HOUSE OF REPRESENTATIVES—*Thursday, April 10, 1986*

The House met at 10 a.m.

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

Gracious God, as we seek to learn how to walk the way of righteousness, help us to discern the transient from the eternal. May our actions be tempered by the things that bring lasting benefit and good will among people and may we resist the temptation to gain personal advantage. Fill our spirits with thoughts and feelings of gracefulness that we will be the people You would have us be. Amen.

THE JOURNAL

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

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 1660. An act to grant a Federal charter to the Confederate Memorial Association.

The message also announced that pursuant to section 4355(a), title 10, of the United States Code, the Vice President appoints Mr. WEICKER from the Committee on Appropriations and Mr. GRAMM at large, to the Board of Visitors of the Military Academy.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO MEET TODAY DURING 5-MINUTE RULE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be permitted to meet during the 5-minute rule today.

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

Mr. JEFFORDS. I reserve the right to object, Mr. Speaker, just to say that I have checked with all the Members on the minority on the committee and we have no objection to meeting during this period and would recommend that we do.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

REMEMBERING OUR HOSTAGES

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

Mr. COBLE. Mr. Speaker, last night, President Reagan told the American public that not a single day goes by that he does not think about the plight of the American hostages still being held captive in Lebanon. I applaud the President for his concern about the well-being of our fellow citizens.

I have delivered speeches here in the House to continue to let those hostages, their families and the Nation realize that we have not forgotten, and that we are continuing to work to win their freedom.

Since the last time I spoke, some new developments have occurred. Two British teachers have been kidnaped in Lebanon. Both men were professors at the American University in Beirut. That is the same school where several of the American hostages worked. The Government of France also announced that it was removing its military observers from Lebanon because of the escalation of attacks on French citizens there.

These developments dramatize the fact that terrorists are going to continue to plague us in the Middle East. We have to be constantly vigilant in fighting terrorism.

I will continue to keep you apprised of any new developments regarding the Americans being held hostage in Lebanon. Please join me in this effort to aid their return home.

FEDERAL FIREARMS LAW REFORM ACT OF 1986

The SPEAKER. Pursuant to House Resolution 403 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. 4332.

□ 1006

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. 4332) to amend chapter 44—relating to firearms—of title 18, United States Code, and for other purposes, with Mr. RANGEL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, April 9, 1986, pending was the Judiciary Committee amendment in the nature of a substitute, the substitute by the gentleman from Missouri [Mr. VOLKMER] and an amendment to the substitute by the gentleman from New Jersey [Mr. HUGHES].

One hour of consideration for amendments under the 5-minute rule remains.

The question is on the amendment offered by the gentleman from New Jersey [Mr. HUGHES].

For what purpose does the gentleman from Missouri [Mr. VOLKMER] rise?

Mr. VOLKMER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Missouri is recognized for 5 minutes.

Mr. VOLKMER. Mr. Chairman, the allegations from the opponents of the substitute in regard to the interstate sale of handguns is that it would allow massive interstate sales of guns.

First, I would like to address that point because it is erroneous. It is a misrepresentation.

Under the substitute, an interstate sale must comply with all the laws of both States and with Federal laws.

Second, only a licensed gun dealer is allowed to make an interstate sale of a gun. Thus, all interstate sales are carried on dealers' books showing the serial number, the buyer's identity and residence and the buyer's drivers license or other ID number.

Third, as far as the claim that truckloads of guns could be bought goes, section 103 continues the existing requirement that a dealer selling more than one handgun to a person in any one week also must report the transaction to the BATF.

Thus, anyone buying a truckload of pistols or even two of them from a dealer has the name, address, and serial number promptly reported to the BATF. The objection is thus specious.

I know that back in 1982 when the then current bill would have allowed transfers by nondealers, Handgun Control, Inc., suggested that a limitation to dealers would make the interstate sales provision enforceable.

I want to point that out again, that back in 1982 when our language in our bill would have permitted transfers by nondealers, the strong opponents to anyone owning handguns, Handgun Control, Inc., suggested a limitation to

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dealers would make the interstate sales provision enforceable, and that is what we have.

So even the Handgun Control, Inc., said in 1982 that this language in our bill was very enforceable. They even testified before the Senate Judiciary Committee that since dealers must undergo a Federal eligibility check before they are licensed, they are subject to continuing Federal oversight and are more familiar with actual laws and procedures, a system that relies on dealers for interstate transfers also helps to reduce the ultimate number of illegal sales.

Well, the substitute relies on dealers for interstate sales, so now they have had to manufacture contradictory nonsense to oppose it, and that is the reason for the amendment. It is specious. It really does not stop criminals from getting handguns. Criminals do not worry about whether it is an interstate purchase or a local purchase. They buy their guns from individuals and we try to prevent that with language in our bill by making it a felony for an individual to sell to a felon or a convicted felon or even an individual. Right now they can do that.

We make that a crime, a Federal crime.

I would also like to point out that in the other body when this amendment was brought up, it was overwhelmingly defeated.

The amendment, such as the present Hughes amendment, was defeated by more than three to one in the Senate and, therefore, it is clear that the amendment does not really stop criminals from getting handguns. It only makes it harder for private individuals, honest citizens, to acquire handguns as well as rifles and shotguns.

The idea that has been put forward that the dealers will not know all State laws and stuff like that again is a specious argument, because even the Judiciary bill and even the amendment that we have before us would allow interstate sales of rifles and shotguns.

Now, in that the dealer is going to have to know what the laws of the other States are for rifles and shotguns. They have to admit that they know those and if they know those, they can know what the handgun laws are in other States, just as easily as you can rifles and shotguns; so that argument that the Judiciary Committee makes is also specious.

Mr. Chairman, I would just like to again voice my overwhelming opposition to this amendment, because it really does not prevent criminals from getting handguns. All it does is try to prevent law-abiding honest citizens from getting handguns.

Mr. MORRISON of Connecticut. Mr. Chairman, I rise to speak in favor of the amendment.

Mr. Chairman, there has been agreement in the House and there was agreement between the committee and the gentleman from Missouri [Mr. VOLKMER] that there should be a relaxation of interstate sales with respect to long guns, but we are not talking here about long guns. We are talking about handguns and it is in this context that this amendment is offered to remove from the Volkmer substitute the relaxation of interstate sales with respect to handguns.

Now, why is this important? First, gun dealers would have to find, know, and understand thousands of State and local laws. We know that is virtually impossible.

What that means is that under this provision if it becomes law, the sale of handguns interstate to those with bad intentions will become more likely. There is no reason that we need to take this risk.

Second, the provision as it is is unenforceable and will remove from the States their ability to prosecute gun dealers who sell guns to citizens illegal as a practical matter. The burden would then be upon the Federal Government to pick up the investigation and prosecution in these cases.

This is a responsibility which the Federal Government just does not have the resources for. These are matters that can and should be enforced as local law, yet the passage of the Volkmer substitute, unamended, will make that an impossibility.

The requirement that fails willfully violates State and local laws makes it next to impossible that there be a conviction.

Finally, the Volkmer substitute, unamended, would open the door for the itinerant would-be assassins, like John Hinckley and Arthur Bremmer and other felons, to pick up guns as they travel around stalking their victims. Interstate sales will make it easier to buy guns with false ID's because dealers are not going to be familiar with the various forms of identification in other States.

The police have called this the "cop killer" provision. It should be stricken, and the amendment offered by the gentleman from New Jersey [Mr. HUGHES] should be adopted.

□ 1015

Mr. McCOLLUM. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from New Jersey [Mr. HUGHES].

Mr. Chairman, I think this is a critical amendment, and perhaps it is the most critical amendment. Lots of people characterized some we voted on yesterday that way, but I think, personally, this one is.

We are talking about, in this legislation, removing restrictions and impediments on sportsmen, to be able to go out into the field, and carry their weapons through States without impediment, to be able to do things that we found in the course of the last few years, since the 1968 Gun Control Act was adopted, are not necessary to law enforcement and would be helpful if we changed the laws in order to allow sportsmen a better opportunity.

That is what the thrust of the committee bill and really the thrust of the Volkmer substitute is all about. This amendment that the gentleman from New Jersey is offering now to maintain the present law with regard to the interstate sale of handguns is an amendment which is important for law enforcement, and is an amendment to a provision in the Volkmer substitute, which provision is not at all necessary for sportsmen to be able to go about their business in ways which they want to do.

I think it is essential that we come down on this amendment, on the ballot, in favor of law enforcement. Let us talk about that for a minute.

We talk about the question of the handgun sale and we talk about the question of the right to bear arms, and we talk about the question of the criminal's ability to get arms. We have to balance all of those considerations in the discussion.

When we talk about the criminal, most people, including this Member, will gladly accede to the face in the argument that most criminals will be able to obtain a handgun regardless of restrictions or prohibitions, the laws, the penalties, or anything else, especially the hardened criminal and the organized criminal. Consequently, I have always opposed the ban proposals on sales of handguns. I have opposed the waiting periods, the cooling-off periods, because I think that impairs too much on the right to bear arms.

But the question I asked my police chief, several police chiefs in my district, "What do you say in response to those who would charge that criminals can get handguns anyway, so why restrict the interstate sale of handguns, as the law now does?"

They say, "Bill, you are right. The criminal, especially the hardened criminals, or at least most of them, will be able to. But it is a question of making it easier for them to be able to. If you change the present law, you are going to make access that much easier for a criminal."

It is going to be next to impossible for every gun dealer in State X, Y, or Z, Minnesota, North Dakota, to keep up with, despite the regulations promulgated and sent to them, the laws of Florida, New Jersey, and so on. It is going to be easier for someone to come in with a driver's license that is forged that they do not recognize, to show identity, and so on, or whatever it may

be. It is going to be easier to get that handgun in a State where the dealer just is not that personally familiar with what it looks like, what the documents look like, just through who you are or where you are from.

Consequently, the safeguards that I know that the gentleman from Missouri [Mr. VOLKMER] has put into his substitute in hopes that he can protect this sale provision just simply, in my judgment, will not work. When I balance the interest involved and the concerns of our law enforcement community, I have to come down on the side of the Hughes amendment in this case. I happen to believe that it is absolutely essential for the future protection of society against the criminal that we have on the books the present laws that exist, and it is in no way an impediment to those who want to go hunting, or certainly a very minor inconvenience to have the laws the way they are with regard to the interstate sale of handguns.

I remind my colleagues that we have already changed the law in both of the proposals before us today with regard to long guns, shotguns, and rifles, so that that interstate purchase will be available, and so forth. I think it is essential, as I said, that we not change the law with regard to handguns, and I strongly urge my colleagues to vote "yes," in favor of the amendment before us at the present time.

Mr. HUGHES. Mr. Chairman, we only have about 50 minutes left to debate, and I wonder if we can agree to limit debate on this amendment to not more than 5 more minutes, on this particular amendment, and to limit debate on each of the additional amendments to no more than 10 minutes.

Mr. McCOLLUM. Mr. Chairman, if the gentleman would yield, I would be glad to do that. I think that would be a fair thing to do.

The CHAIRMAN. Does the gentleman from New Jersey have a unanimous-consent request?

Mr. HUGHES. Mr. Chairman, I ask unanimous consent to limit debate on this amendment to 10 minutes, and on any additional amendments offered to 10 minutes, so that we can at least get to a number of the amendments that have been noticed by other Members.

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

Mr. McCOLLUM. Mr. Chairman, reserving the right to object, I would like to ask the chairman, it is the chairman's concern, as it is mine, I believe, in his request, that we only have a few minutes left, maybe 50 minutes or so altogether. There are any number of amendments that Members would like to offer besides the one now pending.

In all sense of fairness, some kind of time accord needs to be worked out.

Is that not the gentleman's objective in this proposal?

Mr. HUGHES. If the gentleman will yield, that is the purpose of it.

Mr. McCOLLUM. I think it is fair.

Mr. HUGHES. I would hope that Members would not object.

Mr. ROEMER. I am constrained to object, Mr. Chairman.

Mr. HUGHES. Mr. Chairman, I withdraw my request.

The CHAIRMAN. The gentleman withdraws his request.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak in favor of the amendment offered by the gentleman from New Jersey [Mr. HUGHES].

Mr. Chairman, yesterday I voted pretty consistently against the amendments that were offered by the gentleman from New Jersey [Mr. HUGHES]. In doing so, I recognized that I did not feel that they were that important as far as law and order were concerned, but I think we have come to a point now in the debate where the amendment that is before us is a very important amendment to law enforcement.

I would urge my colleagues, my colleague who voted along with the Volkmer substitute and tried to keep it pure yesterday, that they take another close look. This has got to be the key vote with regard to whether we want any controls whatsoever over the out-of-State sales of arms.

I do not believe and did not believe and still do not believe that the question of transporting handguns is really that important an amendment, and I thought it was really going to be more of an impairment to honest people than it was going to be a tool for law enforcement, but this is most important.

It is most important that we allow the States to keep their own laws for its own citizens, and those of us who do believe in States rights cooperate. I would urge all of my colleagues who went along with the NRA position yesterday, as I did, that this is the time to part company; that on this amendment, and at least one other regarding silencers, we have got to go back to some reasonable controls.

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

Mr. SHAW. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman both for his statement and for yielding to me.

Mr. Chairman, I agree with the gentleman's statement. There were many in this body yesterday who, torn between two broad-brush approaches to a difficult subject, came down on the side of Volkmer. But there were reservations within many of us who did that about this specific point in the law.

I agree with the gentleman from Florida that in terms of law enforcement, this is a key vote on this bill. What the Hughes amendment would do would be to keep the law as is in regard to interstate sales of handguns. Since 1968, we have had that prohibition in the law, and the basis of the prohibition, Mr. Chairman, was that handguns are difficult to find, easy to conceal, and are often dangerous. While they have legitimate uses in the world, they are different from long guns.

One of the things that we did in the law was require a local thread for the purchase of a handgun. That was the basis of the 1968 law. It is in force today, and we ought to stick with the gentleman from New Jersey [Mr. HUGHES] to make sure that when this body does its work today we keep the 1968 law the same with regard to interstate sales of handguns.

Point No. 2, if I could. I have heard no reason, no solid, substantive reason, as to why this law should be changed. Until I hear that, I stand with the gentleman from Florida and ask my colleagues who yesterday voted with the Volkmer broad brush to come back and clean it up on this targeted issue. Let us give law enforcement officers a chance. Let us hold the 1968 law on the interstate sale of handguns just like it is today.

Mr. SHAW. I thank the gentleman for a very fine statement.

Mr. Chairman, I would urge all of my colleagues to recognize that this is the key vote for law enforcement. This is the most important vote that we are going to have all day, and I would urge a "yes" vote on the Hughes amendment.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak in favor of the amendment offered by the gentleman from New Jersey [Mr. HUGHES].

Mr. Chairman, there is near unanimity on that side and on this side on this amendment. Please, I urge my colleagues, it is an important amendment. Everything that has been said is all that is going to be said.

There are other amendments. They have importance. Let us not beat a dead horse. We know the vote on this. We know where it is going. We know what the issue is. Let us stop. There are other amendments people have on important issues.

I would urge my colleagues to take a vote on this issue now.

□ 1025

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

Mr. Chairman, I support this amendment to prohibit the interstate purchase of handguns for several reasons. The law enforcement community sees this particular provision of the Volkmer substitute as a serious threat to

its safety and its effectiveness in solving crime.

Although I support the provisions in the Volkmer substitute that would, for the first time, permit the purchase of rifles and shotguns outside of a buyer's State if the purchase is legal in the State of the purchase and the purchaser's resident State, I cannot agree to the application of these provisions for handguns. First, the local laws are so varied with regard to handguns that compliance is doubtful even where dealers do their utmost to comply with the law. Second, handguns are more often used in crime, and the ability to trace these weapons to the criminal is jeopardized if the handguns are purchased anywhere in the United States.

I urge the adoption of this amendment.

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

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

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding.

I too want to urge support for this particular amendment. Let us face it, we gamble whatever we do on any of these amendments. It is a gamble, but here we are gambling on the side of at least protection that the 1968 law has thus far given. Maybe it is not perfect, but why change it? Why loosen it?

I am in favor of the amendment and I thank the gentleman for yielding.

Mr. CRAIG. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, a lot of people have said this is key to law enforcement. Others have said give us justification as to why we ought to change the 1968 law.

I guess the only justification I can give you is that State lines ought not serve as a barrier for the sale of firearms unless the laws of the State prohibit such sales. That is, I guess, a States right argument. But it is something that we have lived with, that does work, and the dealers can understand.

That is a chance, I think, and that is what we have changed in the Volkmer substitute. If the State or a community has enacted a restrictive firearm acquisition law, it would be respected and protected under the Volkmer substitute which could become Federal law. If a State has chosen not to enact such a law, then the Federal law no longer would impose. To limit interstate sales to long guns only is nothing but an unjustified Federal interference, in my opinion, in State affairs.

The fact that it has been in place for 18 years does not necessarily make it acceptable. When you examine the facts of the law as they have been administered over those 18 years, I think it is very hard to argue that this is a panacea in law enforcement, because it simply is not the case.

Because of an overwhelming majority of interstate firearm sales, like all other interstate sales occur primarily in contiguous States, and we know of situations, border relationships within communities, across the river from another community, and it just so happens that one may be rural and the other may be metropolitan. That river may be the boundary, and that is where those rural people go to buy firearms if they so choose.

I think this is an interference at the Federal level, and we do not object, nor in any way do we object to State law, to local community law, to a city ordinance. And under present law, long guns may be purchased in contiguous States. For some reason, we have to believe that there is a firearm that is more dangerous than another firearm. Depending on who holds it and who uses it is the determiner of danger to the citizen out there, and we all know that.

I would simply believe that the Volkmer substitute offers a reasonable compromise and does not take Federal law and cram it down on the top of State law when it should not be necessary.

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

Mr. CRAIG. I yield to the gentleman from Missouri.

Mr. VOLKMER. The gentleman has pointed out something that I think is very important, and that is that the substitute bill, the language in that permits interstate sales of handguns and does not in any way change any local law or State law or ordinance. If any one State, if every State wished to ban interstate sale of handguns within their borders, all they have to do is pass a law that says no one but a resident of X State can buy a handgun in X State. That stops it, and this provision in our bill does not abrogate that in any way.

I would also like to point out that back in 1982 Ferris Lucas, who was speaking in behalf of the National Sheriffs Association before the Senate Judiciary Committee, said the entire existing Federal gun law makes it a felony for a private citizen, and they still do, to give or sell a firearm to a resident of a different State, even though this would violate the laws of neither State. And the present law does that, even though you may not violate the laws of either State. You still violate the Federal law.

If my brother, who lives in the State of Washington, was to come to visit me, and he would like to acquire a handgun and is qualified in both States—by the way, he just retired from the Federal Bureau of Corrections, so I do not think he is a crook in any way. He is a law-abiding citizen in every respect—he could not purchase that handgun in the State of Missouri, even though he qualified both in the State of Washington and in the State of Missouri. And you would make it difficult.

All you are trying to do is make it more difficult for that private citizen to acquire that handgun. You are not making it any more difficult for crooks to acquire handguns. You are not making it any more difficult because the crook is not going to go into that dealer and buy the handgun. He is going to go to the private individual, to the black market and get his handgun. That is where he gets all of them.

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

Mr. ROBINSON. Mr. Chairman, I will be very brief this morning. I rise in opposition to the Hughes amendment, and in favor of the Volkmer substitute.

I have in my hand a book published by the U.S. Department of Justice, entitled "Crime in the United States." I think all of my colleagues need to read this because clearly the U.S. Department of Justice does not consider firearm laws to be a crime factor. Nowhere in this book can one find where firearm laws are considered to be a crime-causing factor.

Furthermore, as I mentioned yesterday, in a recent survey commissioned by the U.S. Department of Justice, 69 percent of criminals surveyed did not carry firearms, but knives, razors, brass knuckles, et cetera. The truth of the matter is over 40 percent of the homicides committed in this country are committed with other objects and instruments other than firearms. For example, we know that in 40 percent of the homicides, the murder weapon was a knife, club, hammer, some object, poison, explosive, fire, narcotics, drowning, strangulation, and other factors.

The bottom line is simply this: Most criminals in this country do not abide by the Gun Control Act of 1968.

In closing, I want to remind my colleagues that since the passage of the 1968 Gun Control Act, we have seen homicides go up over a period of time by 50 percent.

I yield back the balance of my time.

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

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HUGHES. Mr. Chairman, just briefly, I rise in strong support of the amendment. It is a key law enforcement amendment.

We have 200-some-odd-thousand dealers around this country. They cannot possibly know the laws of each State. We are just going to proliferate

the sale of handguns to disqualified individuals.

I urge my colleagues to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. HUGHES] to the amendment, as amended, offered by the gentleman from Missouri [Mr. VOLKMER] as a substitute for the Judiciary Committee amendment in the nature of a substitute, as amended.

The question was taken; and on a division (demanded by Mr. VOLKMER), there were—ayes 17, noes 15.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 233, noes 184, not voting 17, as follows:

[Roll No. 72]

AYES—233

Ackerman
Akaka
Anderson
Annunzio
Anthony
Applegate
Aspin
Atkins
Barnard
Barnes
Bateman
Bates
Bedell
Beilenson
Bennett
Bentley
Bereuter
Biaggi
Boggs
Boland
Bonior (MI)
Bonker
Borski
Bosco
Boxer
Broomfield
Brown (CA)
Burton (CA)
Carper
Carr
Chandler
Clay
Coats
Coelho
Coleman (MO)
Collins
Conte
Conyers
Coughlin
Courter
Coyne
Crockett
de la Garza
Dellums
DeWine
Dicks
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart (OH)
Edgar
Edwards (CA)
Edwards (OK)
Evans (IA)
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fish
Florio
Foglietta
Ford (MI)
Fowler
Frank
Frenzel
Frost
Fuqua
Gallo
Garcia
Gejdenson
Gekas
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gradison
Green
Guarini
Hall (OH)
Hatcher
Hawkins
Hayes
Henry
Hertel
Hiler
Hillis
Howard
Hoyer
Hughes
Hutto
Hyde
Jacobs
Jeffords
Johnson
Jones (NC)
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Kindness
Kleczka
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lipinski
Long
Lowery (CA)
Lowry (WA)
Lundine
Lungren
MacKay
Madigan
Manton
Markey
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McGrath
McHugh
McKinney
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Myers
Neal
Nelson
Nielson
Nowak
Oakar
Owens
Oxley
Panetta
Parris
Pease
Pepper
Petri
Porter
Price
Pursell
Rangel
Ray
Regula
Ridge
Rinaldo
Ritter
Rodino
Roe
Roemer
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Saxton
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sensenbrenner
Shaw
Slattery
Slaughter
Smith (FL)
Smith (NJ)
Solarz
St Germain
Stark
Stenholm
Stratton
Studds
Swift
Synar
Tauke
Torres
Torricelli
Towns
Traficant
Udall
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Whitehurst
Whittaker
Wirth
Wolf
Wolpe
Wright
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zschau

NOES—184

Alexander
Andrews
Archer
Armey
AuCoin
Badham
Bartlett
Barton
Bevill
Bilirakis
Bliley
Boehlert
Boner (TN)
Boucher
Breaux
Brooks
Brown (CO)
Broyhill
Bruce
Bryant
Burton (IN)
Bustamante
Byron
Callahan
Campbell
Carney
Chapman
Chappell
Chappie
Cheney
Clinger
Cobey
Coble
Coleman (TX)
Combest
Cooper
Craig
Crane
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
DeLay
Derrick
Dickinson
Dingell
Dornan (CA)
Dowdy
Dreier
Duncan
Dyson
Eckert (NY)
Emerson
English
Erdreich
Fiedler
Fields
Flippo
Foley
Franklin
Gaydos
Gingrich
Gordon
Gregg
Gunderson
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hartnett
Hefner
Hendon
Holt
Hopkins
Horton
Hubbard
Huckaby
Hunter
Jenkins
Jones (OK)
Jones (TN)
Kanjorski
Kemp
Kolbe
Kolter
Lagomarsino
Latta
Leath (TX)
Lewis (CA)
Lightfoot
Livingston
Lloyd
Loeffler
Lott
Luken
Mack
Marlenee
Martin (NY)
McCain
McCloskey
McCurdy
McDade
McEwen
McKernan
McMillan
Miller (OH)
Mollohan
Monson
Montgomery
Moore
Moorhead
Murphy
Murtha
Natcher
Oberstar
Obey
Olin
Ortiz
Packard
Pashayan
Penny
Perkins
Pickle
Quillen
Rahall
Reid
Richardson
Roberts
Robinson
Rogers
Roth
Rudd
Schaefer
Schuette
Sharp
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Smith (IA)
Smith (NE)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Strang
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Traxler
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Weaver
Weber
Whitley
Whitten
Williams
Wise
Wortley
Wyden
Young (AK)

NOT VOTING—17

Addabbo
Berman
Boulter
Ford (TN)
Gephardt
Gray (IL)
Gray (PA)
Grotberg
Heftel
Ireland
Kramer
Lujan
Nichols
O'Brien
Schulze
Stokes
Wilson

□ 1050

The Clerk announced the following pairs:

On this vote:

Mr. Heftel, for, with Mr. Nichols against.

