportation
To hold oversight hearings in conjunction with the National Ocean Policy Study on Pelagic driftnets.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
To hold hearings to examine certain barriers to health care.
SD-430

OCTOBER 10

9:30 a.m.
Finance
To resume hearings on the President's tax reform proposal.
SD-215

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on fishing vessel safety and insurance.
SD-562

Labor and Human Resources
To hold hearings on mandatory nutritional labeling.
SD-430

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SR-385

10:30 a.m.
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on the promotion of domestic tourism.
SR-253

4:00 p.m.
Select on Intelligence
Closed briefing on worldwide intelligence matters.
SH-219

4:30 p.m.
Select on Intelligence
Closed briefing on the Philippines.
SH-219

OCTOBER 16

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy (Phase II).
SH-219

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

OCTOBER 17

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on espionage activities in the United States.
SD-342

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings to examine measures to discourage students from dropping out of high school.
SD-430

Labor and Human Resources
Aging Subcommittee
To hold hearings on pension accrual and the older worker.
SD-628

4:00 p.m.
Select on Intelligence
Closed briefings on intelligence matters.
SH-219

OCTOBER 22

9:30 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 445 and S. 1225, bills to revise certain provisions of the Atomic Energy Act of 1954 regarding liability for nuclear incidents.
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings on espionage activities in the United States.
SD-342

OCTOBER 23

9:30 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To continue hearings on S. 445 and S. 1225, bills to revise certain provisions of the Atomic Energy Act of 1954 regarding liability for nuclear incidents.
SD-406

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

OCTOBER 24

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on the role of the entertainment industry in deglamorizing drug use.
SD-342

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

4:00 p.m.
Select on Intelligence
Closed briefing on worldwide intelligence matters.
SH-219

4:30 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

OCTOBER 28

9:30 a.m.
Finance
Health Subcommittee
To hold hearings on S. 1551, to provide for administrative appeals and judicial review under Part B of Medicare, and to review the beneficiary and provider appeals provisions under Part A and B of the Medicare program.
SD-215

OCTOBER 29

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold hearings on the Tenth Anniversary of the Education for All Handicapped Children Act (P.L. 94-142).
SD-430

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on the Federal enforcement of the Bank Secrecy Act (title 31 of the U.S. Code).
SD-342

OCTOBER 30

9:30 a.m.
Labor and Human Resources
To resume hearings to examine certain barriers to health care.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on the effects of domestic violence.
SD-628

OCTOBER 31

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

NOVEMBER 6

9:30 a.m.
Labor and Human Resources
To hold hearings on nutrition and fitness in public health.
SD-430