Mr. Gephardt, for, with Mr. Schulze against.

Mr. Stokes, for, with Mr. Gray of Illinios against.

Messrs. DANNEMEYER, NEAL, SCHAEFER, and GINGRICH, Mrs. BYRON, and Mrs. SMITH of Nebraska changed their votes from "aye" to "no."

Messrs. CARR, ROSE, COELHO, and NEAL changed their votes from "no" to "aye."

So the amendment to the amendment, as amended, offered as a substitute for the Judiciary Committee amendment in the nature of a substitute, as amended, was agreed to.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. ROEMER. Mr. Chairman, how much time do we have left in the debate and what happens to amendments not debated?

The CHAIRMAN. There are 4 minutes remaining for consideration of all amendments to the bill and all amendments that have not been offered to the Volkmer substitute could not be offered.

Mr. ROEMER. Mr. Chairman, explain to me under the rules of the House and under this debate for amendments not able to be discussed within the next 240 seconds, what happens to those amendments? Do we have a chance to vote yes or no?

The CHAIRMAN. Under the special order under which the Committee is operating, the time expires for purposes of considering amendments to the bill in 4 minutes. So any amendments that have not been offered within the time allocated by the rule which has been voted on by the House will not be offered.

The CHAIRMAN. For what purpose does the gentleman from New Jersey rise, the chairman of the subcommittee?

Mr. HUGHES. Mr. Chairman, I would inquire of my colleague from Missouri if my colleague would agree to an additional hour of debate beyond the time permitted so that Members who have noticed amendments will have an opportunity to offer those amendments.

The CHAIRMAN. It is impossible for the Chair to recognize any Member for purposes of changing the rule adopted by the House. The Committee is restricted by the rule which has been voted on by the House.

The Committee is not authorized to change the rule in that way.

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

Mr. Chairman, I yield to my colleague from Maryland [Mr. BARNES]

Mr. BARNES. Mr. Chairman, I rise in strong opposition to weakening gun

controls. We ought to be strengthening gun control laws in this country.

The CHAIRMAN. The Chair recognizes the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS. Mr. Chairman, I rise to express my regret that, under the rule, I will not be allowed to offer my amendment to the Volkmer substitute. Had I had the opportunity, my amendment, which was printed in the CONGRESSIONAL RECORD prior to debate, would have strengthened gun control in a number of significant ways.

First, the measure would require each State to establish a State handgun registration system. Second, each State would be responsible for imposing suitable penalties for noncompliance, including: First, mandatory imprisonment for a period of not less than 15 years imposed on persons who violate the registration provision; and second, fines of not more than $250,000. Moreover, under my amendment, no suspended sentences or probation would be allowed. In the event the States fail to adopt this gun registration program, the U.S. Attorney General shall be authorized to establish a Federal handgun registration program.

Thus, my amendment would have strengthened gun control in three important ways. First, the greatest value of the system of handgun registration is that it will enable law enforcement officers to trace weapons used in crimes. This is one major reason why police groups support handgun registration. Second, registration can be used as an additional weapon against suspects arrested with an unregistered handgun. Even while there is not enough evidence to support a conviction for a substantive crime, violation of the registration law will be enough for conviction. Third, registration also induces accountability on the part of handgun owners. Knowing there is an official record of ownership, they will act more responsibly in the care of their guns, promptly reporting any loss, theft, or sale.

I regret that I was prevented by the rule from introducing this important measure today. But I will continue to pursue handgun registration at every opportunity, including fighting for adoption of my handgun registration bill (H.R. 299). By mandating handgun registration, we will forge a double-edged sword for fighting violent crime. First, we will give State law enforcement officials—the people on the front lines in war on crime—an important weapon they need to solve crimes. Second, we will put in place a strong deterrent to violent crimes committed with handguns. Clearly, if we are serious about reducing handgun crime, we can do no less.

Mr. LEVINE of California. Mr. Chairman, I am strongly opposed to all efforts to weaken handgun controls because access to handguns significantly increases violent crime. Every year, handguns are used in the murders of over 10,000 Americans and last year in the murder of 58 police officers. We should respond to this carnage with laws aimed at saving lives and reducing crime. Instead, we are considering legislation which significantly erodes current laws under the guise of protecting the rights of hunters and sportsmen.

Provisions in this amendment will enable criminals to travel to other States to purchase handguns, buy untraceable handguns from unregistered dealers, and transport their new weapons back to their home States.

Law enforcement abhors this legislation because of the mayhem it will create on our streets and in our homes. If this language is passed, we will see more violent crimes, more crimes of passion, and more accidental shootings.

This legislation goes far beyond the concerns of hunters and sportsmen by actually increasing the availability of handguns. These weapons have little sporting use, but can be easily concealed by criminals.

Under the Volkmer proposals individuals who cannot obtain handguns in their own locales can travel to other States for weapons. Although this legislation provides that the State and local laws of the buyer and seller are to be followed in handgun transactions, it then negates this provision by allowing dealers who break State and local laws to use ignorance of the law as a defense for their actions. Dealers will essentially be able to sell to anyone who walks in the door.

Further, this language overrides State and local laws regarding the transportation of handguns by allowing handguns to be carried for "interstate commerce" or for hunting or sporting purposes. This provision will drastically increase the number of handguns on the street, and further handicap law enforcement efforts to control handgun crime.

This legislation additionally weakens law enforcement efforts by relaxing dealer registration provisions and allowing unlicensed individuals to sell handguns without keeping records. Additionally, licensed dealers may transfer stock to their "personal collections" and then sell from these collections without the records. Essentially, this means that there will be more untraceable weapons on the streets for criminal use.

This is not a prosportsman bill. This is a procrime bill.

We have a moral responsibility to protect the safety of the citizens of this country. Every year, 10,000 deaths result from handguns. These deaths often occur in the commission of senseless crimes. Some deaths occur in the passion of the moment, and additional tragic deaths occur accidently. But all have in common the easy access to handguns. We have a moral responsibility to fight this violence. To decrease the rate of violent crimes, halt the crime of passion, protect the innocent. The Volkmer legislation will not achieve any of these goals, and will impede what progress we have achieved.

I have heard from people from all walks of life who are deeply concerned about handgun violence and the impact of this legislation. Physicians, judges, clergy members, and citizens are calling for stronger and tougher laws. We should hear those voices and not further erode these laws.

Mr. WOLPE. Mr. Chairman, much has already been said about the gun control legislation that we are considering today. However, I feel compelled to share with my colleagues a letter that was recently presented to me by a group of local police chiefs in my congressional district who are strongly opposed to the Volkmer substitute.

Like literally thousands of other law enforcement personnel across the country, the police in my district are concerned that the Volkmer substitute would add considerably more peril to their job than already exists, and that it would effectively undermine their already difficult fight against violent crime. A line from their letter perhaps best sums up their views on this issue: "We can only be as effective as the law permits."

Mr. Chairman, I am pleased to insert the letter from the police in my district into the CONGRESSIONAL RECORD. I hope my colleagues will take their appeal to heart. In my mind, this is not only just a vote for the law enforcement community, but for the entire pulbic interest.

KALAMAZOO COUNTY
SHERIFF'S DEPARTMENT,
Kalamazoo, MI, April 2, 1986.

Hon. HOWARD WOLPE,
U.S. House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE WOLPE: We respectfully request your support on a current issue coming up for a House vote in early April; the Hughes Law Enforcement Amendment (H.R. 4332) to the McClure-Volkmer Gun Decontrol Act (S. 49 & H.R. 945).

We believe House approval of the Hughes Amendment will be a major contribution to continued reasonable and rational federal control on the sale, use and interstate commerce of firearms. This Amendment seeks to retain essential elements of law to help keep guns and the transport of guns out of the hands of the criminals as well as persons disposed to seek ready access to a gun for a single violent act.

As you know, crime continues to be a primary fear and concern of all law abiding Americans. We, like you, maintain a close communication with our constituents. We cannot believe the average American would agree with McClure-Volkmer bill or its amendment (H.R. 945) after having it explained in detail. In fact, what we hear in the community is "why can't you get these people and their guns off the street before they commit more violence?" As you know, we can only be as effective as the law permits. The citizens need your help.

Our second concern comes from the "street" police officers across the nation who must face guns either responding to crime scenes, or by happen-stance during a routine traffic stop. Police officers also need your help. The current Gun Control Act of 1968 provides for legitimate gun ownership and without unreasonable restraint. We believe S. 49 weakens the present law without amendment and we have unified to show our opposition. The bill's sponsors have recognized major points raised as being valid by introducing a substitute amendment (H.R. 945), however, it doesn't go far enough.

We need the Hughes Amendment and the American people need it. Please support the Hughes Amendment (H.R. 4332) and encourage your colleagues to support it.

Thank you for your consideration in this matter. If we can provide any further assistance, please let us know.

Respectfully,

John E. Ross, Chief of Public Safety, City of Kalamazoo; Richard Butler, Chief of Police, Kalamazoo Township; Thomas N. Edmonds, Sheriff, County of Kalamazoo; George VonBehren,

Chief of Police, City of Portage; Lanny Wilde, Chief of Public Safety, Western Michigan University.

Mr. FRENZEL. Mr. Chairman, a clear majority of this House, including myself, believes that the current law needs revision. The Volkmer proposal was a good start. The committee bill was also a useful proposal.

It had been my intention to support the Volkmer version until I listened to law enforcement officials in my district. The chiefs in my area, the sheriffs, the police and peace officers' groups, even the State bureau of criminal apprehension, have requested my support of the Hughes amendment to the Volkmer proposal.

The strong feelings expressed by these frontline troops in the war against crime, and the unanimity of all the law enforcement groups, was persuasive, and so I voted for the Hughes amendment yesterday. That nine-part amendment did not, in my judgment, do great violence to the general intent of the Volkmer proposal, but it failed to pass.

When the Hughes amendment to preserve current law with respect to interstate sales of handguns was passed, I supported it since it was the most important feature of the original nine-part Hughes amendment, and because of the support of the law enforcement groups. It did not disturb the Volkmer reform relaxing such sales of rifles and shotguns.

I then supported the Volkmer proposal, as amended by the interstate handgun and machinegun amendment against the original committee bill, and on final passage.

I am disappointed that our local police officers did not get the changes they sought, but I am glad that needed changes were made in our nearly 20-year-old gun laws.

The procedures, however, deserve strong criticism. First, the Judiciary Committee apparently tried to bury the Volkmer bill despite its strong support from a majority of Members. When a discharge petition was initiated, I told the subcommittee chairman that I would sign the petition if he could not bring a bill to the floor by May 1.

The committee and the petition finished in a dead heat. It is always better to handle important legislation under regular procedures, so one must give the committee bad marks for delay.

The committee looks good, however, compared to the Rules Committee and the House leadership. The Rule was a ridiculous restraint on debate and amendments on an issue on which interest was obviously keen. The Speaker personally disrupted his own schedule at the last minute in a way that personally inconvenienced many Members. The confusion that accompanied the expiration of time in the Committee of the Whole was a disgrace, and the refusal of the Acting Speaker to recognize minority Members seeking to move amendments was a breach of the House's regular customs.

The result was satisfactory, but the procedures by which we achieved it were not. That procedure is one more bit of evidence that the leadership of this House is tired and needs change.

Mr. GALLO. Mr. Chairman, I want to thank my constituents in the 11th District of New Jersey who took time to contact me with their views on the gun legislation considered in the House of Representatives today. I am pleased that the House of Representatives reached a compromise that addresses the concerns of both law enforcement and law-abiding sportsmen and hunters.

I want to take this opportunity to let my constituents know, of the reasons why I supported the Volkmer substitute legislation, which passed in the House of Representatives today by a vote of 292 to 130.

For sportsmen, this bill permits the interstate sale of certain, but not all, firearms if the sale is made face to face between buyer and seller and only if the sale complies with laws of both States. It assures the rights of individuals to travel in and between States with a secured, unloaded, not readily accessible firearm for the purpose of participating in legal sporting activities or for changing their residence. While the bill permits the interstate sale of long guns and shotguns, this bill in no way permits the interstate sale of handguns. I specifically voted in favor of the amendment to prohibit the interstate sale of handguns.

For law enforcement, this bill provides an important new weapon against narcotics traffickers by mandating a 5-year mandatory prison sentence for any person who uses a firearm during commission of a drug trafficking crime; provides a mandatory prison term of 10 years for using a machinegun during commission of a crime; bans the use or sale of silencers; bans the importation of parts used to make Saturday night specials; bans parts used to convert guns into machineguns; and makes it a felony to transfer a firearm to another person knowing or having reason to believe that such person is unqualified.

For gun dealers, this bill requires a knowing state of mind for felony violations; reduces technical recordkeeping offenses to a misdemeanor; permits sales at gun shows; and limits unannounced inspections to one per year with other inspections requiring a warrant.

Again, let me state that this bill will not make it easier for criminals to obtain guns. Criminals already go outside the law to obtain guns. Purchasing a handgun in any State other than the person's residence is strictly prohibited. For shotguns and long guns, this bill will not allow someone to escape the jurisdiction of their State laws and purchase in a State with more lenient laws since all interstate sales must comply with State laws of both the owner and the seller. As my constituents know, New Jersey has very stringent gun control laws which will remain in effect under this bill.

In sum, this bill will aid law enforcement by simplifying the administration of the law, eliminating some ambiguities and, overall, will benefit law-abiding shooters, sportsmen, and other gun owners.

Mr. MILLER of Washington. Mr. Chairman, I rise in opposition to the McClure-Volkmer substitute, and in support of H.R. 4332, a bill by Representative HUGHES to improve the regulation of firearms in this country.

Both bills make it easier for hunters and sportsmen to transport legally acquired rifles safely and securely across State lines. And rightly so. But McClure-Volkmer does and does not do some things that alarm me. McClure-Volkmer allows the interstate sale of handguns and of Saturday night specials, weapons that have contributed to thousands of homicides in our country.

Some refinements in current law may indeed be necessary to protect individual rights and to correct inequities. But, for heavens sake, while making these adjustments, let us not remove or weaken those very few requirements which provide the public and the police a minimum of protection.

The McClure-Volkmer substitute allows the interstate sale of silencers and plastic guns, and of automatic weapon assemblies—all weapons or weapon parts that are not used for any good. What sportsman would want to use a plastic gun? What hunter would want to use a silencer?

In this debate Mr. Chairman, we should be very clear about one thing: The Hughes bill, not the McClure-Volkmer amendment, is the law and order bill. This may not be the opinion of the National Rifle Association, but it is the opinion of just about every major law enforcement and police organization in this country. Police officers around the Nation are pleading for our help to stem the flood of lethal handguns now engulfing our towns and cities. These officers support this bill. And I hope, I pray that we here today, heed their pleas, because they are pleading for our—and their—lives.

Let me say again, the Hughes bill is a law and order bill. It is not antihunter; this Hughes bill is not antitarget shooter. In fact, this bill contains key provisions which will protect the rights of hunters and target shooters who travel across State lines to shoot or who wish to buy rifles and shotguns in other than their home States. These are the same protections that are in the McClure-Volkmer substitute. This bill also contains added protections for gun dealers. It permits the sale of rifles and shotguns at gun shows and the bill clarifies several other provisions of the 1968 law which have proven cumbersome to dealers and unnecessary for effective law enforcement.

But, more importantly, the Hughes legislation gives our police the legal tools they need to protect themselves and us from machineguns and the justly infamous Saturday night special cheap handguns that so often find their way into the hand of the criminally sane and insane. This bill says if you deal drugs and use a gun, you go to jail for at least 5 years. If you use a machinegun in your criminal activities, you get 10 years in jail. And if you repeat the offense, you get another 20 years. At the President's request, this bill places tighter controls on the sale of parts used to convert semiautomatic weapons into machineguns. This bill bans the sale of silencers or silencer kits, a tool used almost exclusively in contract killings. And finally, this bill bans the importation of cheap handguns, the justly infamous Saturday night special.

I read a newspaper interview recently of Mrs. Sarah Brady. Mrs. Brady as we all know is the wife of Presidential Press Secretary James Brady, the same James Brady who was almost killed by a would-be Presidential assassin's bullet. The bullet came from a handgun, purchased from a pawn shop by a man with a history of mental illness. Now in

this interview, Mrs. Brady said she had to be careful and not become too emotional in her opposition to the effort to weaken controls on handgun sales. Mrs. Brady rightly feels that too much emotion about this issue, particularly on her part, would obscure the simple fact that thoughtful, careful controls on the sale of handguns will save lives. It will save the lives of policemen, preschoolers, and yes, Presidents.

Mr. WOLPE. Mr. Chairman, I rise in opposition to final passage of the Volkmer substitute. I cannot in good conscience support a proposal that will significantly undermine our Nation's law enforcement community in their fight against violent crime.

Let's be clear about one thing in today's debate: This is not a discussion about the right to own firearms. Nor is it about preventing the legitimate use of firearms by hunters, sportsmen, and collectors. I have always supported the rights of hunters and sportsmen and will continue to do so. This is why I supported the Hughes amendment which, in my view, was both a responsible and balanced approach in reforming our Federal gun laws; it provided our Nation's police personnel with the necessary tools they need to effectively fight violent crime, while protecting the interests of hunters and sportsmen by allowing the interstate sale and transportation of rifles and shotguns for hunting purposes.

Mr. Chairman, it is no great secret that the Volkmer substitute is vehemently opposed by the 12 principal police organizations throughout the country. In fact, I have just returned from my congressional district where I personally met with a number of local police officials who expressed grave concerns about this proposal. The police officials whom I met with don't understand why we should add more danger to their jobs than already exists, and why we would seek to undermine their fight against violent crime. Specifically, they don't understand why we should provide loopholes for the interstate sale of handguns; for the sale of silencers and machineguns; and for cop-killer teflon-coated bullets that can penetrate bullet-proof vests. Furthermore, they don't understand why we would—of all things—support a plastic gun which terrorists can smuggle undetected through Federal aviation approved airport security systems, and why we would oppose a simple background check and waiting period for those persons who purchase handguns. And, quite frankly, they wonder why the national leadership of the NRA—who have traditionally been strong supporters of the law enforcement community—are now trying to make their jobs so much more difficult.

Mr. Chairman, let me take a moment to address a few of their concerns. I strongly believe there is a major difference between the extremist views of the national leadership of the NRA and the much more reasonable and responsible views of their rank and file members. The sportsmen in my district support vigorous and effective law enforcement. They resent the bum rap they are tagged with when reckless measures—like the Volkmer substitute—that would destroy effective law enforcement are advanced in their name. They know that machineguns and silencers are not used by sportsmen or responsible citizens. They know that handguns must be kept out of the hands of racketeers and professional killers. They understand that a background check and a reasonable waiting period for those persons who purchase handguns are necessary if we are serious about reducing violent crime. They know that roughly 10,000 Americans—more than 70 of them police officers—are killed by handgun wielding criminals every year.

National polls are telling us that one of the most serious concerns of the American people is the problem of violent crime. This is not the time to retreat in our fight against violent crime. Rather, it is time to listen to the voices of reason on this issue. Listen to Sarah Brady—whose husband, Jim Brady, and Presidential Press Secretary, was seriously wounded in the assassination attempt on President Reagan—who declared her support for "finding ways to keep handguns out of the wrong hands * * *. The case of John Hinckley is a vivid reminder of how easy it is for a handgun to fall in the wrong hands." Listen to the 12 principal police organizations and to the police officials in my district who have warned the Volkmer substitute contains "gravely dangerous provisions that pose an immediate threat to American citizens and the law enforcement officers sworn to protect them." Listen to sportsmen and hunters who are saying that they do not believe that the Volkmer substitute is in their best interests. And, finally, listen to Attorney General Ed Meese, who now expresses misgivings about the Volkmer substitute and calls Rodino-Hughes "the kind of bill that I would feel comfortable with."

Mr. Chairman, we have an opportunity today to help our Nation's law enforcement community in their efforts to combat violent crime. I hope my colleagues will recognize this critical opportunity by rejecting the McClure-Volkmer substitute.

Mr. GUNDERSON. Mr. Chairman, in the minds of millions of Americans the Gun Control Act of 1968 was an unintentional overreaction to the increasing number of firearm related crimes in the United States. Since then there have been several attempts to modify the law. After 18 years, the House now has before it the legislation to accomplish this goal.

Both the Volkmer substitute and H.R. 4332 offer several provisions that would facilitate the purchase of sport and collectors' firearms by law-abiding citizens. They also bar the importation of Saturday night special barrels. They prohibit the transferring of firearms by nonlicensees to unqualified persons as well. Finally, they both expand mandatory penalties for using a firearm during a crime.

Despite these similarities, it is my intent to support the Volkmer substitute because it provides greater freedom to gunowners that abide by the law, while at the same time, providing penalties for persons who violate that law.

The Volkmer substitute makes it lawful to transport all rifles, shotguns, or handguns as long as they are not readily accessible. It also allows the sale of any firearm to an out-of-State purchaser if that sale is in person and complies with the applicable laws of both the State of purchase and the buyer's residence. Representing the Third District of Wisconsin, which lies along the Minnesota, Iowa, and Illinois borders. This is an important point because H.R. 4332 would prohibit my constituents from crossing a State line to purchase certain guns for their gun collection.

The Volkmer substitute also protects gunowners from having their entire collection or inventory of firearms confiscated or their dealer license revoked if they are found not guilty of criminal charges.

By including a definition of "engaged in the business," the Volkmer substitute also removes an ambiguity in H.R. 4332. Specifically, this definition makes a distinction between persons who sell guns primarily for monetary gain and those who collect and trade guns as a hobby. It provides greater protection for those that trade and transfer guns as a hobby against the seizure of their collections.

Granted the Volkmer substitute is not a perfect bill. Yet, I believe its intent is to allow access to the purchase and transfer firearms that are used for sport and collection purposes.

While I recognize that many of my colleagues have serious and legitimate concerns in reference to the use of handguns in crimes, it seems to me that efforts to control handgun-related crimes by a complete prohibition on the sale and possession of handguns is akin to controlling drunk driving by prohibiting the sale and possession of automobiles. I don't believe this is the best way to deter violent crimes involving handguns.

It has made more sense to me to address handgun control crimes through sentencing procedures. Specifically, if a crime is committed while in the possession of a handgun, an additional period of time is tacked onto the sentence. Further, such additional jail time would be mandatory and not subject to commutation or parole. Finally, repeat offenders using handguns would be sentenced to life imprisonment without parole. I have cosponsored such legislation in the past and will do so in the future.

As I noted the Volkmer substitute is not perfect. It could more positively address waiting periods prior to the purchase of a handgun and the recordkeeping of firearm transfers.

Although waiting periods may be somewhat burdensome for purchasers, they provide a means to keep firearms out of the hands of people who intend to use them for violent crimes. That's why about 18 States have their own waiting period for handgun purchases.

Accurate recordkeeping of transfers is also important as it is often the only means that law enforcement officials have to trace a firearm that been used in a violent crime.

Yet, on balance, the Volkmer substitute has much more good than bad in it. Afterall, no law ought to be immune from oversight and change. For too long, that's exactly what happened with the Gun Control Act of 1968.

I believe that the Volkmer substitute goes a long way in revising some of the problems in the current law.

Mr. MOLLOHAN. Mr. Chairman, I rise today in support of the substitute being offered by the gentleman from Missouri, and I want to commend him for his leadership on this legislation. The substitute being offered by my colleague truly protects the rights of law-abiding

citizens who wish to own a firearm for legitimate purposes.

My colleague's substitute also addresses the concerns of law enforcement by providing them with clear language that effectively addresses the problem of criminal misuse of firearms.

A recent study commissioned by the Department of Justice uncovered statistics that will be useful to this body when considering the value of Mr. VOLKMER's substitute.

The study found that among convicted felons 69 percent did not carry firearms. The fear of stiffer sentences caused 79 percent of those respondents not to carry guns. Of the criminals questioned, 88 percent stated that gun laws only affect law-abiding citizens.

The Justice study also determined that criminals fear the armed citizen. In States with less restrictive gun control laws, criminals were less likely to victimize citizens because of the possibility they might be armed.

These statistics bear out the need for stiff penalties for criminal misuse of guns. These penalties, along with the fair treatment for honest gun owners, are all found in my colleague's substitute.

Although the Gun Control Act of 1968 was touted as a measure to curb crime, it has not done so. This substitute, on the other hand, is a boon to law enforcement. It provides tough mandatory penalties for criminals who use a firearm in the commission of a crime. That's jail time on top of any other sentence the judge delivers. Probation, parole, and work furloughs are not an option. This substitute extends these same stiff penalties to drug traffickers as well. I'm sure my colleagues will agree that including drug traffickers under this sentencing provision adds real strength to the law and aids our Nation's law enforcement officers.

This substitute makes it a crime for any person to transfer a firearm to a criminal or other prohibited person. It further creates specific, uniform classes of prohibited persons, so law enforcement has a precise definition under the law of seven classes of persons who would be banned from all receipt, purchase, or possession of firearms.

The substitute also provides reasonable and efficient provisions for law enforcement officials in regard to tracing and criminal investigations.

Clearly, the gentleman from Missouri has offered a substitute that will benefit all of our Nation's citizens. By refocusing current law away from peaceful, honest citizens and toward violent criminals the valuable resources of our law enforcement community will be better served. As we all know, the vast majority of citizens in this country do not misuse firearms. Federal legislation should not deprive them of their ability to acquire and possess firearms for legitimate purposes. The safeguards in this substitute will certainly make it tough for the criminal element without restricting or abusing honest citizens.

Mr. MILLER of Washington. Mr. Chairman, I rise in support of the amendment to ban the manufacture and importation of plastic guns—an amendment on which the majority refuses to allow a vote.

I want to give my colleagues something to think about as we think about this amendment. You've got 5 minutes to catch a plane. The line at the airport metal detector is a block long, stalled by a fellow who is oh so slowly taking everything out of his pockets before he goes through the metal detector for a third try. As the seconds tick by your blood pressure is about to go through the roof—until you remember why those metal detectors are there. You think about the hijackings, the killings, the terrorists and suddenly you're awfully glad for those metal detectors. But what if the metal detector were "blind?" What if there were weapons the metal detector could not detect?

Well, forget the "what ifs" because plastic explosives have already killed four people just this past week on board a commercial airliner. And, Mr. Chairman, plastic weapons are real and they are invisible to the x-ray machines and metal detectors at most airports.

The Libyan Government has ordered 100 of these undetectable handguns from a manufacturer in Austria. The same Libyan Government that trained and harbored the terrorists responsible for murders around the world. They are among the first customers for these invisible weapons.

We must do everything we can now to stop the spread of this weapon. I urge you, in the strongest terms possible, to vote to prevent the importation and domestic manufacture of these weapons before it is too late.

Mr. LIGHTFOOT. Mr. Chairman, I rise today to support the Volkmer substitute to the Rodino-Hughes bill, H.R. 4332. The Volkmer substitute is a good compromise which makes much needed reforms in the Gun Control Act of 1968 while also addressing some of the concerns of the law-enforcement community and the Justice Department. It is a bill which also satisfies the concerns of sportsmen who have been subjected during the past several years to burdensome and confusing regulations.

The Volkmer substitute is a prosportsmen bill; the Rodino-Hughes bill is not. The Volkmer substitute contains provisions which benefit sportsmen that the Rodino-Hughes bill does not contain. For example, hunters, particularly active hunters, often have several firearms and frequently "trade up" their guns. When they buy a new, more modern, or just a different firearm, these sportsmen frequently trade or sell an older gun. Under the Gun Control Act of 1968, with its nondefinition of "engaged in the business," an activity like this risked prosecution. Under the proposed Hughes definition, such activities would probably either require most active hunters to acquire Federal firearms licenses—if they could—or become felons, or use licensed dealers for transfers, at a substantial loss of money each time they traded a firearm.

The Volkmer substitute, on the other hand, defines engaged in the business so that these occasional sales or trades would be allowed without turning our Nation's hunters into felons. We are not talking about risky sales of guns which may be used in crime or bought by criminals; we are talking about sportsmen and sportswomen selling or trading rifles and shotguns, and an occasional handgun, with their friends and hunting buddies. The sportsmen of this country should not be hindered or deemed suspect because of this activity. The Volkmer substitute clarifies and improves the law; the Hughes-Rodino measure considers hunters likely to be felons.

Another provision important to our Nation's sportsmen deals with the interstate transportation, or passthrough, provision. When sportsmen go hunting, they take what guns they need with them, and frequently must pass through a number of States, and countless cities and counties, to get where they want to go. Those guns may include rifles or shotguns, and may frequently include a handgun. Handguns are used by hunters and outdoorsmen for protection in the wilderness, as a means of signaling in an emergency, as a snake gun on trails, or for killing a wounded animal. There is no reason these persons should have to risk prosecution if they pass through some antihandgun jurisdiction with an unloaded handgun locked in the trunk.

For that matter, there is no reason that the only competitive shooters who will be allowed to pass through without risk are trap, skeet, and riflemen. I would remind my colleagues that pistol shooting is an Olympic event, accounting for 30 percent of the medals offered in Olympic shooting competition. In addition to international-rule pistol shooting competitions, practical or action pistol competition and silhouette hunter's pistol competition are becoming increasingly popular. And, of course, there is police pistol combat competition. Unlike the Volkmer substitute, the Hughes-Rodino bill would not even guarantee the ability of law-enforcement officers to pass through restrictive States, cities, and counties, to reach places like Des Moines to compete with their service arms.

And finally, our Nation's sportsmen, as exemplified by the National Wildlife Federation, are interested in allowing law-abiding citizens to buy firearms of all kinds in whatever State they happen to be in so long as the purchase is in compliance with the laws of both the dealer's and the purchaser's States. Current law only allows for replacement of lost, stolen, or damaged rifles and shotguns while on hunting trips, and with considerable inconvenience. The Rodino-Hughes bill would improve the situation somewhat by allowing the purchase of rifles and shotguns in other States so long as the laws of both States allow the sale.

Again, however, I want to remind my colleagues that sportsmen, hunters, and target shooters, use handguns as well as rifles and shotguns in their legitimate sport. And there is no reason they should not be allowed—in full compliance with the laws of their home State and in full compliance with the laws where they are making the purchase, and only through a federally licensed dealer—to purchase handguns either because their gun was damaged or because they found one that they wanted to add to their collection.

A myth that needs to be dispelled among nongun owners is that hunters, target shooters, and outsdoorsmen and outdoorswomen do not own or use handguns. That misconception is not held by those who use guns in their sport, such as the over 4 million members of the National Wildlife Federation, the over 3 million members of the National Rifle Association, and the over 16 million licensed

hunters in this Nation. These law-abiding citizens use handguns for legitimate sporting purposes and prefer the Volkmer language dealing with the interstate sale and interstate transport of firearms.

In conclusion, I urge my colleagues to support our Nation's sportsmen and sportswomen and conservationists by adopting the language on interstate sales and transportation, and "engaged in the business" of the Volkmer substitute to the Rodino-Hughes gun bill.

Mr. BORSKI. Mr. Chairman, I rise in strong opposition to the Volkmer substitute and urge my colleagues to join me in defeating this antilaw enforcement legislation.

I support the efforts of Congressman WILLIAM HUGHES and the Judiciary Committee to develop a compromise bill, H.R. 4332, which represents a bipartisan, balanced, and reasonable effort to strengthen the 1968 Gun Control Act and relieve sportsmen and dealers of excessive burdens without compromising the safety of law enforcement officers.

Despite what the NRA claims, the Judiciary bill has nothing to do with the right of hunters or law-abiding citizens to "bear arms." What we're talking about is criminals and convicted murderers getting a hold of concealable weapons that kill innocent citizens and police officers. Unfortunately, the strongarm tactics of the NRA have undermined the efforts of Congress to aid law enforcement in a responsible manner.

Every law enforcement group in the country opposes McClure-Volkmer. The job of police officers is difficult enough without approving a bill that they clearly view as life threatening. There is little Congress can do to help law enforcement; but it can vote against weakening necessary and effective gun control laws.

The changes offered by McClure-Volkmer pose an immediate and unwarranted threat to the law enforcement community. Police officers are particularly concerned about easing recordkeeping and licensing requirements because the changes mandated by McClure-Volkmer would make it harder to trace weapons and would undercut State and local laws. McClure-Volkmer will make it easier for criminals to do their work and harder for police to do theirs.

Just 10 days ago, the Philadelphia Police Department and the people of Philadelphia were hit with a glaring reminder of why tough gun control laws are needed. Sgt. Ralph Galdi, a 20-year veteran of the Philadelphia Police Force, was fatally struck down by a convicted felon with a .357 magnum handgun.

Galdi and his partner had been driving back to headquarters when they came upon a car whose driver had caused a series of automobile accidents in a crowded Philadelphia commercial neighborhood. When the driver attempted to flee, Galdi jumped out of his car and apprehended the man. As Galdi was about to frisk the suspect, the man turned and shot him twice in the chest and abdomen. Sergeant Galdi died on a hospital operating table after surgeons battled for more than 2 hours to save his life.

The man charged with firing the shots that killed Sergeant Galdi, Pedro Vega, was a fugitive with a pending bench warrant for his arrest issued in June 1985, after he failed to appear in court on drug charges. Previously, Vega had been prosecuted in New Jersey on two separate charges of receiving stolen cars and was sentenced to 1 year in jail and 3 year's probation.

If there had been a background check when Vega bought his gun, Sergeant Galdi would be alive today. Instead, a dedicated 20-year veteran of the Philadelphia Police Force is dead today because our laws did not protect him.

The violent handgun death of Sergeant Galdi illustrates the urgent need for stronger laws to protect our police and citizens. In fact, Philadelphia Police Commissioner Kevin Tucker called for stiffer standards for gun permits to reduce the danger of citizens being hurt when large numbers of weapons are easily available. In Pennsyvlania, once a permit is issued, the license holder has the right to carry any type and number of weapons. Commissioner Tucker is concerned that rather than being used to stop crime, the weapons would end up being used improperly or lead to shootings injuring or killing innocent people.

This is not the time to weaken handgun sales restrictions. Passage of the McClure-Volkmer bill permitting interstate sales of handguns poses a serious threat to law-abiding citizens and to law enforcement officers by making it easier for criminals to obtain handguns, by loosening gun dealer recordkeeping requirements and by making it almost impossible to verify the legality of sales involving out-of-State residents.

The McClure-Volkmer bill completely guts the only handgun law we have, and allows the interstate sale of handguns without any restrictions, regulations, or background checks. That means that convicted murderers back out on our streets will have even easier access to guns than they have now.

Today's vote is really very simple: you're either for police officers and law-abiding citizens or you are against them.

Mr. STANGELAND. Mr. Chairman, I rise today in support of the Volkmer substitute because, for me, the right of law abiding citizens to keep and bear arms is not an issue of compromise.

Today, approximately 60 million hand guns and rifles are in the possession of lawful Americans. These firearms are used for hunting, collection, protection, and other legitimate purposes.

Many people in my congressional district use firearms for hunting. In fact, I am an avid, lifelong sportsman. Because of this, let me give examples of why the substitute offered by my friend Mr. VOLKMER is superior to the Rodino-Hughes Judiciary Committee bill (H.R. 4332).

Let us suppose one of my fellow Minnesotans decides to do some hunting in Alaska, however, when he arrives his guns have been damaged or lost. Under current law, he can replace his long guns, albeit with considerable difficulty, but any lost or damaged handguns cannot be replaced until he returns home, even though hunting with such firearms is perfectly legal in Alaska and 36 other States. Unlike the Rodino-Hughes bill, the Volkmer substitute ensures that hunters, marksmen or other responsible Americans will, on the spot, be able to replace their guns even if they are not in their home State.

Currently, hunters cannot transport their firearms without fear of violating a hodgepodge of restrictive gun laws at the state and local level. Unfortunately, the lives of many honest citizens have been ruined or disrupted simply because they did not understand that the transport of a firearm, by a law abiding citizen, in certain states or localities is not legal. This should never happen again. The Volkmer substitute remedies this situation, Rodino-Hughes does not.

Several months ago the other body overwhelmingly passed S. 49. The Volkmer substitute largely incorporates the provisions of H.R. 945—companion legislation to S. 49—modified slightly to meet concerns raised by the attorney general and law-enforcement organizations. Because the House leadership initially declined to take action on this measure, I and 217 Members signed the discharge petition to bring the matter before the House. Today, we have the first real opportunity to reform the Gun Control Act of 1968. I believe we should use it to do justice and reverse 18 years of unfair regulation and harassment. Perhaps then Congress and the courts will begin focusing their attention on the criminals who misuse guns, and not abiding, responsible citizens.

If you believe in the Constitutional right of Americans to keep and bear arms then you will vote yes on the Volkmer-Stangeland substitute.

□ 1105

AMENDMENT OFFERED BY MR. HUGHES TO THE AMENDMENT, AS AMENDED, OFFERED BY MR. VOLKMER AS A SUBSTITUTE FOR THE JUDICIARY COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE, AS AMENDED

Mr. HUGHES. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the committee amendment in the nature of a substitute.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. VOLKMER. Mr. Chairman, before the amendment is read, I would like to know if the amendment was one of those printed in the RECORD prior to today.

The CHAIRMAN. The Chair will so inquire of the gentleman from New Jersey whether his amendment has been printed in the RECORD?

Mr. HUGHES. It has been printed in the RECORD, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

Mr. VOLKMER. Mr. Chairman, has it been printed in the RECORD by Mr. HUGHES?

The CHAIRMAN. Under the rule, it is not required that the sponsor of the amendment have it printed in the RECORD.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUGHES to the amendment as amended, offered by Mr. VOLKMER as a substitute for the Judiciary

Committee amendment in the nature of a substitute, as amended:

Section 102 of the matter proposed to be inserted is amended—

(1) in paragraph (7), by striking out "and";

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

(3) by adding at the end the following:

(9) by inserting after the subsection added by paragraph (8) of this section the following:

"(o)(1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer or possess a machinegun.

"(2) This subsection does not apply with respect to—

"(A) a transfer to or by, or possession by or under the authority of, the United States or any department or agency thereof or a State, or a department, agency, or political subdivision thereof; or

"(B) any lawful transfer or lawful possession of a machinegun that was lawfully possessed before the date this subsection takes effect.".

Section 110 of the matter proposed to be inserted is amended by adding at the end the following:

(c) MACHINEGUN PROHIBITION.—Section 102(9) shall take effect on the date of the enactment of this Act.

Mr. HUGHES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

Mr. WALKER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk continued the reading of the amendment.

Mr. HUGHES (during the reading). Mr. Chairman, I renew my request that the amendment be considered as read and printed in the RECORD. I ask my colleagues, in all fairness and rationality—we only have 3 minutes left—to give me an opportunity to explain why machineguns should be banned.

Mr. WALKER. Mr. Chairman, regular order and reserving the right to object——

The CHAIRMAN. The Clerk will read.

The Clerk continued the reading of the amendment.

Mr. HUGHES (during the reading). Mr. Chairman, I renew my request for a waiver of the reading of the amendment.

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

Mr. SENSENBRENNER. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will read.

The Clerk continued the reading of the amendment.

Mr. HUGHES (during the reading). Mr. Chairman, I renew my request for a waiver of the reading of the amendment. I do not know why anyone would object to the banning of machineguns.

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

Mr. SENSENBRENNER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk concluded the reading of the amendment.

Mr. HUGHES. Mr. Chairman, I move that the Committee do now rise.

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

The CHAIRMAN. Is it the Chair's understanding that the gentleman from New Jersey moves that the Committee do now rise?

Mr. HUGHES. That is my motion, Mr. Chairman. I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 124, noes 298, not voting 12, as follows:

[Roll No. 73]

AYES—124

Ackerman
Akaka
Anderson
Annunzio
Anthony
Aspin
Atkins
Barnes
Bates
Bellenson
Bennett
Berman
Biaggi
Boland
Bonior (MI)
Borski
Boxer
Broomfield
Burton (CA)
Carper
Clay
Collins
Conyers
Cooper
Coyne
Crockett
Dellums
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Early
Edgar
Edwards (CA)
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Foglietta
Ford (TN)
Frank
Garcia
Gejdenson
Gibbons
Gonzalez
Gordon
Gray (PA)
Green
Guarini
Hawkins
Hayes
Henry
Hertel
Howard
Hoyer
Hughes
Jacobs
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
LaFalce
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lipinski
Lowry (WA)
Manton
Markey
Martinez
Matsui
Mavroules
McKinney
Mikulski
Miller (CA)
Miller (WA)
Mineta
Moakley
Moody
Morrison (CT)
Mrazek
Oakar
Owens
Porter
Price
Rangel
Rodino
Roe
Rostenkowski
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Smith (FL)
Solarz
Spratt
St Germain
Stark
Stratton
Studds
Torres
Torricelli
Towns
Traficant
Udall
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Whitehurst
Wolpe
Yates

NOES—298

Alexander
Andrews
Applegate
Archer
Armey
AuCoin
Badham
Barnard
Bartlett
Barton
Bateman
Bedell
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boner (TN)
Bonker
Bosco
Boucher
Breaux
Brooks
Brown (CA)
Brown (CO)
Broyhill
Bruce
Bryant
Burton (IN)
Bustamante
Byron
Callahan
Campbell
Carney
Carr
Chandler
Chapman
Chappell
Chappie
Cheney
Clinger
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Coughlin
Courter
Craig
Crane
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dorgan (ND)
Dornan (CA)
Dowdy
Dreier
Duncan
Dyson
Eckart (OH)
Eckert (NY)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Fiedler
Fields
Fish
Flippo
Florio
Foley
Ford (MI)
Fowler
Franklin
Frenzel
Frost
Fuqua
Gallo
Gaydos
Gekas
Gilman
Gingrich
Glickman
Goodling
Gradison
Gray (IL)
Gregg
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hartnett
Hatcher
Hefner
Hendon
Hiler
Hillis
Holt
Hopkins
Horton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kasich
Kemp
Kindness
Kolbe
Kolter
Kostmayer
Kramer
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Loeffler
Long
Lott
Lowery (CA)
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Marlenee
Martin (IL)
Martin (NY)
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McMillan
Meyers
Mica
Michel
Miller (OH)
Mitchell
Molinari
Mollohan
Monson
Montgomery
Moore
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nielson
Nowak
Oberstar
Obey
Olin
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Pursell
Quillen
Rahall
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Rudd
Saxton
Schaefer
Schneider
Schuette
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solomon
Spence
Staggers
Stallings
Stangeland
Stenholm
Strang
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Traxler
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker

Watkins	Wilson	Yatron
Weaver	Wirth	Young (AK)
Weber	Wise	Young (FL)
Whitley	Wolf	Young (MO)
Whittaker	Wortley	Zschau
Whitten	Wyden	
Williams	Wylie	

NOT VOTING—12

Addabbo	Heftel	O'Brien
Boulter	Ireland	Schulze
Gephardt	Lujan	Stokes
Grotberg	Nichols	Wright

□ 1115

Mr. RITTER and Mr. RINALDO changed their votes from "aye" to "no."

Mr. LELAND and Mr. HOYER changed their votes from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. WEISS. Mr. Chairman, on April 4, 1968, Martin Luther King was assassinated in Memphis, TN. I find it bitterly ironic that 18 years later almost to the day, this body is gutting the 1968 Gun Control Act, the law that was put in place to stop exactly this kind of senseless violence. In fact, it seems that most Members have completely forgotten the reason why we have gun control laws in the first place.

Eighteen years ago, our country was shocked by the brutal assassinations of two of its most brilliant young leaders—Reverend King, the man who revolutionized civil rights laws in this country and became the youngest person ever to win the Nobel Peace Prize, and Robert Kennedy, our great New York Senator, former Attorney General, and brother of the President who himself was slain.

In the wake of these tragic events, this Nation came to its senses and realized that laws were needed to keep dangerous weapons out of the hands of dangerous individuals. And Americans realized that any small inconvenience to gun dealers and hunters that resulted from minimal gun control laws would be vastly outweighed by the benefits of keeping the wrong guns out of the wrong hands.

If anything, the events of the last few years show the need to strengthen, not dilute our gun control laws. Despite the controls enacted earlier, we have again been witness to a series of shocking handgun crimes, including the assassination of one of our dear friends and distinguished colleague, Allard Lowenstein, and of course, the assassination attempt on President Reagan. It is revealing that John Hinckley, the man who shot President Reagan and Jim Brady, was found by the courts to be insane, and hence, not guilty. But nothing in the law kept him from getting a handgun. Even the Attorney General's Task Force on Violent Crime called for tightening gun control laws, and instituting a waiting period before the purchase of handguns, to allow time for background record checks.

Congress, at the behest of the NRA, has committeed a national disgrace by eviscerating our Nation's gun control laws. The memories of Dr. King, of Senator Robert Kennedy, and of President Kennedy deserve much, much better.

□ 1130

The CHAIRMAN. All time has expired for consideration of the Hughes amendment to the Volkmer substitute.

For what purpose does the gentleman from New Jersey [Mr. HUGHES] rise?

Mr. HUGHES. Mr. Chairman, I have a unanimous-consent request.

Mr. Chairman, I made the motion to rise so that I could get additional time for the Rules Committee to finish debate on a number of amendments that were noticed, have not been reached and will not be heard, and that is unfortunate. It is an important matter.

My unanimous-consent request is that I have 5 minutes to explain this vote.

Mr. SENSENBRENNER. A point of order. Mr. Chairman, that is not a proper inquiry.

Mr. DINGELL. Mr. Chairman, a point of order. Regular order.

The CHAIRMAN. The gentleman will state his unanimous-consent request.

Mr. HUGHES. Mr. Chairman, my unanimous request is that I have 5 minutes to explain this vote on machinegun bans.

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

Mr. McCOLLUM. Reserving the right to object, Mr. Chairman, would the gentleman explain why he wants that 5 minutes?

Mr. HUGHES. So we can explain what is pending before the House.

Mr. McCOLLUM. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey [Mr. HUGHES]?

Mr. SENSENBRENNER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from New Jersey [Mr. HUGHES] to the amendment, as amended, offered by the gentleman from Missouri [Mr. VOLKMER] as a substitute for the Judiciary Committee amendment in the nature of a substitute, as amended.

The amendment to the amendment, as amended, offered as a substitute for the Judiciary Committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. The question is on the amendment, as amended, offered by the gentleman from Missouri [Mr. VOLKMER], as a substitute for the Judiciary Committee amendment in the nature of a substitute, as amended.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 286, noes 136, not voting 12, as follows:

[Roll No. 74]

AYES—286

Alexander	Flippo	McKernan
Anderson	Foley	McMillan
Andrews	Ford (MI)	Meyers
Anthony	Ford (TN)	Michel
Applegate	Fowler	Miller (OH)
Archer	Franklin	Molinari
Armey	Frenzel	Mollohan
Aspin	Fuqua	Monson
AuCoin	Gallo	Montgomery
Badham	Gaydos	Moody
Barnard	Gekas	Moore
Bartlett	Gilman	Moorhead
Barton	Gingrich	Morrison (WA)
Bateman	Glickman	Murphy
Bentley	Goodling	Murtha
Bereuter	Gordon	Myers
Bevill	Gray (IL)	Natcher
Bilirakis	Gregg	Neal
Bliley	Gunderson	Nelson
Boehlert	Hall, Ralph	Nielson
Boner (TN)	Hamilton	Oberstar
Bonker	Hammerschmidt	Obey
Bosco	Hansen	Olin
Boucher	Hartnett	Ortiz
Breaux	Hatcher	Oxley
Brooks	Hefner	Packard
Brown (CO)	Hendon	Parris
Broyhill	Hiler	Pashayan
Bruce	Holt	Pease
Bryant	Hopkins	Penny
Burton (IN)	Horton	Perkins
Bustamante	Hubbard	Petri
Byron	Huckaby	Pickle
Callahan	Hunter	Price
Campbell	Hutto	Quillen
Carney	Hyde	Rahall
Carr	Jeffords	Ray
Chandler	Jenkins	Regula
Chapman	Johnson	Reid
Chappell	Jones (NC)	Richardson
Chappie	Jones (OK)	Ridge
Cheney	Jones (TN)	Ritter
Clinger	Kanjorski	Roberts
Coats	Kasich	Robinson
Cobey	Kemp	Roemer
Coble	Kindness	Rogers
Coelho	Kleczka	Rose
Coleman (MO)	Kolbe	Roth
Coleman (TX)	Kolter	Rowland (CT)
Combest	Kostmayer	Rowland (GA)
Cooper	Kramer	Rudd
Courter	Lagomarsino	Saxton
Craig	Latta	Schaefer
Crane	Leach (IA)	Schuette
Daniel	Leath (TX)	Sensenbrenner
Dannemeyer	Lehman (CA)	Sharp
Darden	Lent	Shaw
Daschle	Lewis (CA)	Shelby
Daub	Lewis (FL)	Shumway
Davis	Lightfoot	Shuster
de la Garza	Livingston	Sikorski
DeLay	Lloyd	Siljander
Derrick	Loeffler	Sisisky
DeWine	Long	Skeen
Dickinson	Lott	Skelton
Dicks	Lowery (CA)	Slattery
Dingell	Luken	Slaughter
Dorgan (ND)	Lundine	Smith (IA)
Dornan (CA)	Lungren	Smith (NE)
Dowdy	Mack	Smith (NJ)
Dreier	MacKay	Smith, Denny (OR)
Duncan	Madigan	Smith, Robert (NH)
Dyson	Marlenee	Smith, Robert (OR)
Eckart (OH)	Martin (IL)	Snowe
Eckert (NY)	Martin (NY)	Snyder
Edwards (OK)	McCain	Solomon
Emerson	McCandless	Spence
English	McCloskey	Spratt
Erdreich	McCollum	Staggers
Evans (IA)	McCurdy	Stallings
Fiedler	McDade	
Fields	McEwen	
Fish	McGrath	

Stangeland	Thomas (GA)	Williams
Stenholm	Traxler	Wilson
Strang	Udall	Wirth
Stump	Valentine	Wise
Sundquist	Vander Jagt	Wolf
Sweeney	Volkmer	Wortley
Swift	Vucanovich	Wyden
Swindall	Walker	Yatron
Synar	Watkins	Young (AK)
Tallon	Weaver	Young (FL)
Tauke	Weber	Young (MO)
Tauzin	Whitley	Zschau
Taylor	Whittaker	
Thomas (CA)	Whitten	

NOES—136

Ackerman	Garcia	Mrazek
Akaka	Gejdenson	Nowak
Annunzio	Gibbons	Oakar
Atkins	Gonzalez	Owens
Barnes	Gradison	Panetta
Bates	Gray (PA)	Pepper
Bedell	Green	Porter
Beilenson	Guarini	Pursell
Bennett	Hall (OH)	Rangel
Berman	Hawkins	Rinaldo
Biaggi	Hayes	Rodino
Boland	Henry	Roe
Bonior (MI)	Hertel	Rostenkowski
Borski	Hillis	Roukema
Boxer	Howard	Roybal
Broomfield	Hoyer	Russo
Brown (CA)	Hughes	Sabo
Burton (CA)	Jacobs	Savage
Carper	Kaptur	Scheuer
Clay	Kastenmeier	Schneider
Collins	Kennelly	Schroeder
Conte	Kildee	Schumer
Conyers	LaFalce	Seiberling
Coughlin	Lantos	Smith (FL)
Coyne	Lehman (FL)	Solarz
Crockett	Leland	St Germain
Dellums	Levin (MI)	Stark
DioGuardi	Levine (CA)	Stratton
Dixon	Lipinski	Studds
Donnelly	Lowry (WA)	Torres
Downey	Manton	Torricelli
Durbin	Markey	Towns
Dwyer	Martinez	Traficant
Dymally	Matsui	Vento
Early	Mavroules	Visclosky
Edgar	Mazzoli	Walgren
Edwards (CA)	McHugh	Waxman
Evans (IL)	McKinney	Weiss
Fascell	Mica	Wheat
Fawell	Mikulski	Whitehurst
Fazio	Miller (CA)	Wolpe
Feighan	Miller (WA)	Wright
Florio	Mineta	Wylie
Foglietta	Mitchell	Yates
Frank	Moakley	
Frost	Morrison (CT)	

NOT VOTING—12

Addabbo	Grotberg	Nichols
Boggs	Heftel	O'Brien
Boulter	Ireland	Schulze
Gephardt	Lujan	Stokes

□ 1145

The Clerk announced the following pairs:

On this vote:

Mr. Nichols for, with Mr. Heftel of Hawaii against.

Mr. Schulze for, with Mr. Gephardt against.

Mr. Ireland for, with Mr. Stokes against.

Mr. MAZZOLI and Mr. ANNUNZIO changed their votes from "aye" to "no."

Messrs. TAUZIN, KLECZKA, and WIRTH changed their votes from "no" to "aye."

So the amendment, as amended, offered as a substitute for the Judiciary Committee amendment in the nature of a substitute, as amended, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FORD of Tennessee. Mr. Chairman, on rollcall No. 74 on the adoption of the Volkmer substitute to the Federal Firearms Law Reform Act, I inadvertently voted "aye." I am strongly opposed to the provisions of the Volkmer substitute and meant to vote "no."

The CHAIRMAN. The question is on the Judiciary Committee amendment in the nature of a substitute, as amended.

The Judiciary Committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. RANGEL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4332) to amend chapter 44 (relating to firearms) of title 18, United States Code, and for other purposes, pursuant to House Resolution 403, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. 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.

MOTION TO RECOMMIT OFFERED BY MR. GREEN

Mr. GREEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GREEN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GREEN moves to recommit the bill, H.R. 4332, to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

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

Mr. McCOLLUM. 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 292, nays 130, not voting 12, as follows:

[Roll No. 75]

YEAS—292

Alexander	Ford (MI)	Molinari
Anderson	Fowler	Mollohan
Andrews	Franklin	Monson
Anthony	Frenzel	Montgomery
Applegate	Fuqua	Moody
Archer	Gallo	Moore
Armey	Gaydos	Moorhead
Aspin	Gekas	Morrison (WA)
AuCoin	Gilman	Murphy
Badham	Gingrich	Murtha
Barnard	Glickman	Myers
Bartlett	Goodling	Natcher
Barton	Gordon	Neal
Bateman	Gray (IL)	Nelson
Bentley	Gregg	Nielson
Bereuter	Gunderson	Oberstar
Bevill	Hall, Ralph	Obey
Biliraki	Hamilton	Olin
Bliley	Hammerschmidt	Ortiz
Boehlert	Hansen	Oxley
Boggs	Hartnett	Packard
Boner (TN)	Hatcher	Parris
Bonker	Hefner	Pashayan
Bosco	Hendon	Pease
Boucher	Hiler	Penny
Breaux	Hillis	Perkins
Brooks	Holt	Petri
Brown (CO)	Hopkins	Pickle
Broyhill	Horton	Price
Bruce	Hubbard	Quillen
Bryant	Huckaby	Rahall
Burton (IN)	Hunter	Ray
Bustamante	Hutto	Regula
Byron	Hyde	Reid
Callahan	Jeffords	Richardson
Campbell	Jenkins	Ridge
Carney	Johnson	Rinaldo
Carr	Jones (NC)	Ritter
Chandler	Jones (OK)	Roberts
Chapman	Jones (TN)	Robinson
Chappell	Kanjorski	Roemer
Chappie	Kasich	Rogers
Cheney	Kemp	Rose
Clinger	Kindness	Roth
Coats	Kleczka	Rowland (CT)
Cobey	Kolbe	Rowland (GA)
Coble	Kolter	Rudd
Coelho	Kostmayer	Saxton
Coleman (MO)	Kramer	Schaefer
Coleman (TX)	Lagomarsino	Schuette
Combest	Lantos	Sensenbrenner
Conte	Latta	Sharp
Cooper	Leach (IA)	Shaw
Courter	Leath (TX)	Shelby
Craig	Lehman (CA)	Shumway
Crane	Lent	Shuster
Daniel	Lewis (CA)	Sikorski
Dannemeyer	Lewis (FL)	Siljander
Darden	Lightfoot	Sisisky
Daschle	Livingston	Skeen
Daub	Lloyd	Skelton
Davis	Loeffler	Slattery
de la Garza	Long	Slaughter
DeLay	Lott	Smith (IA)
Derrick	Lowery (CA)	Smith (NE)
DeWine	Luken	Smith (NJ)
Dickinson	Lundine	Smith, Denny (OR)
Dicks	Lungren	Smith, Robert (NH)
Dingell	Mack	Smith, Robert (OR)
Dorgan (ND)	MacKay	Snowe
Dornan (CA)	Madigan	Snyder
Dowdy	Marlenee	Solomon
Dreier	Martin (IL)	Spence
Duncan	Martin (NY)	Spratt
Dyson	Mazzoli	Staggers
Eckart (OH)	McCain	Stallings
Eckert (NY)	McCandless	Stangeland
Edwards (OK)	McCloskey	Stenholm
Emerson	McCollum	Strang
English	McCurdy	Stump
Erdreich	McDade	Sundquist
Evans (IA)	McEwen	Sweeney
Fiedler	McGrath	Swift
Fields	McKernan	Swindall
Fish	McMillan	Synar
Flippo	Meyers	
Florio	Michel	
Foley	Miller (OH)	

Tallon	Vucanovich	Wise
Tauke	Walker	Wolf
Tauzin	Watkins	Wortley
Taylor	Weaver	Wyden
Thomas (CA)	Weber	Yatron
Thomas (GA)	Whitley	Young (AK)
Traxler	Whittaker	Young (FL)
Udall	Whitten	Young (MO)
Valentine	Williams	Zschau
Vander Jagt	Wilson	
Volkmer	Wirth	

NAYS—130

Ackerman	Frost	Mrazek
Akaka	Garcia	Nowak
Annunzio	Gejdenson	Oakar
Atkins	Gibbons	Owens
Barnes	Gonzalez	Panetta
Bates	Gradison	Pepper
Bedell	Gray (PA)	Porter
Beilenson	Green	Pursell
Bennett	Guarini	Rangel
Berman	Hall (OH)	Rodino
Biaggi	Hawkins	Roe
Boland	Hayes	Rostenkowski
Bonior (MI)	Henry	Roukema
Borski	Hertel	Roybal
Boxer	Howard	Russo
Broomfield	Hoyer	Sabo
Brown (CA)	Hughes	Savage
Burton (CA)	Jacobs	Scheuer
Carper	Kaptur	Schneider
Clay	Kastenmeier	Schroeder
Collins	Kennelly	Schumer
Conyers	Kildee	Seiberling
Coughlin	LaFalce	Smith (FL)
Coyne	Lehman (FL)	Solarz
Crockett	Leland	St Germain
Dellums	Levin (MI)	Stark
DioGuardi	Levine (CA)	Stratton
Dixon	Lipinski	Studds
Donnelly	Lowry (WA)	Torres
Downey	Manton	Torricelli
Durbin	Markey	Towns
Dwyer	Martinez	Traficant
Dymally	Matsui	Vento
Early	Mavroules	Visclosky
Edgar	McHugh	Walgren
Edwards (CA)	McKinney	Waxman
Evans (IL)	Mica	Weiss
Fascell	Mikulski	Wheat
Fawell	Miller (CA)	Whitehurst
Fazio	Miller (WA)	Wright
Feighan	Mineta	Wylie
Foglietta	Mitchell	Yates
Ford (TN)	Moakley	
Frank	Morrison (CT)	

NOT VOTING—12

Addabbo	Heftel	O'Brien
Boulter	Ireland	Schulze
Gephardt	Lujan	Stokes
Grotberg	Nichols	Wolpe

□ 1205

The Clerk announced the following pairs:

On this vote:

Mr. Nichols for, with Mr. Heftel of Hawaii against.

Mr. Schulze for, with Mr. Gephardt against.

Mr. Ireland for, with Mr. Stokes against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BOLAND). Pursuant to the provisions of House Resolution 403, the Committee on the Judiciary is discharged from the further consideration of the Senate bill (S. 49) to protect firearms owners' constitutional rights, civil liberties, and rights to privacy.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HUGHES moves to strike out all after the enacting clause of the Senate bill, S. 49, and to insert in lieu thereof the provisions of H.R. 4332, as passed by the House, as follows:

SECTION 1. SHORT TITLE AND CONGRESSIONAL FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Firearms Owners' Protection Act".

(b) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the rights of citizens—

(A) to keep and bear arms under the second amendment to the United States Constitution;

(B) to security against illegal and unreasonable searches and seizures under the fourth amendment;

(C) against uncompensated taking of property, double jeopardy, and assurance of due process of law under the fifth amendment; and

(D) against unconstitutional exercise of authority under the ninth and tenth amendments;

require additional legislation to correct existing firearms statutes and enforcement policies; and

(2) additional legislation is required to reaffirm the intent of the Congress, as expressed in section 101 of the Gun Control Act of 1968, that "it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity, and that this title is not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes.".

SEC. 101. AMENDMENTS TO SECTION 921.

Section 921 of title 18, United States Code, is amended—

(1) in subsection (a)(10), by striking out "manufacture of" and inserting in lieu thereof "business of manufacturing";

(2) in subsection (a)(11)(A), by striking out "or ammunition";

(3) in subsection (a)(12), by striking out "or ammunition";

(4) in subsection (a)(13), by striking out "or ammunition";

(5) by amending paragraph (20) of subsection (a) to read as follows:

"(20) The term 'crime punishable by imprisonment for a term exceeding one year' does not include—

"(A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or

"(B) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms."; and

(6) in subsection (a), by inserting after paragraph (20) the following new paragraphs:

"(21) The term 'engaged in the business' means—

"(A) as applied to a manufacturer of firearms, a person who devotes time, attention, and labor to manufacturing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured;

"(B) as applied to a manufacturer of ammunition, a person who devotes time, attention, and labor to manufacturing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition manufactured;

"(C) as applied to a dealer in firearms, as defined in section 921(a)(11)(A), a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms;

"(D) as applied to a dealer in firearms, as defined in section 921(a)(11)(B), a person who devotes time, attention, and labor to engaging in such activity as a regular course of trade or business with the principal objective of livelihood and profit, but such term shall not include a person who makes occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms;

"(E) as applied to an importer of firearms, a person who devotes time, attention, and labor to importing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms imported; and

"(F) as applied to an importer of ammunition, a person who devotes time, attention, and labor to importing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition imported.

"(22) The term 'with the principal objective of livelihood and profit' means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection.

"(23) The term 'machinegun' has the meaning given such term in section 5845(b) of the National Firearms Act (26 U.S.C. 5845(b)).

"(24) The terms 'firearm silencer' and 'firearm muffler' means any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.".

SEC. 102. AMENDMENTS TO SECTION 922.

Section 922 of title 18, United States Code, is amended—

(1) so that paragraph (1) of subsection (a) reads as follows:

"(1) for any person—

"(A) except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce; or

"(B) except a licensed importer or licensed manufacturer, to engage in the business of importing or manufacturing ammunition, or in the course of such business, to ship, transport, or receive any ammunition in interstate or foreign commerce;";

(2) in subsection (a)(2)—

"(A) by striking out "or ammunition"; and

"(B) by striking out "or licensed dealer for the sole purpose of repair or customizing;" and inserting in lieu thereof "licensed dealer, or licensed collector;";

(3) in subsection (a)(3), by striking out "(B)" and all that follows through "(b)(3) of this section," and inserting in lieu thereof the following: "(B) shall not apply to the transportation or receipt of a firearm obtained in conformity with subsection (b)(3) of this section,";

(4) in subsection (b)—

(A) in paragraph (2), by striking out "or ammunition" each place it appears;

(B) in paragraph (3), by striking out "(A)" and all that follows through "intrastate transactions other than at the licensee's business premises," and inserting in lieu thereof "(A) shall not apply to the sale or delivery of any rifle or shotgun to a resident of a State other than a State in which the licensee's place of business is located if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both such States (and any licensed manufacturer, importer or dealer shall be presumed, for purposes of this subparagraph, in the absence of evidence to the contrary, to have had actual knowledge of the State laws and published ordinances of both States),";

(C) in paragraph (3), by inserting "and" before "(B)";

(D) in paragraph (3), by striking out ", and (C)" and all that follows through the end of such paragraph and inserting in lieu thereof a semicolon; and

(E) in paragraph (5), by striking out "or ammunition except .22 caliber rimfire ammunition" and inserting "or armor-piercing ammunition" in lieu thereof;

(5) in subsection (d)—

(A) by striking out "licensed importer, licensed manufacturer, licensed dealer, or licensed collector" the first place it appears and inserting in lieu thereof "person";

(B) by amending paragraph (3) to read as follows:

"(3) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));";

(C) in paragraph (4), by striking out the period and inserting in lieu thereof a semicolon; and

(D) by inserting after paragraph (4) the following:

"(5) who, being an alien, is illegally or unlawfully in the United States;

"(6) who has been discharged from the Armed Forces under dishonorable conditions; or

"(7) who, having been a citizen of the United States, has renounced his citizenship.";

(6) in subsection (g)—

(A) in paragraph (1), by striking out "is under indictment for, or who";

(B) by amending paragraph (3) to read as follows:

"(3) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));";

(C) by inserting after paragraph (4) the following new paragraphs:

"(5) who, being an alien, is illegally or unlawfully in the United States;

"(6) who has been discharged from the Armed Forces under dishonorable conditions; or

"(7) who, having been a citizen of the United States, has renounced his citizenship;"; and

(D) by striking out "to ship or transport any firearm or ammunition in interstate or foreign commerce." and inserting in lieu thereof "to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.";

(7) so that subsection (h) reads as follows:

"(h) It shall be unlawful for any individual, who to that individual's knowledge and while being employed for any person described in any paragraph of subsection (g) of this section, in the course of such employment—

"(1) to receive, possess, or transport any firearm or ammunition in or affecting interstate or foreign commerce; or

"(2) to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.";

(8) by inserting after subsection (m) the following:

"(n) It shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce."; and

(9) by inserting after the subsection added by paragraph (8) of this section the following:

"(o)(1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer or possess a machinegun.

"(2) This subsection does not apply with respect to—

"(A) a transfer to or by, or possession by or under the authority of, the United States or any department or agency thereof or a State, or a department, agency, or political subdivision thereof; or

"(B) any lawful transfer or lawful possession of a machinegun that was lawfully possessed before the date this subsection takes effect.".

SEC. 103. AMENDMENTS TO SECTION 923.

Section 923 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out the first sentence and inserting in lieu thereof "No person shall engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, until he has filed an application with and received a license to do so from the Secretary."; and

(B) by striking out "and contain such information", and inserting in lieu thereof "and contain only that information necessary to determine eligibility for licensing.";

(2) in subsection (a)(3)(B), by striking out "or ammunition for firearms other than destructive devices,";

(3) in subsection (b), by striking out "and contain such information" and inserting in lieu thereof "and contain only that information necessary to determine eligibility";

(4) in subsection (c), by adding at the end "Nothing in this chapter shall be construed to prohibit a licensed manufacturer, importer, or dealer from maintaining and disposing of a personal collection of firearms, subject only to such restrictions as apply in this chapter to dispositions by a person other than a licensed manufacturer, importer, or dealer. If any firearm is so disposed of by a licensee within one year after its transfer from his business inventory into such licensee's personal collection or if such disposition or any other acquisition is made for the purpose of willfully evading the restrictions placed upon licensees by this chapter, then such fiream shall be deemed part of such licensee's business inventory.";

(5) in subsection (e), by inserting "willfully" before "violated";

(6) in subsection (f)—

(A) in paragraph (3)—

(i) by inserting "de novo" before "judicial"; and

(ii) by inserting "whether or not such evidence was considered at the hearing held under paragraph (2)." after "to the proceeding"; and

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

"(4) If criminal proceedings are instituted against a licensee alleging any violation of this chapter or of rules or regulations prescribed under this chapter, and the licensee is acquitted of such charges, or such proceedings are terminated, other than upon motion of the Government before trial upon such charges, the Secretary shall be absolutely barred from denying or revoking any license granted under this chapter where such denial or revocation is based in whole or in part on the facts which form the basis of such criminal charges. No proceedings for the revocation of a license shall be instituted by the Secretary more than one year after the filing of the indictment or information.";

(7) so that subsection (g) reads as follows:

"(g)(1)(A) Each licensed importer, licensed manufacturer, and licensed dealer shall maintain such records of importation, production, shipment, receipt, sale, or other disposition of firearms at his place of business for such period, and in such form, as the Secretary may by regulations prescribe. Such importers, manufacturers, and dealers shall not be required to submit to the Secretary reports and information with respect to such records and the contents thereof, except as expressly required by this section. The Secretary, when he has reasonable cause to believe a violation of this chapter has occurred and that evidence thereof may be found on such premises, may, upon demonstrating such cause before a Federal magistrate and securing from such magistrate a warrant authorizing entry, enter during business hours the premises (including places of storage) of any licensed firearms importer, licensed manufacturer, licensed dealer, licensed collector, or any licensed importer or manufacturer of ammunition, for the purpose of inspecting or examining—

"(i) any records or documents required to be kept by such licensed importer, licensed manufacturer, licensed dealer, or licensed collector under this chapter or rules or regulations under this chapter, and

"(ii) any firearms or ammunition kept or stored by such licensed importer, licensed

manufacturer, licensed dealer, or licensed collector, at such premises.

"(B) The Secretary may inspect or examine the inventory and records of a licensed importer, licensed manufacturer, or licensed dealer without such reasonable cause or warrant—

"(i) in the course of a reasonable inquiry during the course of a criminal investigation of a person or persons other than the licensee;

"(ii) for ensuring compliance with the record keeping requirements of this chapter not more than once during any 12-month period; or

"(iii) when such inspection or examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.

"(C) The Secretary may inspect the inventory and records of a licensed collector without such reasonable cause or warrant—

"(i) for ensuring compliance with the record keeping requirements of this chapter not more than once during any 12-month period; or

"(ii) when such inspection or examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.

"(D) At the election of a licensed collector, the annual inspection of records and inventory permitted under this paragraph shall be performed at the office of the Secretary designated for such inspections which is located in closest proximity to the premises where the inventory and records of such licensed collector are maintained. The inspection and examination authorized by this paragraph shall not be construed as authorizing the Secretary to seize any records or other documents other than those records or documents constituting material evidence of a violation of law. If the Secretary seizes such records or documents, copies shall be provided the licensee within a reasonable time. The Secretary may make available to any Federal, State, or local law enforcement agency any information which he may obtain by reason of this chapter with respect to the identification of persons prohibited from purchasing or receiving firearms or ammunition who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition, and he may provide information to the extent such information may be contained in the records required to be maintained by this chapter, when so requested by any Federal, State, or local law enforcement agency.

"(2) Each licensed collector shall maintain in a bound volume the nature of which the Secretary may by regulations prescribe, records of the receipt, sale, or other disposition of firearms. Such records shall include the name and address of any person to whom the collector sells or otherwise disposes of a firearm. Such collector shall not be required to submit to the Secretary reports and information with respect to such records and the contents thereof, except as expressly required by this section.

"(3) Each licensee shall prepare a report of multiple sales or other dispositions whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols, or revolvers, or any combination of pistols and revolvers totalling two or more, to an unlicensed person. The report shall be prepared on a form specified by the Secretary and forwarded to the office specified thereon not later than the close of business on the day that the multiple sale or other disposition occurs.

"(4) Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records required to be kept by this chapter shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business is absolute, such records shall be delivered within 30 days after the business discontinuance to the Secretary. However, where State law or local ordinance requires the delivery of records to other responsible authority, the Secretary may arrange for the delivery of such records to such other responsible authority.

"(5)(A) Each licensee shall, when required by letter issued by the Secretary, and until notified to the contrary in writing by the Secretary, submit on a form specified by the Secretary, for periods and at the times specified in such letter, all record information required to be kept by this chapter or such lesser record information as the Secretary in such letter may specify.

"(B) The Secretary may authorize such record information to be submitted in a manner other than that prescribed in subparagraph (A) of this paragraph when it is shown by a licensee that an alternate method of reporting is reasonably necessary and will not unduly hinder the effective administration of this chapter. A licensee may use an alternate method of reporting if the licensee describes the proposed alternate method of reporting and the need therefor in a letter application submitted to the Secretary, and the Secretary approves such alternate method of reporting."; and

(8) So that subsection (j) reads as follows:

"(j) A licensed importer, licensed manufacturer, or licensed dealer may, under rules or regulations prescribed by the Secretary, conduct business temporarily at a location other than the location specified on the license if such temporary location is the location for a gun show or event sponsored by any national, State, or local organization, or any affiliate of any such organization devoted to the collection, competitive use, or other sporting use of firearms in the community, and such location is in the State which is specified on the license. Records of receipt and disposition of firearms transactions conducted at such temporary location shall include the location of the sale or other disposition and shall be entered in the permanent records of the licensee and retained on the location specified on the license. Nothing in this subsection shall authorize any licensee to conduct business in or from any motorized or towed vehicle. Notwithstanding the provisions of subsection (a) of this section, a separate fee shall not be required of a licensee with respect to business conducted under this subsection. Any inspection or examination of inventory or records under this chapter by the Secretary at such temporary location shall be limited to inventory consisting of, or records relating to, firearms held or disposed at such temporary location. Nothing in this subsection shall be construed to authorize the Secretary to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed dealer at any location other than the location specified on the license. Nothing in this subsection shall be construed to diminish in any manner any right to display, sell, or otherwise dispose of firearms or ammunition, which is in effect before the date of the enactment of the Firearms Owners' Protection Act.".

SEC. 104. AMENDMENTS TO SECTION 924.

(a) IN GENERAL.—Section 924 of title 18, United States Code, is amended—

(1) so that subsection (a) reads as follows:

"(a)(1) Except as otherwise provided in paragraph (2) of this subsection, subsection (b) or (c) of this section, or in section 929, whoever—

"(A) knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter or in applying for any license or exemption or relief from disability under the provisions of this chapter;

"(B) knowingly violates subsection (a)(4), (a)(6), (f), (g), (i), (j), or (k) of section 922;

"(C) knowingly imports or brings into the United States or any possession thereof any firearm or ammunition in violation of section 922(1); or

"(D) willfully violates any other provision of this chapter,

shall be fined not more than $5,000, imprisoned not more than five years, or both, and shall become eligible for parole as the Parole Commission shall determine.

"(2) Any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly—

"(A) makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter; or

"(B) violates subsection (m) of section 922, shall be fined not more than $1,000, imprisoned not more than one year, or both, and shall become eligible for parole as the Parole Commission shall determine.";

(2) in subsection (c)—

(A) by inserting "(1)" before "Whoever,";

(B) by striking out "violence" each place it appears and inserting in lieu thereof "violence or drug trafficking crime,";

(C) by inserting "or drug trafficking crime" before "in which the firearm was used or carried.";

(D) in the first sentence, by striking out the period at the end and inserting in lieu thereof ", and if the firearm is a machinegun, or is equipped with a firearm silencer or firearm muffler, to imprisonment for 10 years.";

(E) in the second sentence, by striking out the period at the end and inserting in lieu thereof ", and if the firearm is a machinegun, or is equipped with a firearm silencer or firearm muffler, to imprisonment for 20 years."; and

(F) by adding at the end the following:

"(2) For purposes of this subsection, the term 'drug trafficking crime' means any felony violation of Federal law involving the distribution, manufacture, or importation of any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(3) For purposes of this subsection the term 'crime of violence' means an offense that is a felony and—

"(A) has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

"(B) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.";

(3) by amending subsection (d) to read as follows:

"(d)(1) Any firearm or ammunition involved in or used in any knowing violation of subsection (a)(4), (a)(6), (f), (g), (h), (i), (j), or (k) of section 922, or knowing importation or bringing into the United States or any possession thereof any firearm or ammunition in violation of section 922(l), or knowing violation of section 924, or willful violation of any other provision of this chapter or any rule or regulation promulgated thereunder, or any violation of any other criminal law of the United States, or any firearm or ammunition intended to be used in any offense referred to in paragraph (3) of this subsection, where such intent is demonstrated by clear and convincing evidence, shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter: *Provided*, That upon acquittal of the owner or possessor, or dismissal of the charges against him other than upon motion of the Government prior to trial, the seized firearms or ammunition shall be returned forthwith to the owner or possessor or to a person delegated by the owner or possessor unless the return of the firearms or ammunition would place the owner or possessor or his delegate in violation of law. Any action or proceeding for the forfeiture of firearms or ammunition shall be commenced within one hundred and twenty days of such seizure.

"(2)(A) In any action or proceeding for the return of firearms or ammunition seized under the provisions of this chapter, the court shall allow the prevailing party, other than the United States, a reasonable attorney's fee, and the United States shall be liable therefor.

"(B) In any other action or proceeding under the provisions of this chapter, the court, when it finds that such action was without foundation, or was initiated vexatiously, frivolously, or in bad faith, shall allow the prevailing party, other than the United States, a reasonable attorney's fee, and the United States shall be liable therefor.

"(C) Only these firearms or quantities of ammunition particularly named and individually identified as involved in or used in any violation of the provisions of this chapter or any rule or regulation issued, thereunder, or any other criminal law of the United States or as intended to be used in any offense referred to in paragraph (3) of this subsection, where such intent is demonstrated by clear and convincing evidence, shall be subject to seizure, forfeiture, and disposition.

"(D) The United States shall be liable for attorneys' fees under this paragraph only to the extent provided in advance by appropriations Acts.

"(3) The offenses referred to in paragraphs (1) and (2)(C) of this subsection are—

"(A) any crime of violence, as that term is defined in section 924(c)(3) of this title;

"(B) any offense punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.);

"(C) any offense described in section 922(a)(1), 922(a)(3), 922(a)(5), or 922(b)(3) of this title, where the firearm or ammunition intended to be used in any such offense is involved in a pattern of activities which includes a violation of any offense described in section 922(a)(1), 922(a)(3), 922(a)(5), or 922(b)(3) of this title;

"(D) any offense described in section 922(d) of this title where the firearm or ammunition is intended to be used in such offense by the transferor of such firearm or ammunition;

"(E) any offense described in section 922(i), 922(j), 922(l), 922(n), or 924(b) of this title; and

"(F) any offense which may be prosecuted in a court of the United States which involves the exportation of firearms or ammunition"; and

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

"(e)(1) In the case of a person who violates section 922(g) of this title and has three previous convictions by any court referred to in section 922(g)(1) of this title for robbery or burglary, or both, such person shall be fined not more than $25,000 and imprisoned not less than 15 years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g), and such person shall not be eligible for parole with respect to the sentence imposed under this subsection.

"(2) As used in this subsection—

"(A) the term 'robbery' means any crime punishable by a term of imprisonment exceeding one year and consisting of the taking of the property of another from the person or presence of another by force or violence, or by threatening or placing another person in fear that any person will imminently be subjected to bodily harm; and

"(B) the term 'burglary' means any crime punishable by a term of imprisonment exceeding one year and consisting of entering or remaining surreptitiously within a building that is the property of another with intent to engage in conduct constituting a Federal or State offense.".

(b) CONFORMING REPEAL.—Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (18 U.S.C. App. 1201 et seq.) is repealed.

SEC. 105. AMENDMENTS TO SECTION 925.

Section 925 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) by striking out "has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act)" and inserting in lieu thereof "is prohibited from possessing, shipping transporting, or receiving firearms or ammunition";

(B) by inserting "transportation," after "shipment,";

(C) by striking out "and incurred by reason of such conviction"; and

(D) by inserting "Any person whose application for relief from disabilities is denied by the Secretary may file a petition with the United States district court for the district in which he resides for a judicial review of such denial. The court may in its discretion admit additional evidence where failure to do so would result in a miscarriage of justice." after "the public interest."; and (2) in subsection (d)—

(A) by striking out "may authorize" and inserting in lieu thereof "shall authorize";

(B) by striking out "the person importing or bringing in the firearm or ammunition establishes to the satisfaction of the Secretary that";

(C) in paragraph (3), by inserting before the semicolon ", except in any case where the Secretary has not authorized the importation of the firearm pursuant to this paragraph, it shall be unlawful to import any frame, receiver, or barrel of such firearm which would be prohibited if assembled"; and

(D) by striking out "may permit" and inserting in lieu thereof "shall permit".

SEC. 106. AMENDMENTS TO SECTION 926.

Section 926 of title 18 of the United States Code is amended—

(1) by inserting "(a)" before "The Secretary" the first place it occurs;

(2) by inserting "only" after "prescribe";

(3) by striking out "as he deems reasonably" and inserting in lieu thereof "as are";

(4) by striking out the last sentence and inserting in lieu thereof "No such rule or regulation prescribed after the date of the enactment of the Firearms Owners' Protection Act may require that records required to be maintained under this chapter or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof, nor that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established. Nothing in this section expands or restricts the Secretary's authority to inquire into the disposition of any firearm in the course of a criminal investigation."; and

(5) by adding at the end the following:

"(b) The Secretary shall give not less than 90 days public notice, and shall afford interested parties opportunity for hearing, before prescribing such rules and regulations.

"(c) The Secretary shall not prescribe rules or regulations that require purchasers of black powder under the exemption provided in section 845(a)(5) of this title to complete affidavits or forms attesting to that exemption.".

SEC. 107. TRANSPORTATION OF FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting between section 926 and section 927 the following new section:

"§ 926A. Interstate transportation of firearms

"Any person not prohibited by this chapter from transporting, shipping, or receiving a firearm shall be entitled to transport an unloaded, not readily accessible firearm in interstate commerce notwithstanding any provision of any legislation enacted, or any rule or regulation prescribed by any State or political subdivision thereof.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by inserting between the item relating to section 926 and the item relating to section 927 the following new item:

"926A. Interstate transportation of firearms.".

SEC. 108. AMENDMENTS TO SECTION 929.

Section 929(a) of title 18, United States Code, is amended—

(1) by inserting "(1)" before "Whoever,";

(2) by striking out "violence" each place it appears and inserting in lieu thereof "violence or drug trafficking crime,"; and

(3) by adding at the end the following:

"(2) For purposes of this subsection, the term 'drug trafficking crime' means any felony violation of Federal law involving the distribution, manufacture, or importation of any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).".

SEC. 109. AMENDMENT OF NATIONAL FIREARMS ACT.

(a) Section 5845(b) of the National Firearms Act (26 U.S.C. 5845(b)) is amended by striking out "any combination of parts designed and intended for use in converting a weapon into a machinegun," and inserting in lieu thereof "any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun,".

(b) CONFORMING AMENDMENT.—Section 5845(a)(7) of the National Firearms Act (26 U.S.C. 5845(a)(7)) is amended to read "(7) any silencer (as defined in section 921 of title 18, United States Code);".

SEC. 110. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall become effective 180 days after the date of the enactment of this Act. Upon their becoming effective, the Secretary shall publish and provide to all licensees a compilation of the State laws and published ordinances of which licensees are presumed to have knowledge pursuant to chapter 44 of title 18, United States Code, as amended by this Act. All amendments to such State laws and published ordinances as contained in the aforementioned compilation shall be published in the Federal Register, revised annually, and furnished to each person licensed under chapter 44 of title 18, United States Code, as amended by this Act.

(b) PENDING ACTIONS, PETITIONS, AND APPELLATE PROCEEDINGS.—The amendments made by sections 103(6)(B), 105, and 107 of this Act shall be applicable to any action, petition, or appellate proceeding pending on the date of the enactment of this Act.

(c) MACHINEGUN PROHIBITION.—Section 102(9) shall take effect on the date of the enactment of this Act.

The motion was agreed to.

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

The title of the Senate bill was amended so as to read: "An Act to amend chapter 44 (relating to firearms) of title 18, United States Code, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 4332) was laid on the table.

THE SILENCER DEFINITION

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

Mr. VOLKMER. Mr. Speaker, I ask for this time in order to engage in a colloquy with the gentleman from Idaho [Mr. CRAIG].

I yield to the gentleman from Idaho.

Mr. CRAIG. I appreciate the gentleman from Missouri yielding to enter into a colloquy regarding the silencer definition in the Volkmer substitute as modified by the McCollum amendment. I have just a few questions.

Mr. VOLKMER. Go ahead with the questions.

Mr. CRAIG. The language of the silencer definition in the substitute, which begins on page 5, line 20, states that a silencer is "any device or silencing * * *." I would like to know if this term is designed to change the current interpretation. For example, according to BATF, the current law does not include conventional chokes, muzzle breaks, flash hiders, and compensators that are not designed or altered to be silencers, even though these devices may quash sound in addition to their other lawful purposes.

Mr. VOLKMER. My substitute, as modified by the McCollum amendment, does not change existing law. No conventional choke, muzzle breaks, flash hiders, or compensators will fit within the definition of silencer in the substitute because they are not "devices for silencing * * *." Each of these devices has a common sporting purpose totally apart from muffling sound. If someone modified these legitimate devices however for the purpose of silencing, then the modified device would be a silencer.

Mr. CRAIG. I thank my colleague for that explanation.

FOREIGN POLICY SHOULD NOT BE HELD HOSTAGE TO PARLIAMENTARY PROCEDURES

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

Mr. MICHEL. Mr. Speaker, the speaker has decided to place the question of aid to the freedom fighters in Nicaragua on the supplemental appropriation bill to be voted on next Tuesday.

We all know that placing this vitally important question on such a bill makes a foreign policy issue hostage to legislative manuevering. We all know there are so many things wrong with the supplemental that it faces an almost inevitable veto by the President.

Given these facts, forcing us to vote on the Contra aid issue on a bill that is otherwise deeply flawed, dooms any realistic chance for the House to express its will on this issue.

We will go through the motions. We will not help the Contras even if the President's policy is overwhelmingly voted for in the supplemental.

It is as if a used-car salesman sells us a shiny car that is perfect in every way—except that it lacks an engine. It may look great, but its not going anywhere.

That's where the supplemental is going—nowhere.

When the Sandinistas made their incursion into Honduras, my good friend, the majority leader, joined with me in a colloquy on the floor. He showed his deep concern that we get a fair and relevant vote on this issue.

At approximately the same time, the Speaker and the administration talked about the possibility of a clear and freestanding vote on these questions.

I understand that there has been a dispute over exactly what was agreed to during the conversations between the Speaker and the administration.

I don't know the specifics of the case. But whatever sins the Speaker may think the administration is guilty of, there is no use making American foreign policy pay the price.

There is an irony in all this: The majority wishes to micromanage American foreign policy through legislative maneuvering and is able to do so by putting its hands on the most detailed and specific parts of our process; but at the same time, the majority claims it cannot operate legislative machinery well enough to come out with a budget that meets the needs of our country—and the requirements of the law.

I strongly urge the majority to stop this manipulation of legislative machinery in order to doom needed foreign policy legislation. This may be a slick maneuver—but is it really just and fair?

□ 1215

LEGISLATIVE PROGRAM

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

Mr. LOTT. Mr. Speaker, I am pleased to yield to the distinguished majority whip so that he may provide us with the schedule for today, the balance of the week, and for the week of April 14 to 15.

Mr. FOLEY. Mr. Speaker, I thank the distinguished Republican whip for yielding.

The gentleman from New York [Mr. GARCIA] has a commemorative resolution to present to the House following this announcement, which will conclude the business for today and for the week. The House will meet at noon on Monday next and consider five bills under suspension of the rules:

H.R. 2721, require collection of statistics on domestic apparel and textile industries;

H.R. 3559, amend act establishing a Commission on the Bicentennial of the Constitution of the United States;

H.R. 3826, sexual molestation of minors on Indian reservations;

H.R. 2998, victims of Crime Act amendments;

H.R. 44, Electric Consumers Protection Act; and

H.R. ——, extension of Net Worth Certificate Program and Emergency Acquisition Program for financial institutions.

Mr. LOTT. There had been one other bill listed earlier on the tentative schedule, H.R. 44, Electric Consumers Protection Act. That bill has been removed from suspension list for next week?

Mr. FOLEY. It is my understanding the committee would prefer for that bill to be brought up the following week, I think it is.

Mr. LOTT. I thank the gentleman.

Mr. FOLEY. Tuesday and Wednesday, April 15 and 16, we will consider votes that have been ordered on the suspensions debated on Monday, and then H.R. 4515, the Urgent Supplemental Appropriations Act for fiscal year 1986, subject to a rule being granted. We will of course consider the rule and begin the consideration of the supplemental on that day.

On Thursday and the balance of the week, April 17 and 18, the House will meet at 11 and consider H.R. 4420, the United States Code, title 10 amendments: To revise military retirement system for new members of the armed services, subject to a rule being granted, and H.R. 281, the Construction Industry Labor Law Amendments of 1985, open rule, 1 hour of debate.

The House will adjourn by 7 p.m. on every day of next week, and conference reports, of course, may be brought up at any time and further program could be announced later.

I think Members should be advised that there is a possibility of votes on Friday next week.

Mr. LOTT. Let me propound some questions to the gentleman. First of all, I note this new policy apparently that the House will adjourn by 7 p.m. next week, is this a policy that started last night and is it going to go forward just for next week or for the rest of this year? We heard the Speaker come into the well last night and talk about Gramm-Rudman and not wanting the policemen to work overtime. Frankly I think it is an excellent idea that we not stay in past 7 o'clock because we usually mess things up when we do that at night. But is this a policy that has been decided upon?

Mr. FOLEY. I believe I can say without fear of more than an extraordinary exception that I can say categorically that it will be the general policy of the leadership not to continue debate or consideration on legislation beyond 7 p.m. in the evening.

Frankly this is the result in part of the problem we face with late sessions requiring the attendance of security forces in the Capitol, police, and that requires payment of overtime for the police. And under those circumstances we are faced with some very real restraints which the gentleman knows have been imposed on the House to a greater degree.

Mr. LOTT. By the House itself.

Mr. FOLEY. By the House itself.

Mr. LOTT. OK.

Mr. FOLEY. By almost twice the figure that is imposed either on the civilian agencies of the United States or on the Defense Department of the United States. We are bearing reductions in our expenditures across the board that are at a level of about twice and in some cases more than twice the level of reductions of the civilian and military branches of the executive. And under those circumstances decisions have to be made and I think for Members' information, they should be guided by that. It is not for any other purpose, although if I may give you my personal impression, that in general the business of this House can be conducted effectively without going beyond 7 o'clock in the evening and it probably provides a degree of welcome predictability in the affairs of the House that I think suits the interests of the Members and orderly legislation as well.

Mr. LOTT. Well, we could talk further about that, I guess, at a later time. But let me ask you a couple of questions about the schedule.

With regard to the additional spending bill, sometimes referred to as the supplemental appropriations, would the gentleman give us any indication of when he would expect a vote on the Nicaraguan freedom fighters aid, when do we expect that to be brought up? I have heard Tuesday and then I have heard Wednesday. I think the Members would want to know as well in advance as they could, as far in advance, whether it will be Tuesday or Wednesday. Does the gentleman know?

Mr. FOLEY. My own advice to the House would be that subject to the rule which, as the gentleman knows, has not yet been granted, or reported for that matter, subject to the rule it is my belief that we will take up the issue of the so-called Contra aid early in the proceedings on Tuesday, on Tuesday; and that the remainder of the supplemental appropriation consideration would be probably extending into Wednesday. But Members who are particularly concerned about the schedule of the Contra vote should assume that that will be on Tuesday rather than on Wednesday.

Mr. LOTT. Assuming the rule does pass, and the way things are going, it may have difficulty passing, then you are saying probably it will come up on Tuesday.

I know the gentleman has to work with what the Rules Committee does, he has to work with the majority leader, he has to work with the Speaker and all of that. But I think the Members get very frustrated on both sides of the aisle when we are told for instance we are going to complete a piece of legislation, like yesterday, that day and then the last minute we come in and, no, we are going to quit at 7 o'clock. If we are not going to have the vote on Contra aid on Tuesday, I would urge the leadership to please give their membership as well as ours as much advance notice as possible.

Mr. FOLEY. I will tell the gentleman that if it appears that my prediction of a vote on this matter on Tuesday turns out not to be likely, that I will take it upon myself to advise the membership so far as I am able to do at the earliest possible moment. But at the moment I think the safest assumption for Members would be, subject to the rule, of course, that it will be on Tuesday.

I would also like to say to the gentleman that I have already made the statement about 7 o'clock, but it often is difficult as the gentleman knows to predict the course of the debate, particularly on very important legislation and one that is controversial. It was assumed yesterday that we could complete the action on the bill by 7 o'clock in the evening. That turned out to be overly optimistic in terms of the schedule. So it probably is now clear from my announcement that except in extraordinary cases which we will announce earlier, Members can assume that 7 o'clock will be the deadline.

Mr. LOTT. One final question, and then I would like to yield to our leader, who may be seeking recognition. I notice that next week is the week of April 15.

Mr. FOLEY. Yes.

Mr. LOTT. Which under Gramm-Rudman legislation we are supposed to have acted certainly here in the House, as a matter of fact, the House and the Senate, to have acted on the budget resolution. I notice that the budget resolution is not scheduled. I know personally that the Budget Committee is not having hearings other than the road show it had earlier this year. They do not have a chairman's mark, they do not have any agreements with regard to assumptions.

Do we have any idea of when maybe the House would consider acting on the budget resolution? I mean other than just waiting to see what the Senate will do, do we have any agenda of our own around here anymore?

Mr. FOLEY. Well, I think that the gentleman knows that Members of his own party have been meeting and considering budget alternatives and positions and there have been Members on our side who have been talking about this issue. I cannot assure the gentleman, obviously it is not on the schedule for next week, that it will be considered next week. The gentleman knows that the committee has not yet reported the budget.

It would not be the first time that we have technically missled the schedule that is our target.

Mr. LOTT. It is not the first time?

Mr. FOLEY. It is not the first time, as the gentleman knows. A more important consideration——

Mr. LOTT. It is the first time we have missed it under Gramm-Rudman, though, right?

Mr. FOLEY. Well, we have not missed it yet. But if we miss it, it will be the first time we missed it under Gramm-Rudman. But of course every day is the first day that something has happened under Gramm-Rudman.

I would say this, that I think the more important question, and I am sure the gentleman will agree, is whether we conclude a budget that meets the terms of Gramm-Rudman and satisfies the Congress, House and Senate, and I would hope a bipartisan majority of both sides on the substance of Gramm-Rudman rather than on the technical timetable. It is important if we can to meet the technical timetable, certainly.

Mr. LOTT. Well, if the gentleman would let me comment on that, that is our goal, we certainly want that. We should not necessarily be controlled totally by the time schedule. But we only have about 98 days left in this session of Congress and we are not doing anything on the budget resolution. We are not going to go beyond 7 o'clock, I mean we do not want to rush too much into things. Maybe a Tuesday-to-Thursday schedule is all we would want to rush headlong into here this early in the year. I am being sarcastic, but honestly we need to be meeting. We are ready on this side of the aisle to begin markup on the budget resolution today. We are ready to go.

Now I realize the gentleman is not chairman of the Committee on the Budget, but I am trying to emphasize for our colleagues that the deadline of April 15 is going by and nothing is happening in the Budget Committee whatsoever.

I would like for the House and the Senate to simultaneously move forward on the budget resolution in a bipartisan way. But we are never going to get it until we get started.

Mr. FOLEY. If the gentleman will yield further, I believe he overstates the circumstance. We have not yet had a report from the Committee on the Budget. But much is happening in fact on both sides of the aisle to move us toward that direction. I remain, personally, very confident that we will have a budget and that we will successfully meet the requirements of Gramm-Rudman on the substance of a budget resolution, whether the precision of a particular date that is after all the target is met is less important in my view than the substance.

Mr. LOTT. I yield to the distinguished minority leader.

Mr. MICHEL. I would like to inquire: On Tuesday, would those votes, any votes that would be demanded on the suspensions from the day before, be done initially on Tuesday or toward the end of business?

Mr. FOLEY. I think we would probably do them at the end of the day. If the gentleman thinks that that would be a convenience, we would be glad to schedule it that way.

Mr. MICHEL. Quite frankly, there are Members who have been inquiring of me whether or not there would be rollcalls.

Mr. FOLEY. Personally, I would assure the gentleman, I would have to assure the gentleman that it is probably better to take them first because we are going into a fairly long procedure with respect to the supplemental appropriation bill and I think to give Members fair notice I will take the burden of saying that we will consider any votes ordered on suspensions as the first order of business on Tuesday prior to the adoption of the bill.

Mr. LOTT. I thank the gentleman.

Mr. MICHEL. I thank the gentleman.

Mr. FOLEY. Without going into the subsequent week, I think the gentleman may know that the subsequent week after next week will be the beginning of the Passover season and that Members should be advised that because that week will, of course, require the observance of Passover probably beginning on Wednesday afternoon before sundown, that Members should assume business on Monday, Tuesday, and Wednesday of that week.

□ 1230

Mr. LOTT. But not on Thursday or Friday?

Mr. FOLEY. Correct.

Mr. LOTT. Mr. Speaker, I thank the gentleman for that information.

ADJOURNMENT TO MONDAY, APRIL 14, 1986

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

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

There was no objection.

HOUR OF MEETING ON WEDNESDAY, APRIL 16, 1986

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday next, it adjourn to meet at 12 o'clock noon on Wednesday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that business under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3921

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3921.

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

There was no objection.

AGRICULTURAL EXTENSION SERVICE

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

Mr. COBEY. Mr. Speaker, one of the greatest assets to American farmers is the Agricultural Extension Service.

However, the administration has proposed reducing Federal support of the Extension Service by $188 million in fiscal year 1987—a cut of roughly 59 percent.

This program should be given a higher priority in the Federal budget.

Without this 72-year-old service, American farmers couldn't benefit like they have from the agricultural research done at land-grant colleges and universities.

I introduced today a resolution expressing the House's desire to provide enough funds to maintain the current operations of the Extension Service.

I urge my colleagues to cosponsor this legislation.

Let's help American farmers and consumers alike by continuing the vital efforts of the Agricultural Extension Service.

NATIONAL MATHEMATICS AWARENESS WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 261) to designate the week of April 14, 1986, through April 20, 1986, as "National Mathematics Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but I simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 261

Whereas mathematics is vital to the economic security and defense of the United States;

Whereas enrollment in mathematics programs at all levels is declining;

Whereas in 1984, only 55 percent of doctoral graduates in mathematics from institutions in the United States were United States citizens;

Whereas medical science, space science, computer science, business, defense, and government have increasing need of the technological innovations brought about in recent years by the application of mathematics to such areas; and

Whereas the National Research Council in a report on the current state of mathematics expresses the need for citizens to be aware of the vital role that mathematics plays in daily lives: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 14, 1986 through April 20, 1986 is designated as "National Mathematics Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States and all Federal, State, and local government agencies to observe such week with appropriate programs and activities.

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

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the Senate joint resolution just passed.

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

There was no objection.

CORNELIUS BEHAN

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

Mrs. BENTLEY. Mr. Speaker, this House just concluded a very difficult and heated issue on gun legislation. We have all seen that there are more than one view on many of the issues that were involved. It is to be expected that some will say things in the heat of the moment which they will regret on mature reflection.

But I must speak out here about an intemperate, unfair and untrue attack upon a great police officer. My district and Baltimore County are fortunate to have a police chief who is experienced, professional, and of unquestioned integrity, Chief Cornelius Behan.

I sought his counsel on matters of the pending legislation and have found him straightforward and honorable in pressing his views. The people of Baltimore County and I will not tolerate slurs upon his reputation. His concerns have always been for the people of the county committed to his care and for his men and all policemen. We in Baltimore County prize his competence and his concern and reject efforts from those who would deprive us of him for expressing his views forcefully. Chief Behan has pressed his views without making personal attacks on those who disagree with him. Let us follow his example.

GENERAL LEAVE

Mr. BATEMAN. 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 extraneous material on the subject of the special order today by the gentleman from North Carolina [Mr. BROYHILL].

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

There was no objection.

REAGAN WANTS TO USE, NOT ENDORSE CONTRAS

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

Mr. DANIEL. Mr. Speaker, there is an ancient saying in the Middle East: "The friend of my enemy is my enemy; the enemy is my friend."

While I would personally be less harsh in my assessment of those Nicaraguans who are fighting to remove the Communist government in that country, certainly these people qualify as the "enemy of my enemy."

Enclosed is an editorial which appeared in the April 7 edition of the Lynchburg, VA, News. This editorial addresses the issue in understandable language. I commend it to your attention.

[From the Lynchburg (VA) News and Daily Advance, Apr. 7, 1986]

REAGAN WANTS TO USE, NOT ENDORSE CONTRAS

The American public is still being greviously misinformed about the issues in the Reagan administration's dispute with Nicaragua's Sandinista government.

Despite his political statements for public consumption, the president is not seeking $100 million to aid the Contra rebels opposing the Soviet-Cuban Sandinistas because he really considers the rebels democratic-inspired patriots. He wants to aid them because they are making life miserable for the Sandinistas—and the Soviet-Cuban attempt to build a base in Central America.

It's a matter of supporting the thugs who oppose the thugs who oppose you.

Reagan is taking the long view here, and the long view is inescapable. If we don't hamper Soviet-Cuban-Sandinista efforts to establish a base in Nicaragua by providing money and equipment now, we eventually will have to provide our blood.

To hear the president's Democratic opponents tell it, he's supporting thugs who aren't any better than the Sandinistas. In an interview in this paper last Sunday, the chairman of the politics department at Randolph-Macon Woman's College went along with that. The Contra rebel record of violence, he said, is "five times worse than the Sandinistas."

While that may be, it is a moot point, since Reagan is not endorsing the Contras but is using them in the best interests of the United States. And that interest is to hinder in any way he can the establishment of a Soviet-Cuban stronghold in Central America.

The president's opponents seem not to fear such a stronghold, or to oppose it. Their alternative seems to be to "negotiate" with the people who are establishing the base. How they can expect to negotiate with totalitarians, or bring them around to our way of thinking, flies in the face of historical experience and logic.

Ernest A. Duff at R-MWC has impressive credentials in the foreign service field, with special emphasis upon Central and South America. He considers a military solution in Nicaragua to be insane.

What we have there now, however, is a military solution. Military regimes are seldom, if ever, toppled or removed by negotiation or peaceful means. That is counter to their nature.

In turning down Reagan's $100 million aid request, the House Democrats signaled to the Sandinistas that they were willing to go along to get along.

The Sandinistas read it right: Within hours after that vote they send some 1,500 to 2,000 troops into neighboring Honduras to attack the Contra rebel camp there. Quick Reagan response in the form of helicopters to ferry Honduran troops, and fierce resistance by the Contras apparently repulsed the Nicaraguans.

The press, ironically, wondered why such fuss was made of the invasion when the Nicaraguans have violated the Honduran borders dozens of times in recent years, and as late as last May, sent some 1,000 troops into the same remote area. Whose fault is it if the invasions were not reported in the press? The press obviously knew about them.

It is inimical to our safety to have a Soviet-Cuban base in Nicaragua. It is to our interests to block the establishment of such a base, and if possible to eliminate the government responsible for it.

If we can do that without shedding our blood we should do so. Aiding the Contras does not mean we endorse them; it merely means that we are helping them to oppose our enemy.

APRIL IS CHILD ABUSE PREVENTION MONTH

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

Mr. AKAKA. Mr. Speaker, I rise to draw your attention to the profound physical, emotional, and psychological

trauma associated with child abuse. Thousands of victims are overwhelmingly subjected to such abuse not once, not even a dozen times, but consistently and regularly over years, perhaps throughout a lifetime. Almost always, retribution is out of the question in the minds of the victims because they suffer at the hands of their caretakers, their loved ones, their parents. My friends, I speak for the nearly 2 million infants, children, and adolescents who are the victims of child abuse and neglect.

According to the American Association of Protecting Children, between 1976—the first year national statistics on child abuse were collected and reported—and 1983, reports of child abuse and neglect have increased 142 percent. In 1984, 1,024,000 reports were documented, involving 1.7 million children. These figures reflect a 16-percent increase over reported cases in 1983. In Hawaii, the number of reports has increased by an average of 20 percent a year since 1980. Whether this trend reflects an increase in the actual number of child abuse cases or is solely due to an increase in reporting cannot be determined.

The steadily increasing numbers mean two things; on the positive side, we can be encouraged that the increase in reporting is a manifestation of greater awareness of the problem of child abuse and neglect, and that more cases reported mean more children getting the attention and help they so desperately need. On the darker side, the alarming and ever-growing numbers are indicative of a very serious and widespread problem. Even more disturbing, the directors of three leading clinics that treat young victims, in Denver, Boston, and Washington, DC, concur that the severity of cases and the number of fatalities have increased significantly.

Mr. Speaker, April has been designated Child Abuse Prevention Month. I want to urge all of you to contact your local schools, hospitals, police stations, and child abuse prevention centers and voice your concern over this heartbreaking problem. Experts have suggested that reported cases represent only one-third to one-fifth of all cases. We must make an effort to reach out to the millions of children who suffer in silence. All too often, cases go unreported due to the stigma associated with involving oneself with another family's affairs. Raising public awareness and consciousness will help remove the stigma.

May I take this opportunity, Mr. Speaker, to enlist the support of my colleagues for H.R. 2999, known as the Children's Justice Act, introduced by the distinguished gentleman from New York [Mr. DIOGUARDI]. This bill will amend the Child Abuse Prevention and Treatment Act to establish a program to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of child abuse cases, especially sexual abuse cases. Among other things, in order to qualify for a grant under this bill, a State must provide for the handling of child abuse cases in a manner which reduces the trauma to the child victim. A State must also establish administrative reforms for the purpose of improving procedures to protect children from abuse.

The Senate companion bill, S. 140, passed the Senate on August 1, 1985. The House Subcommittee on Select Education, in cooperation with the offices of Mr. DIOGUARDI and Mr. SIKORSKI and the other committees with jurisdiction over this bill, have worked out an amendment in the nature of a substitute to S. 140. The amended bill will be forwarded to the House floor in the near future. In the meantime, additional cosponsorship of Mr. DIOGUARDI's bill can help expedite action on this important legislation.

Child abuse is a complex problem surrounded by many unanswered questions, which is why it is so crucial that we do the most we can where we can, such as raising public awareness and improving legal proceedings for child abuse investigation and prosecution. The sheer number of children involved constitutes it as a national tragedy. Mr Speaker, this month, Child Abuse Prevention Month, our children, who are our future, deserve our special attention.

VIETNAM VETERANS AGAINST CONTRA AID

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute to revise and extend his remarks, and to include extraneous material.)

Mr. ALEXANDER. Mr. Speaker, I learned yesterday of the organization of a new group. The name of this new group is Vietnam Veterans Against Contra Aid. They submitted to me a foreign policy statement which addresses the question of fighting communism.

The thesis of the Vietnam Veterans Against Contra Aid says that the current policy of the administration actually encourages communism in Central America.

I include a copy of their document for the review of all Members:

VIETNAM VETERANS
FOREIGN POLICY WATCH,
Washington, DC.

WHY THE KREMLIN LOVES THE CONTRAS

Ever since he took office in 1981, one of President Reagan's primary goals has been to overthrow the Sandinista-led government of Nicaragua. Rather than do it directly with American troops, he hired the job out to an outfit called the Nicaraguan Democratic Force (FDN), more commonly known as the Contras. Well, after five years (half a decade!) and over $100 million in aid from the U.S. government and other sources, how are they doing?

They certainly have grown. The Contras are now nearly 20,000 strong and are very well armed with all sorts of small arms, including mortars, anti-tank rockets and ground-to-air missiles. They enjoy safe base areas and air transport logistical support in Honduras, and they receive all the intelligence they need from extensive and sophisticated American sources in the area. Finally, they have relied on the direct help of CIA-paid mercenaries (who are not part of the FDN) to carry out the big high-risk operations like the commando boat raids on the port cities of Potosi and Corinto in 1984. Yet, even with all these advantages the FDN has managed no more than a few small-unit ambushes of army patrols and truckloads of civilian coffee-pickers on their way to the harvest. The CIA has even had to chide them for their lackadaisical performance.

This does not mean that the Contras are not a threat. Had the Nicaraguan government not been able to find outside sources for military aid, or if they did not have at least the passive support of most of the population, even a smaller Contra force could have taken over the country.

Nicaragua has naturally taken the Contra growth seriously and has responded as any nation rightfully should by increasing the size and firepower of its own forces. After provoking this build-up by boosting the Contras, Reagan now says that the Nicaraguan military is "stronger than necessary for self defense." But how much is enough when under threat of invasion by an army backed by the most powerful nation on earth? More seriously, the threat-induced build-up has now become the rationale for support of the Contras, and may yet become the excuse for the direct use of American troops.

Ironically, from the Administration's standpoint, the threat posed by the unpopular FDN has enabled the Sandinistas to retain a certain amount of popular support and tolerance which might otherwise have been lacking, depending on their ability to govern and manage the economy. In other words, if the Sandinista regime is inept, corrupt and oppressive, the Contra threat and American economic sanctions shield them from being harshly judged so by the people. One is reminded of how the cloak of nationalism obscured the faults of the North Vietnamese and spotlighted Ngo Dinh Diem's dependency on foreign support.

Despite the threat, however, it is clear that the FDN has become a welfare army, neither capable of feeding or clothing itself through the support of the people, nor of arming itself by raids on enemy armories—hallmarks of a true revolutionary army. And every additional dollar we send down there makes them even more welfare-dependent.

Obviously, unless the military balance is significantly altered, or unless the bulk of the population turns actively against the Sandinistas for economic reasons, the Contras will not be able to overthrow the present government of Nicaragua. The Soviet Union will simply not permit Nicaragua to become that vulnerable militarily or economically. At least so far, every step that the Reagan Administration has taken up the escalation ladder has been countered by the Soviets.

There are two dangerous aspects to this escalation tango. First, the next potential steps involve much more powerful weapons than those employed until now; these could influence events to get out of control and drag in more direct participation by other nations. Second, at what stage will Soviet involvement turn into Soviet commitment? It will be remembered that sometime during the Kennedy Administration, a reversible U.S. involvement in Vietnam became a national commitment, the credibility of which was the determining factor in the decisions which led us in ever more deeply. The consequences of the Kremlin following the same path are appalling to contemplate.

U.S. policy has led to a precarious and lethal stalemate, the continuation of which will result in more money going down the Contra drain and more people being killed. It is not unreasonable to think that Soviet leaders are probably quite pleased with the situation and would like to see it go on and on. Since they have no vital strategic stakes in Central America there is nothing they absolutely need to win there. They "win" by merely continuing to aid Nicaragua, thereby appearing to the rest of the world like helpmates of Third World victims of lawless American aggression. In this way the Reagan policy serves Soviet interests more than America's

U.S. policy should not, cannot, continue this way much longer. The interventionists are in favor of ending this bloody stalemate with a direct American invasion. Most analysts agree that such an invasion would succeed in short order; all that is needed is a triggering excuse. After defeating the regular Nicaraguan army and several militia units the American troops could then turn the country over to the Contras and withdraw after five or six months.

Once in power, would the Contras establish a pluralistic democracy for Nicargua? Because of scattered post-invasion resistance and popular resentment, the Contras would begin ruling by martial law, thereby getting a taste of the fruits of dictatorial power and all its opportunities for self-enrichment. It is naive to think that they would give up such power, given their political experience and values learned from service to Somoza. And finally, the former ruling families now insconced in Florida resorts would surely return to impose oligopolistic control over the economy.

But wouldn't we be able to influence them to eliminate corruption and govern by democratic principles? Unfortunately, we would be committed to them just as we were committed to Ngo Dinh Diem in South Vietnam during the early 1960's. We have only to remember how ineffectual were our efforts to influence his regime. Just as in the case of Diem, there would simply be no credible threat we could use to make the FDN comply without at the same time admitting failure and imposing imperialistic control. Democratic ideals cannot be imposed from without.

Now, as the Administration seeks higher levels of aid for the Contras "in order to pressure the Sandinistas to negotiate seriously" we are reminded of the "graduated response" which was to have driven Ho Chi Minh to the negotiating table. The folly of gradual escalation is one of the most elemental "lessons of Vietnam," yet is a folly now repeated with similar consequences in Nicaragua's adjustments and in the mobilization of adverse world opinion. What a windfall for the Kremlin propagandists! They don't have to think up any lies about our actions in Central America; the actions do their work for them.

By now it should be obvious that continued or increased support of the Contras is a "no-win" policy. But direct U.S. invasion, a violation of basic American values as well as of international and domestic law, would validate Soviet accusations of U.S. aggression, saddle us with the blame of creating an unpopular dictatorship and polarize American society.

The only alternative that can truly serve American interests is a negotiated settlement with the existing Nicaraguan government. Once the Administration stops insisting on conditions which no sovereign nation would accept, mutually agreeable terms would likely emerge. The legitimate security concerns of the neighboring countries would be ensured by the collective security arrangements in the charter of the Organization of American States, while the matter of the basing of long-range offensive weapons would continue to be covered by the existing tacit understandings on the subject in this hemisphere.

If the Sandinistas prove to be politically and economically inept in peacetime, or if their regime becomes intolerable, the responsibility for dealing with them lies with the Nicaraguans, not us. There are generally acceptable ways the U.S. can express its disapproval if they are harming themselves. If they are helping themselves we have the opportuntiy of joining them and sharing the credit, so long as we are not at war with them.

The current policy serves Soviet interests and damages our own; a disaster looking for a catastrophe for us and the people of Nicaragua. For them the deprivation and death caused by the warfare is real, not the abstract game of "hardball" borne in some strategist's mind. They know, indeed the whole world knows, that their present pain and suffering is caused by American sponsorship of the FDN. That is why the Kremlin loves the Contras.

Our Czechoslovakia

As a Vietnam veteran and a careful student of the history of that war I have learned how to smell certain kinds of foreign policy blunders a mile away. In fact, I can smell one right now, 2,000 miles away, along the border between Nicaragua and Honduras. Yes, I'm talking about the contras.

Now first of all, I'm not about to say that there's going to be another "Vietnam" down there. Nor am I going to talk about who's right and who's wrong; that argument has long since degenerated to the level of an adolescent squabble:

"Your side did this terrible thing."

"Oh, yeah? Well, your side did that terrible thing!"

"No, they didn't!"

"Yes, they did!"

My question is whether support for the contras is going to work or not, and whether it's in America's interest.

Do you really think that ten and twelve or twenty thousand guerillas are going to be able to defeat a 60,000-man Nicaraguan army equipped with tanks and helicopter gunships, and backed by an armed civilian militia of 80,000?

And isn't it obvious that any increase in contra strength will be offset by a corresponding increase in Soviet and Cuban aid?

If the prospect for a contra victory is so remote, it is naive to think they can force the Sandinistas to the negotiating table on the terms laid out by the Reagan Administration.

Perhaps you are expecting the Nicaraguan people to rally to the contra side? After five years of declining economic conditions and rising discontent they haven't yet done so in any great number. Nor are they likely to do so, chiefly because they are not a homegrown revolution. The contras are entirely a creation of the CIA and the old Somoza crowd, and consequently will never have legitimacy in the eyes of the Nicaraguan people.

Just look at them! The contras is an army of welfare cheats, unable to even feed or clothe itself through support from the people as any genuinely democratic revolutionary force should do.

So, where is this policy of supporting the contras leading? Intimations of the future can be found in echoes from the past.

Back then the dominoes were Thailand, Malasia, Burma, Pakistan and India. Now they are Central America, Panama, Mexico.

Back then it was, "Fight them over there or else on the beaches of Hawaii and California." Now, it's at the gates of El Paso.

Back then the real clincher was, "We've got to maintain the credibility of our commitments." We hear the same thing today.

And remember when President Johnson promised to never send American boys to fight an Asian war?

South Vietnam was illegitimate, an artificial creation of the Geneva Accords of 1954, and they were never able to do the job. The contras are an illegitimate, artificial creation, too, not able to do the job.

Can't you just smell what's coming? All that's needed to set the Marines in motion is an excuse like the Gulf of Tonkin Incident. (In case you haven't heard, that was a sham, according to Admiral Stockdale, who was flying overhead at the time.)

But it won't be another "Vietnam." We'll win this one. The Sandinista army is no match for three or four American divisions and a couple wings of fighter-bombers. After victory we'll turn the country over to the contras, who will have to rule with harsh police powers due to their unpopularity and illegitimacy.

No, it won't be another "Vietnam." The whole world, and tens of millions of loyal Americans, will call it our "Czechoslovakia."

Is the only alternative to abandon the Western Hemisphere to the Nicaraguan "red tide?" Of course not. Even with the Contadora process faltering, there is a wide range of universally recognized legitimate ways to deal with Nicaragua, including the use of military force, if they attack the sovereignty of their neighbors.

Concerning their internal politics, let's let the Nicaraguan people themselves handle it. When the Somoza dictatorship became unbearable, they were able to pick him out without our help, now weren't they?

Contra Aid; a Perspective of Linkages, From Peace Corps Experience

A recent press photo shows President Reagan holding up a T-shirt given him by a group of stockbrokers. The shirt's lettering proclaims: "Stop Communism in Central America." Festive, laughing faces of the people huddled around—and of the president—reveal the distance from which Central America is viewed.

Having worked and studied for four years in Latin America, I do not view it from such distance. My view is from real experience

there, not just high level diplomatic or business contacts.

Notice who is saying what on the contra issue. Of those of us with reasonably long experience at a "people-level" in the region, the far predominant view is that all Contra aid should be stopped.

I am happy to hear Administration spokesmen mention Vietnam parallels, even if their conclusions are twisted. Reminded of Vietnam, the public may see the similarity of economic underpinnings of the conflict there and the conflict in which the Nicaraguan revolution was born. Primary in both cases was maltreatment of the peasantry for many decades, with land ownership concentrated in few hands.

Indeed, we should observe parallels in the direction of farmland ownership in the U.S. A world market oriented price policy has eroded farmer (and public) influence over our farm economy for about thirty years. In Central America, world market factors have predominated over any public price policy for much longer.

People in Midwestern farm communities like mine have much reason lately to be sympathetic of landless Third World peasants. Also, the Midwest lost many youth to our SE Asian venture. Two who did not come back were high school friends of mine.

If the president persists in his approach to Central America, he may wind up sending more American youth to join battle. I advise that he not expect so many from the Midwest this time. Let him try Wall Street.

Sincerely,

DON DEICHMAN,
Rural Route 1,
Laddonia, MO 63352.

(Peace Corps Volunteer in Colombia, 1971–74; Land Travel through Central America and Mexico, 1974; On Study Grant for Agriculture Economic Research in Peru, 1977–78.)

NATIONAL ANDREI SAKHAROV DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, today I, along with my colleagues and good friends, Representatives JACK KEMP, BARNEY FRANK, and BEN GILMAN, am introducing a resolution authorizing and requesting the President to proclaim May 21, 1986, "National Andrei Sakharov Day" to honor Dr. Andrei Sakharov and the principles of liberty he so nobly personifies.

In bringing the plight of Dr. Andrei Sakharov and Dr. Elena Bonner to light, we hope to impress upon the Soviet Union's leaders, indeed the world community, that the Congress of the United States and the American people are concerned and will not cease in their efforts to secure the freedom of Sakharov and Bonner.

Clearly Dr. Sakharov has been deprived of his human rights. Denied freedom of expression, of travel and association, and isolated because of his political beliefs, Sakharov remains a political prisoner of the Soviet Government. Committed to the human rights cause throughout his life, in his book, "Progress, Coexistence and Intellectual Freedom," Dr. Sakharov explains that:

• • • Intellectual freedom is essential to human society—freedom to obtain and distribute information, freedom for open-minded and unfearing debate and freedom from pressure by officialdom and prejudices. Such a trinity of freedom of thought is the only guarantee against the infection of people by mass myths, which, in the hands of treacherous hypocrites and demagogues, can be transformed into bloody dictatorship.

The freedoms Dr. Sakharov extols are those which are guaranteed by the Helsinki Final Act signed by the representatives of 35 states including the Soviet Union.

At this moment, Mr. Speaker, representatives of all 35 participating states are meeting in Bern, Switzerland, at a human contacts experts meeting to discuss implementation of those provisions calling for the greater flow of information and increased contacts between people. Those representatives will be dealing with questions related to the reunification of families, marriage between citizens of different states, contacts and regular meetings on the basis of family ties, travel for personal or professional reasons and promotion and expansion of contacts between people and between organizations.

This is a critically important meeting for it brings forward for review and thorough discussion, implementation by the participating states of certain provisions of the Helsinki Final Act, which at a very human level describe how a state treats its citizens. And it is that treatment which so poignantly and clearly distinguishes the United States—and its allies—from the Soviet Union and the Eastern bloc.

Although the meeting in Bern is scheduled to end May 26, the efforts of the Helsinki Commission and of my colleagues to bring to the attention of the world the persecution of dissidents, the denial of religious freedom, and the repression of national minorities by the Soviet Government shall continue. The plight of Dr. Sakharov is not an isolated example. It epitomizes the Soviet Union's disregard for the human freedoms and moral standards which guide relations among the states as set forth at Helsinki in 1975.

In conclusion, Mr. Speaker, we are all aware that Dr. Elena Bonner is scheduled to return to the Soviet Union next month. This is not an easy time for Dr. Bonner, for her family remains divided. By returning to her husband, she leaves behind her mother, children and grandchildren, perhaps with the expectation that she may never see them again. So as the time draws near for her return, the pain and anxiety must increase. I want Dr. Bonner to know that she carries with her the dedication of the U.S. Congress to continue in its efforts to secure for both her and Dr. Sakharov the freedoms which they both so nobly personify.

□ 1240

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

Mr. HOYER. At this time, Mr. Speaker, I yield to the distinguished gentleman from New York [Mr. GILMAN], long a fighter for human rights in this Nation.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to rise in support of this joint resolution, and I want to thank the gentleman from Maryland, the cochairman of the distinguished Helsinki Commission, Mr. HOYER, for introducing this legislation designating May 21, 1986, as "Andrei Sakharov Day." I am pleased to be able to join with our distinguished colleagues, the gentleman from Massachusetts [Mr. FRANK] and the gentleman from New York [Mr. KEMP], in cosponsoring this important resolution. It is our hope that this continued focus on the plight of the Sakharov family will soon help to bring about his release from the closed city of Gorky.

Many of us are aware of the prolonged harassment and physical punishment to which Soviet officials subjected this illustrious Nobel Peace Prize winner. Force fed during hunger strikes in which he advocated the release of his wife, Dr. Yelena Bonner, for much needed medical treatment in the West, Dr. Sakharov finally achieved his goal of convincing Soviet authorities to grant Dr. Bonner a temporary exit visa.

In between surgeries, she took time to visit Washington recently. We were all taken by her courage and by her firm commitment and her concern for human rights and for her husband's health as he lingers alone in exile in Gorky.

It has been almost 1 year since Alexei Semyonov, Dr. Sakharov's stepson, conferred with Congressman BARNEY FRANK and myself in an attempt to discern the authenticity of postcards received from his parents in the Soviet Union. Andrei Sakharov and Yelena Bonner have, for years advocated the principles of the Helsinki Final Act and the Universal Declaration of Human Rights. Being in the forefront of the human rights cause in the Soviet Union, unfortunately, means that one is subjected to gross violations of international law to which the Soviet Union is signatory. Arbitrary confinement, confiscation of property, and eternal harassment by KGB agents becomes the order of the day. Yet, both Dr. Sakharov and Dr. Bonner have maintained their courage and their dignity in the face of this continued oppression.

However, it is not without hope that we continue to be advocates on their behalf. Some of the leaders of the human rights movement in the Soviet Union have recently been freed, including most recently Anatoly Shcharansky. Their struggle is our struggle. Recognition of that unity of purpose is why the proclamation of Andrei Sakharov's 65th birthday as "National Andrei Sakharov Day" is so vitally important. I urge our colleagues to join us in this effort by their cosponsorship of this measure, and I thank the gentleman for his outstanding continuing leadership in this most important matter.

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

Mr. HOYER. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

Mr. Speaker, I want to congratulate the gentleman from Maryland, and I associate myself fully with his remarks. I admire his initiative on this subject.

Mr. HOYER. I thank the gentleman.

Mr. KEMP. Mr. Speaker, I would like to thank the gentleman from Maryland, the cochairman of the Helsinki Commission and my cosponsor on this resolution for his leadership and unflagging efforts, and the gentlemen from New York and Massachusetts for their contribution in making this a truly bipartisan effort. I recently had the honor of meeting Dr. Yelena Bonner, wife of Dr. Andrei Sakharov and a leader in the fight for freedom in her own right. Dr. Bonner was in the United States to obtain the medical treatment she so desperately needed, which she could not get in the Soviet Union. She took advanatage of the opportunity to visit with her children, who reside in Boston, and with Members of Congress who are concerned with her fate, and that of her husband. The fact that Dr. Bonner was allowed to leave at all, even temporarily and without her husband, was most likely the result of the intensive campaign launched by governments and individuals the world over who are concerned with the issue of human rights, and appalled by the treatment the Soviets accord those citizens who dare to voice their dissent from the established party line.

But Dr. Bonner must return to the internal exile she shares with her noted husband, Nobel Prize laureate Andrei Sakharov. It is a crime of international proportion that these two individuals should be so poorly treated by their country of birth. Separated from their families, sentenced to internal exile for more than 6 years in a closed city, cut off from nearly all communication, denied necessary medical treatment, these two individuals still maintain their courageous stance.

It is important that we declare a national commemorative day on Dr. Sakharov's birthday to honor Dr. Sakharov and his wife, Dr. Bonner, and all others who suffer under the oppressive Soviet regime. This signals the Soviets that no matter how tightly the Government may try to contain internal dissent, the courage of the dissidents, the refuseniks, will shine like a beacon for all the world to see.

ORDER OF BUSINESS

Mr. FRANK. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. STUDDS] and myself be allowd to switch our positions in the order of today's special orders.

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

There was no objection.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BOULTER] is recognized for 5 minutes.

Mr. BOULTER. Mr. Speaker, due to a death in my family, I was unavoidably absent today, April 10, 1986. Had I been present, I would have voted in the following manner:

Rollcall No. 72, the Hughes amendment to the Volkmer substitute, to prohibit the interstate sale of handguns; "no."

Rollcall No. 73, motion for the Committee to rise; "no".

Rollcall No. 74, Volkmer substitute amendment to H.R. 4332; "yes."

Rollcall No. 75, final passage of H.R. 4332, as amended by the Volkmer substitute; "yes."

THE 3-YEAR BASIS RECOVERY RULE RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BATEMAN] is recognized for 5 minutes.

Mr. BATEMAN. Mr. Speaker, as we continue to study the effects of the House version of tax reform H.R. 3838, I urge my colleagues to join with me to insure that the 3-year basis recovery rule for the taxation of civil service employee benefits not be eliminated as section 1122(c)(1) of H.R. 3838 will require. I am introducing a resolution which will express the sense of the House of Representatives that the current 3-year basis recovery rule for the taxation of employee benefits be continued.

As you probably know, Mr. Speaker, the House version of tax reform, H.R. 3838, included a provision that would eliminate the tax-free period upon retirement that individuals currently receive while they recoup the portion they contributed to their pension. Instead, retirees will pay taxes on their pensions immediately following retirement. Although this cannot be considered a double tax, it will result in higher taxes being paid over the life of the retiree.

Civil service employees have contributed to their pension funds in good faith and this change in current law would be an unnecessary compromise of the integrity of the system. In addition, there are approximately 210,000 active Government workers currently eligible to retire. A change in the 3-year recovery rule could result in the retirement of many of these eligible workers, including some of the most qualified public servants with management and technical expertise whose experience would be difficult and expensive to replace. High wage earners will be especially hard hit by this change, which could leave the Federal as well as State and local governments with a shortage of qualified, experienced top-level professionals.

In addition, Mr. Speaker, it is quite possible that the tax revenues gained by this change in taxation of employee benefits could be significantly offset by increased Government expenditures for pension benefits in addition to continued salaries for personnel replacing retired workers. This disruption to Government services is unnecessary and would place a needless burden on the Government as well as the citizens of the United States who deserve continued efficient government service.

The resolution that I am introducing today expresses the sense of the House that the benefits that had been guaranteed to our 19 million public employees will not be arbitrarily reduced by tax reform legislation. In our effort to reduce the Federal deficit, one group of citizens should not be singled out to bear a disproportinate share of the burden. I urge my distinguished colleagues to join with me in a bipartisan effort to support this resolution and provide our civil service workers the security they deserve.

IT'S TIME TO CONSIDER A MARSHALL PLAN FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 30 minutes.

Mrs. BENTLEY. Mr. Speaker, after World War II, America moved into war ravaged Europe and Asia taking not only American tax dollars, but American technology and manufacturing expertise. It was a gigantic effort. Labor union representatives worked side by side with business managers. Democrats and Republicans mounted a bipartisan effort to put back together a world torn apart by years of war.

It was a noble undertaking. No other nation in history ever treated its enemies in such a humanitarian manner. And politically, we probably saved half of Germany and the rest of Europe from falling to communism.

We recognized that unemployed people and destroyed or desolate factories are fertile ground for revolutionary actions. That if an economy cannot generate wealth in jobs required to pay for the needs of a society, there is always a dictator waiting in the wings to promise a government that will take care of all needs. Slavery as a condition of "full-care coverage" is never mentioned.

We taught not only economic freedom, we spread political freedom and guaranteed it with American troops and armaments. Our commitment is marked by the graves of our sons and daughters from one end of the world to the other.

Today the countries which we saved for Democracy and capitalism have surpassed the teacher in their skills. Of the 10 major manufacturing nations in the world, America ranks 9th in manufacturing growth. Only little Norway is behind us.

This foreign government support of many heavy industries, such as steel, creates unfair competition with our

American industries. The European Economic Community underwrote the European steel industry to the tune of $2 billion last year.

This makes a mockery of free trade in steel. It also makes the provisions of GATT and any idea of an equal trading partnership in steel with the European countries totally empty.

As these conditions accelerate in other product lines both with the EC and Southeast Asia, the offshore flow of United States manufacturing seeking cheaper manufacturing climates in order to become more competitive erodes not only our industrial base, it is destroying the taxing base. This creates a need to borrow more money abroad to pay the increasing deficits of our Government.

There are other major losses. Since 1980, 190,000 jobs have been lost in the steel industry. Since 1979, 300,000 jobs have been lost in the textile industry. Eight out of ten of the nuts, bolts, and screws used in this country come from abroad and 90 percent of all strategic ball bearings under 30 millimeters are imported.

Loss of jobs in these industries and in the shoe and furniture industry, in the radio and television manufacturing industry, in chemicals and agriculture related industries has yet to be totally counted. The list can be endless—watches, machine tools, electrical equipment, microchips, and on and on.

It must stop. No nation can exist in a leadership position in the world without being industrialized. No nation can afford a modern defense without a growing industrial base which can supply—on shore—the basic needs of manufacturing military weaponry.

I want us to examine all laws—taxes, trade, defense, labor—with the idea in mind of reindustrializing America. It should be made more attractive to manufacture in America, to hire workers in America. We can begin anew with legislation already in place. A few tucks and changes with the idea in mind that America must be rebuilt as the leading industrial nation of the world.

It's our turn now for a Marshall Plan for us. We've earned it, we've paid for it a thousand times over for other countries. Let's do it here. Let's begin now in this session of the Congress.

I yield back the balance of my time.

NICARAGUA

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts [Mr. FRANK] is recognized for 30 minutes.

Mr. FRANK. Mr. Speaker, yesterday I addressed some aspects of the situation regarding Nicaragua. My view is that it is a grave error for this Government to commit $100 million in assistance primarily for military purposes to the Contras and simultaneously, if we do that, understand that several hundred million dollars additionally will be required in money to Honduras as compensaton for the willingness of that government to serve, perhaps reluctantly, as a base for the Contras and the base building that has gone on that the gentleman from Arkansas [Mr. ALEXANDER] has documented that has been done, in violation, I believe, of the law.

So we are talking about a multi-$100 million commitment, the use of American funds to help people kill each other.

We live in an imperfect, sometimes unpleasant, world. I am not a pacifist. It is sometimes necessary for us as an instrument of Government policy to kill or to pay other people to kill. But we ought not try to pretend that is not what we are doing. We ought to be explicit. If we are going to make an American policy to spend our taxpayers' scarce dollars so that more people can kill each other, we ought to have very good reason. We do not have good reason in Nicaragua.

One of the reasons advanced by this administration has been the commitment to human rights. I was pleased yesterday when the gentleman from Georgia [Mr. GINGRICH] agreed with me that that was not a valid reason for the administration's policy. He disagreed with me on other grounds. He believes that there is a strategic threat to our country, represented by the events in Nicaragua, but he agreed that it is simply not valid for this administration to invoke the human rights aspect as a defense of their policy.

□ 1255

As I said, it seems to me we ought to have very good reason to use our scarce funds to promote a policy of people killing each other.

The human rights argument simply does not wash. Just to recap, we have been told, for instance, that the Nicaraguans mistreat religious groups, and I am critical of the Nicaraguan Government's record in the area of freedom and democracy in many respects, but the Roman Catholic Church in Nicaragua is treated far better than the Roman Catholic Church in the People's Republic of China.

Jews, we are told, have some problems in Nicaragua, but Nicaragua is for Jewish people a paradise compared to Saudi Arabia.

I cite those two countries because Saudi Arabia and the People's Republic of China have been selected by the Reagan administration to be the recipients of American arms.

Now, allegedly, because Nicaragua does not do a good job respecting the rights of Catholics and Jews, we are sending people to shoot them, but with regard to the People's Republic of China and Saudi Arabia, whose record with regard to those two significant religious groups is far worse, we send them guns to shoot other people. I just do not think there is any basis whatever for the pose by the President that he is concerned with human rights, not when it is considered a great move for us to sponsor a resolution critical of Chile in the United Nations, surely which has a far more grievous record of oppression than any country now in our hemisphere in the Latin American continent, when the Chileans do that and we finally under this administration are mildly critical, it is simply hypocritical to suggest that this justifies our sending troops in elsewhere.

Well, we have been told by some others that they might agree that the human rights aspect is not a legitimate one, but what about the strategy? I want to stress, the human rights aspect continues to be used and if we are going to be given compromise proposals next week, and I believe we ought not to be voting any money to the Contras.

I remember the minority leader, as I said last night, the minority leader said on this floor several weeks ago, "If you don't vote for the money for Nicaragua now, it is going to be gone and it will be too late."

Well, apparently the minority leader was either wrong then or he is going to be asking us to waste money next week and I hope that people will not feel free to come on the floor and say things which are apparently patently untrue, because there is no way you can reconcile the minority leader's statement, the quotation he gave approvingly last month, with what he is going to be asking us to do next week.

But now, let us talk about the strategic argument. People have said, "Well, we have Cuban troops and military advisers in Nicaragua." We do. But we have a lot more Cuban troops and military advisers in Cuba. It really does not make any sense at all to argue that the Cuban military, which is present in Nicaragua in relatively small numbers, is any greater threat to our security that might be presented from the Cuban military in Cuba.

I believe there is a threat to us from the Soviet Union. If I did not, I would not be voting for hundreds of millions of dollars in military expenditures. I do not vote for quite as many hundreds of millions as Mr. Weinberger would like me to, but I am prepared and have voted for a significant chunk.

Obviously, there is an aggressive and hostile Soviet Union and in cases elsewhere in the world I am in favor of us supporting resistance, in Afghanistan and in Cambodia, in both cases, since I voted for money to support resistance; but there is a critical difference. In

those two countries, it is very clear that absent external military support, the governments would fall. If it were not for Vietnamese troops in Cambodia or Kampuchea and Russian troops in Afghanistan, those governments would not survive.

In Nicaragua, no one is arguing that it is Cuban or Russian or any other troops that keep that government in power. There are people who do not like the government. There are people who like it. There are those of us who find some very unfortunate aspects along with some positive aspects in the economic field, but no one has argued that it is kept in power by armed forces from without.

I think there is a critical moral difference between us and the Soviet Union that I want to maintain. It is one thing to go to the aid of people like Afghanistan and Cambodia, who are resisting armed external aggression, as they are, whether it be Vietnamese in the Cambodian situation or Russian in the Afghanistan situation.

It is different for us to announce, as some of my colleagues would announce, that we have got a veto over the kind of government you are allowed to have in the Western Hemisphere. There are people who say that we will not allow a Communist government in this hemisphere. I do not think we have the right to say we are going to veto what kind of government you have here. We have a right to be critical of those governments. We have a right to impose economic sanctions to put pressure on with various international bodies to oppose efforts to give them money through international lending agencies. I wish we were more consistent under this administration in doing that on a human rights basis; but we are not the Soviet Union. We do not arrogate to ourselves, as the Soviet Union has done in Eastern Europe, the right to decide how people will govern themselves internally.

No, the people in Czechoslovakia and Poland do not have freedom, because Soviet troops will not let them. Well, I do not want to see anybody argue that we should take a parallel position here and that we will decide what kind of internal conditions obtained in countries in this hemisphere.

But the argument is, "Well, but they are a threat to our security." They are not. It is simply implausible. Among the sillier things that have been said this year was Pat Buchanan's assertion, and there were people who found Pat Buchanan's remarks offensive, and I understand that. Mr. Buchanan takes pride in being offensive.

What bothered me was not so much how offensive the words were, but how silly they were.

We had the reference to the Communists about to enter San Diego if we do not send money to the Contras, the President's announcement that it is only a 2-hour drive from Managua to Harlingen, TX. It is preposterous to assert that this small, poor, disorganized country, could threaten the security of the United States.

Warfare has changed. What threatens us regarding the Soviet Union and vice versa are intercontinental ballistic missiles, cruise missiles fired from planes standing thousands of miles off your shores, nuclear missiles armed and prowling the seas. If there were to be any kind of confrontation between America and the Soviet Union, if there were to be any such military confrontation, Nicaragua would be about as useful as a 2-month-old baby would be on your side in a heavyweight championship fight. That is simply preposterous.

The President then said, "Well, but control there would choke off our shipping lanes." No one believes that. Maybe he does. I doubt it, but no one else does. No one believes that control of Nicaragua by the Communists if it became a constituent republic of the U.S.S.R. which I hasten to point out I see no evidence of happening, they would be choking off our shipping.

In fact, Cuba which is closer to the United States than is Nicaragua, 90 miles away, Cuba has been controlled for 25 years by a regime that is Communist and a full ally of the Soviet Union, and I regret that from the standpoint of the Cuban people and I deplore what the Cubans do in Angola and Ethiopia, but they have not affected this hemisphere in military terms. They have not been a threat to our security.

There was a missile crisis 25 years ago and that has become less relevant because the capability of missiles and the destructive power of missiles has greatly changed.

Yes, there is a Soviet threat to us. Whether or not Nicaragua allies itself with that Soviet threat, and I do not know what the ultimate answer to that would be, by the way, but you certainly cannot judge now, you certainly cannot judge Nicaragua's behavior today when we are paying people to make war on them and say that is how they would be absent that. I do not know. I do not think anybody outside really knows how they would behave in the absence of that. They might choose to ally themselves with the Soviet Union, which I would greatly regret and resent, or they might not; but to point to their activities now when they are under seige literally when they are being attacked, and say, "See, they are nasty," makes no sense, because they are simply responding to a government, ours, which says they want to overthrow that government, make them cry "uncle," get rid of them, so you cannot make any inferences as to their future behavior from that; but even if they were to ally themselves, they would add nothing in that strategic sense, and we have again, as I said, the example of Cuba. The fact that the Cubans have allied themselves with the Soviet Union does not today substantially affect our security one way or the other.

We talk about choke points. I am sure there are a lot of those choke points around the island of Cuba and Cuba has not interfered with American shipping. It could not.

Nicaragua, think what you will about the people who run Nicaragua. No one has suggested to me that they are stupid enough to interfere with American shipping. If they did, as Qadhafi did, and there are people in this world who do very dumb things, we have countries run by people like Qadhafi who in a rational world would not even be allowed to have a driver's license, but his efforts to interfere with American rights in the Gulf of Sidra was brushed aside. No one that I know of says that if there was any threat from anybody to our shipping in the Caribbean, we should back off; but it is simply not plausible that this Nation of 3 million, poor and disorganized, adds anything to that strategic threat.

Well, if it is not a threat to the United States, is it a threat to other countries? The first thing that has to be said is that many of the other countries do not think so. Mexico is one of the ones that is invoked. It is said that Mexico would have to fall under the Buchanan silly scenario for them to be into San Diego. The Mexicans do not think much of our policy there.

As a matter of fact, by acting as some people think we acted in the past as an imperialist power in Latin America, and particularly in Central America, I believe we make it easier for those who have our worst interests at heart to prosper politically.

Remember, the Sandinistas did not come to power in Nicaragua because of the Cubans. Radical movement, revolutionary movements, pro-Soviet movements, such as are out there, if they were to come to power in other countries in Central America, it would not be because of Nicaraguan power and force. It would be primarily because of internal conditions. It was Somoza who gave us the Sandinistas, not Fidel Castro. No one denies that.

It simply is not sensible.

Are there threats to the stability and security of Central America and Latin American countries? Of course, there are, but they are an external force.

If there were, by the way, I think there is virtual unanimity in this Chamber that we would repel that force. If there were to be any suggestion of an invasion by Nicaragua or Cuba of any other Central American or Latin American country, of course we would be for financing that coun-

try so it could resist and doing whatever was necessary for that country to resist, but that is not what we have.

Now, let me reiterate what I said last night. The assertion that the Nicaraguan move into Honduras shows hostile intent against the Honduran Government, again is simply nonsense. To pay people to try to overthrow the Nicaraguan Government, to station them in Honduras on the Nicaraguan border from which they then go into Nicaragua and make raids and shoot people and then to express surprise or indignation when the Nicaraguans come back and shoot at them, is not credible.

The fact that the Nicaraguans have responded against the Contras in Honduras tells us absolutely nothing about what Nicaragua would do absent America financing the Contras.

So I do not think they are a strategic threat to the United States by any stretch of the imagination. If they were a Soviet threat, yes, but given that the Soviets are already here and the Cubans are already here, adding Nicaragua, even if it became a full ally, would count for nothing.

The gentleman from Florida [Mr. PEPPER], whom I greatly respect and admire, said, "We will not allow the Communists in this hemisphere," but I was puzzled. Has Cuba left this hemisphere? Has Cuba suddenly become part of Africa or Asia?

The Cubans have been in control of the government that considers itself a Soviet ally for 25 years. It has been bad for the Cuban people. It has not threatened our security. It has led to troubles in other parts of the world, Cuban troops in Ethiopia where they should not be, but Castro has not succeeded in undermining other governments. Where are his successors?

We have the Sandinista regime as the perhaps friendliest of all those in Latin America to Castro, but he does not get credit for that. You do not get these kinds of revolutions and overthrows by infection from outside.

Finally, people have said, "Well, what about the use of Nicaragua as a base for subversion elsewhere?"

Let me remind people that that was noncontroversial in this Chamber, that our policy ought to be giving American funds to any group in Central America that was willing to help combat the spread of weapons from Nicaragua elsewhere. The use of American funds in the Central America area to interdict weapons shipments from Nicaragua to the front in El Salvador was not terribly controversial. In fact, the administration destroyed that consensus.

We had broad support here for a policy which said, "Let's limit what we do to preventing Nicaragua from sending arms elsewhere."

I do not know what the Nicaraguan Government's intentions are. Apparently there are people in that Government who have a revolutionary ideology and who sympathize and want to help revolutions elsewhere. They ought not to do that. We ought to help prevent them physically from doing that, but the Reagan administration was never serious about that. They said, "We are going to try to control the borders." They just misled people. They lied about it.

Originally the policy was, "Let's use these people to patrol the borders." But the Contras were not the border patrol. They did not care about San Salvador. They wanted Managua back.

The administration caused a lot of this problem and destroyed a consensus it could have had.

Yes, I think there could be a consensus on foreign policy. Let us tell every nation in Central America that we will vehemently oppose their financing or directly participating in armed violence against any of their neighbors and we will use American funds and American advisers and help with regional troop movements to prevent that from happening; but as long as we are financing a revolution aimed at overthrowing the Nicaraguan Government on the part of the Contras, it is hypocritical to say, "You bad Nicaraguans, you are sending money to other people."

Yes, people will do things in self-defense when the largest superpower in the history of the world says, "We are going to send money to attack you," when the President uses rhetoric to suggest that he cannot tolerate their continued existence, they are going to behave differently.

□ 1310

Perhaps if we stop funding the Contras, there would continue to be, on the part of some people in Nicaragua, a desire to finance armed attack elsewhere. We should be willing to rebut that, and not just rebut it verbally—a poor choice of words there—we should be willing to oppose it. I think we could get, with the Contadora powers and others, a commission that would say, "Let us form some border patrols. Let us get some neutrals to patrol every border in Central America. Let us enforce a policy of strict economic sanctions and armed force if necessary that says no country will be sending weapons to undercut another country."

That is the only way in which Nicaragua could be a threat. People who think that the Nicaraguan economy is going to be in a shambles because of the rigid Marxism of the Nicaraguan Government should not be worried about it serving as a negative example for other countries. Those who have confidence in a more democratic and a more flexible economy ought to welcome a challenge on that ground.

So that one argument that can be made is that we have a right to stop the Nicaraguans from subsidizing violence elsewhere, but everybody agrees to that. I stipulate again that it is not clear how much violence they would be willing to finance elsewhere. They were involved in some cases in the past. There are elements in that Government that would want to be more involved in the future. We have every right morally, and I think the capacity, to try to stop that. But by concentrating on financing the Contras, people, many of whom are controversial themselves, some of whom are associated with the former hated regimes, some of whom are not, by financing them we divert the political argument and we make the Sandinistas look like the victims of American imperialist aggression.

Let us judge the Sandinistas on the merits. I want to be able to be critical, as I am, of their harassment of the church, of their knocking the church radio station off the air. Those are not justifiable by any stretch of the imagination. I want to hold every country in Central America and Latin America, including Nicaragua, to a high standard of internal democracy and to be critical, as I am, of the Sandinista government and other governments in that region when they fail to live up to it.

But we have diverted the political argument in Central America. We make ourselves the villain by financing these people who are making war on them.

Just to summarize, Mr. Speaker, I hope that we will vote not to continue to finance people killing each other in Nicaragua. The human rights argument that the President makes, I will congratulate the Secretary of State, a serious and thoughtful man, on being able to repeat it with a straight face. The notion that Ronald Reagan has become the head of the International 911 for the Civil Liberties Union and that he is so offended by a lack of free speech or a lack of free access to the media or full religious freedom that he has to send in troops is nonsense.

Just to draw the greatest contrast of all, we have in the Republic of South Africa a regime which is as repressive toward its citizen majority, the black people of South Africa, as any in the world. It denies their humanity. It is not only repressive; it is a threat in its policies to America's interests. Ronald Reagan said that in his proclamation last September. He declared a national emergency because South Africa is such a threat to our interests. It is in the CONGRESSIONAL RECORD. It has been reprinted.

Not only that. We not only have a government that is terribly repressive and a threat to our interests; they attack their neighbors. They attack

their neighbors with whom we have friendly relations. They send South African Army troops in to kill people in Mozambique, to whom we are giving money.

I find all that deplorable and I want to oppose it, but I am not suggesting that we send $100 million a year or more to the African National Congress to subsidize a war there. I do not think that would be good policy. But Ronald Reagan, who was until very recently South Africa's very best foreign friend in the world, and who only moved against South Africa when it was clear that Congress was going to act more strenuously and he imposed sanctions as mild as he thought he could get away with to keep Congress from imposing greater sanctions, for him to pretend to be the human rights advocate is nonsense.

For the man who greeted Ferdinand Marcos' election fraud of a massive sort with the announcement that that showed that a two-party system was alive and well in the Philippines, declaring that he is upset about what goes on in Nicaragua, is nonsense.

So there is no human rights argument. That does not mean there are no human rights violations in Nicaragua. I think there are, and I regret them and criticize them. I believe it is implausible to argue that the American response is where there are human rights violations of that sort internally that we send in people to shoot them and start a war. We do other things to express our displeasure. Nowhere else have we funded a war because of that.

Then the national security argument. They are no threat to our security. Nicaragua's adhesion as a full ally to the Soviet bloc would not add anything substantial to their ability to cause us problems in any serious way.

A threat to their neighbors? Their neighbors, of course, think that we are causing them more problems, many of them, by our belligerence with the Contras than not. The Contadora powers are not European or African or Asian; they are Latin Americans, and we have disregarded and refused to work with them.

To the extent that there are people within Nicaragua who have hostile intents against their neighbors, and I am afraid there are some, to the extent that there are revolutionaries inside Nicaragua prepared to export revolution with guns and with money to other revolutionaries, there is virtual unanimity in this Chamber that we should oppose that policy. But that is not what we are doing now. That is not what we are doing now and, in fact, we are making it easier for them to sell their revolution in many ways because we put them in the guise of resisters against American imperialism. We, I think, enhance their ability to do that.

I hope we will vote next week to save the American taxpayers several hundred million dollars and to diminish somewhat the killing of people in Nicaragua.

Let me just close by talking about atrocities. People who are on the side of the President's policy talk about atrocities committed by the Sandinistas and people who are on the other side or my side talk about atrocities by the Contras. Let us be honest. There are atrocities committed by both sides. When you send people to kill each other, when you give them money and say, "Shoot them. Kill them. Blow up their homes. Blow up their factories," people do not behave in a civilized fashion. You do not go to war either directly or by proxy without incurring all the moral responsibilities for all the terrible things human beings do to each other under those circumstances.

I do not think there is in Nicaragua today any threat to our security or the security of other countries that justifies our spending scarce dollars to engage in that kind of killing and all the attendant immoralities that will go with it. A policy which makes it clear that we will not tolerate, anywhere in Latin America, armed attack on a neighbor or efforts to finance armed subversion, and that we will work in a multinational capacity with others to prevent that by economic sanctions, by financing and building up local defense forces, and other ways, those all make sense.

Let me close with this. The President was offended because people said that his intention might be to go to war. I do not know what the President's intentions are. I am not good at guessing them. I do know that if you listen to his rhetoric and believe what he says, then a war in Nicaragua is a likely outcome.

If you, contrary to what I think, believe that Nicaragua is a threat to American interests, if you listen to people on this floor who said we cannot tolerate them in that guise there, then if you do not think the Contras can win, and I do not mean anybody who can, we are being asked to pay for a tie, not for a win, then the inevitable and logical result is that you send American troops down there. What many of us fear is that they do not have a rationale sufficient, in my judgment, to justify the $100 million being spent in Nicaragua. They have a policy, and they are trying to create a rationale to justify the policy. In the process of hyping up that rationale, they are increasing and inflating the Nicaraguan threat to the point where they are going to put themselves in a box and might find themselves pressured into sending troops down there. In other words, in order to justify spending scarce American dollars to have people kill each other in Nicaragua, they are magnifying enormously the extent to which there is any threat at all to our interests from the Nicaraguans, and they have succeeded in doing that. If you really believe, as Pat Buchanan does, that if we vote down the money for the Contras they are going to be in San Diego, and if you believe, as the President implicitly believes, that they are about to have a road race to Harlingen, TX, if you really believe that they are about to engage in this kind of physical attack on us and they have these ships ready to choke off our choke points, then the probable logical argument is that you send troops.

Many of us do not believe that. Many of us believe that there is no threat to us, and that to the extent that there is any kind of threat to finance subversion of their neighbor, and we will not know that, we will not know the extent of that until we stop financing the Contras, we deal with that in ways that would be virtually unanimously accepted in this Chamber.

What we have, I believe, is an ideologically inflexible administration, acting sadly, because I think the moral superiority of this country over the Soviet Union is very important to us. It is important to us who live here and it is an important message that we maintain for the rest of the world. I do not want to see us become a geographical mirror image. I do not want us to be announcing that we have got a right, by armed force, to determine the way in which Nicaragua is governed, just as the way in which the Soviets have so tragically asserted their right by armed force to determine the way in which Czechoslovakia, Hungary, East Germany, and Poland are governed. It will be a grave policy mistake and a grave moral mistake to take our money and continue encouraging and subsidizing people to kill each other in that small, poor country.

FARM CREDIT SYSTEM

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

Mr. TALLON. Mr. Speaker, I rise today in support of House Concurrent Resolution 310 which expresses the sense of Congress that the Farm Credit System should restructure troubled farm debt, rather than foreclose, when such action will result in a smaller loss to the System and its borrowers.

Last year, in the process of losing an unprecedented $2.7 billion, the Nation's largest agricultural lender, the Farm Credit System, foreclosed on thousands of ranchers and farmers, forcing them and their families off the land, which was in turn dumped on an already depressed market.

The commonsense approach contained in this resolution would put the outstanding loans of the System on a more solid foundation and ultimately reduce the prospect of losses to the System and all its borrowers.

This concurrent resolution expresses the sense of Congress that the Farm Credit System should undertake measures that will result in: One, debt restructuring for many Farm Credit System [FCS] borrowers who would otherwise be forced off their land due to circumstances beyond their control; two, stemming the rising tide of farm foreclosures initiated by the FCS; three, easing downward pressure on already depressed land values; and four, minimize System losses which will benefit all FCS borrowers, bondholders, and the Federal Government.

I urge my colleagues to cosponsor House Concurrent Resolution 310.

□ 1320

DECLARATION OF WAR AGAINST NICARAGUA

The SPEAKER pro tempore (Mr. GAYDOS). Under a previous order of the House, the gentleman from Massachusetts [Mr. STUDDS] is recognized for 60 minutes.

Mr. STUDDS. Mr. Speaker, I oppose the policy of the Reagan administration toward Nicaragua. I do not believe the United States should declare war against that country. But, if we are to debate the President's plan to train and arm the Nicaraguan rebels, we must logically debate, as well, the question of war.

For this reason, I am today introducing a joint resolution that would, if enacted, declare a state of war between the United States of America and Nicaragua.

I am taking this extraordinary step because the Reagan administration has asked Congress and the American people to support the commission of acts of war against that country. I believe that before we commit acts of war, we have an obligation to declare war; for if we are unwilling to declare war, we should be seeking our objectives through other means.

This resolution is a proper focus for debating the foreign policy of this administration. The questions raised by a potential declaration of war are precisely the questions that must be answered before we commit ourselves further to violence against a government with whom we claim to be at peace.

Last month, the President's Director of Communications wrote that a failure to provide military aid to the Contras in Nicaragua "would lead, as night follows day, to the loss of Central America. A Congress that will not send missiles to save Nicaragua," he continued "will not send American boys to save Guatemala."

The President, himself, last year declared that "the policies and actions of the Government of Nicaragua constitute an unusual and extraordinary threat to the national security and foreign policy of the United States * * * I hereby declare a national emergency to deal with that threat."

It is the administration that has established the stakes in the debate over Nicaragua. Its policies and its rhetoric demand from Congress a firm and determined response. Compromise and half measures will not produce good policy. The central issue raised by the administration must be clearly and unflinchingly addressed. That central question is whether violent action—tantamount to a declaration of war—is consistent with American ideals and interests, and whether it will, in the long run, help the people of Nicaragua. I believe the answer is no, but only the full Congress, by considering this resolution, can provide a decisive answer to this question.

Three decades ago, a Senate committee declared that the most important lesson to be derived from the Korean conflict was that the lives of American servicemen should never again be put at risk without the explicit consent of the Congress.

Yet in Vietnam, America lost 50,000 lives without ever considering a declaration of war. According to the Pentagon papers, White House strategy during the early years of that conflict was:

> To deepen the American involvement in Vietnam piecemeal, with each step minimizing pulic recognition that the American role was growing.

In 1966, Secretary of Defense Robert McNamara said that:

> The greatest contribution Vietnam is making—right or wrong is beside the point—is that it is developing an ability in the United States to fight a limited war, to go to war without the necessity for arousing the public ire.

Today, the best and brightest of another administration have the same fascination with what they call "low-level war." They believe it necessary, moral, and wise for America:

To sponsor military ventures overseas.

To judge others solely by their attitude toward communism.

To invest in proxy forces the dollars, weapons, and prestige of the United States.

To dismiss as propaganda any evidence that such forces may be corrupt, or ineffective, or unpopular, or undemocratic.

To equate support for these military ventures with patriotism, and persistence in their execution with national strength.

The goals of these desk-bound, self-styled fighters for freedom are ambitious, for at stake, they argue, is nothing less than the future of liberty, itself.

But the means they have chosen, although violent and extreme, will not get the job done. Those controlling the Contras of Nicaragua do not have the unity, the military skills, the political credibility, the domestic popular support, or the international respect that will bring them close to victory or even significant progress in the battle they now wage.

Thus, the administration's policy is certain to lead in one of two directions: First, the Contras will continue to fail, but U.S. Armed Forces do not intervene, in which case the cost in lives and money on all sides will have been in vain. Second, the Contras fail, and U.S. forces do intervene; in which case, we will have war.

The administration has argued that military pressure will produce a negotiated settlement in Nicaragua. But history lends little support to the notion that "low-level war" is a prelude to peace; or that violence is a friend to diplomacy; or that killing is a spur to reconciliation.

There is not a shred of evidence in the events of the past 5 years to support the fundamental premise of the administration's approach: That arming the Contras will bring democracy to Nicaragua. The bulk of the evidence is to the contrary, that U.S. policy has made it more and more difficult for voices of moderation whether inside or outside of that country's government to be heard.

The fact is that the administration has given up on the possibility of peaceful coexistence; for that is what it means to believe that only by shipping weapons can you bring peace; that only by expanding a civil war can you unite the Nicaraguan people.

Because this administration clearly intends to persist in its failed policy, Congress must draw the line, clearly and decisively, and soon. If Congress truly agrees with the President about the issues that are at stake in Nicaragua, then it makes abundant military, political, and legal sense for it to act boldly on those convictions, and to declare war. But if Congress is less fearful and more optimistic than the President, let us reject war, and pursue our goals with equal boldness but by other means.

The President has asked Congress to approve $100 million in direct military and economic aid to the Nicaraguan rebels, or $10,000 per Contra. It has been reported widely that included in this package will be advanced surface-to-air Stinger missiles, at a cost of $60,000 apiece. Also included will be direct U.S. military training, provided by Green Berets. In addition, restrictions will be lifted on the provision of reconnaissance, logistics, communications, training, and material aid pro-

vided secretly and at an undisclosed cost by the CIA.

In addition to arming and training the Contras, the United States will continue to expand its military presence throughout Central America; continue to schedule military exercises in Honduras; continue to stockpile military equipment; and continue to improve airfields and build roads to facilitate combat operations by United States personnel should those be ordered.

But the administration, seeking to isolate undemocratic Nicaragua, has—in a hemisphere of democracies—isolated only itself:

The request for military aid for the Contras has not been supported publicly by a single Latin American head of state.

The foreign ministers of eight Latin American democracies traveled to Washington last February for the specific purpose of asking the White House to delay this request.

The aid proposal has been denounced by the newly elected civilian Presidents of Guatemala and Costa Rica.

The request is inconsistent with the statement recently endorsed by 13 Latin American governments that "Foreign support to the irregular forces and insurrectional movements operating in the region must be stopped."

The request violates the chapter of the Organization of the American States, which provides that:

> No state * * * has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State.

The International Court of Justice ruled last year that U.S. aid to the Contras violates the U.N. Charter, the International Convention on the Rights and Duties of States, and customary international law.

United States military training for the Contras could very well be illegal if carried out during peacetime in the United States, because of the Neutrality Act. but the burden of responsibility for hosting this training will fall primarily on Honduras, a country of desperate poverty, fragile democracy, and damaged pride. United States policy has turned Honduras into a no man's land, a regional free fire zone, with an international legal identity that has been blurred, and without real sovereignty over a portion of its own territory.

Let us remember that the President is not asking Congress simply to agree that the Government of Nicaragua is extreme; he is not asking us to oppose violations of human rights; he is not asking military support to defend against armed aggression or to interdict the shipment of weapons; the President is asking Congress to make an open-ended military and political commitment to the violent overthrow of a government with whom we are at peace, and against whom we can fully protect ourselves and our friends without resorting to armed invasion or support for violent counterrevolution.

War is a simple solution. It means that you kill those with whom you disagree. It means you kill until the other side cries "uncle." But are the challenges we face in Central America that simple? Is that what the so-called struggle for freedom is all about? Are our options truly this limited?

There is an alternative to war, an alternative to our ever-deepening military commitment to the Contras. The foes of freedom within Nicaragua's Government can and should be isolated; their policies can and should be effectively opposed. But this will not occur until we loosen our embrace of the Contras, and join instead with the internal democratic opposition, and with Argentina, Uruguay, Brazil, Peru, Colombia, Venezuela, Panama, Mexico, Costa Rica, Guatemala, and the rest of Latin America's democrats in an effort to encourage Nicaragua to become not necessarily what we want it to be, and certainly not what Fidel Castro would like it to be, but instead what the people of Nicaragua themselves determine that it should be.

Recent events in Haiti and the Philippines have demonstrated how much the United States can accomplish when our Government fights for policies that Members of both parties in this Congress—and the American people as a whole—strongly support.

But United States support for military action is not the lever that will make regional pressure for change in Nicaragua possible; it is, instead, the wedge dividing United States methods and goals from those of our democratic neighbors. The Contra operation has been, from the beginning, a violation of international law, and Latin governments care about that; their concern is heightened by past American intervention in the region, especially in Nicaragua. Latins know, too, that despite the bravery of the foot soldiers, military control of the Contras is still held by officers who are more killers than freedom fighters, ex-national guard who may share with us an opposition to communism, but who also possess, in the tradition of their own past President Somoza, a vicious and self-righteous intolerance for those with whom they disagree.

For these reasons, our support for the Contras is a distraction, shifting the world's spotlight away from Nicaragua's misdeeds to our own, strengthening—by our own extremism—the extremist leaders of Nicaragua.

This is not a sensible policy for encouraging change in Nicaragua. It is a policy, rather, or reaction. It is as if our country had lost faith in the sanctity of law, in the skill of our diplomats, in the good will of our neighbors, in our ability to learn from history, and in our commitment—enforced by the will of the American people—not to unleash the forces of war without fully exploring other options and never without due cause.

By introducing today this proposed declaration of war, I do not suggest that covert or otherwise irregular U.S. military actions are never necessary; or that each direct or indirect commitment of American military power must be preceded by a debate over whether to declare war. We must defend our country and our citizens from actual or threatened armed attack; we must defend ourselves against terrorism; and we may with justification support the struggle of others against whom brutality and aggression have been visited, including the freedom fighters in Afghanistan.

But with respect to Nicaragua, Congress cannot merely be a spectator; we must judge whether the course the administration has chosen will achieve the objectives in that wretchedly poor country that we all share; or whether it will lead, instead, to an open-ended commitment; pointless bloodshed, disunity at home and abroad, the loss of American prestige, the blurring of American purpose, and, ultimately, the loss of American lives.

We have a choice, and choose we must. Although the administration does not call it war; its policy will lead inevitably to war or to failure, or to both.

In 1964, when Senator Wayne Morse of Oregon defied conventional political wisdom, stood up to the President, and voted against the Gulf of Tonkin resolution, he argued on the Senate floor that:

> In this resolution, we are planting not seeds of peace, but of war; those who will follow us in the years to come will cry out in anguish and despair over the mistake that was made in 1964.

Next week, in a vote that will doubtless be repeated in one form or another many times in the months ahead, Congress will choose once again whether to plant the seeds of peace or the seeds of war, this time in Central America, instead of Southeast Asia.

Unlike the request for military aid for the Contras that has been submitted by the President; unlike the Gulf of Tonkin resolution two decades ago, the resolution I am introducing today states the real issue clearly and fairly; it provides an opportunity for the President to obtain the bipartisan political backing that he does not yet have, but that he must achieve, if his policy toward Nicaragua is to have any chance of success; while it imposes upon Congress the duty to stand up and be counted, to fulfill its responsibility under the Constitution, and to choose which direction—toward war or

toward peace—our country should now move.

This is a choice that must be made:

If we are to true to our traditions.

If we are to pay heed to the lessons of history.

If we are to comply with international law.

If we are to respect our allies.

If we are to be honest with those who serve in our armed forces; and

If we are to candid with the rebels in Nicaragua, whose cause—without the full backing of the United States Government—the administration has prematurely embraced.

It is a choice that must be made if we are, without further cost in lives, to rise above the brutal and ineffective policy upon which we are now embarked; to tie up the gunboats and muzzle the dogs of war; and move forward, in company with our friends and allies throughout the hemisphere, in peaceful and effective pursuit of social justice and democratic change.

□ 1335

RUNNING FROM REALITY—LEFT-WING IDEOLOGY AND THE SOVIET COMMUNIST THREAT TO AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I rise today for a special order entitled "Running from Reality—Left Wing Ideology and the Soviet Communist Threat to America," as illustrated by the House of Representatives' March 1986 debate on Nicaragua.

The two gentlemen from Massachusetts who spoke, in my judgment, have raised legitimate questions. I think for too long we have had a failure to have a clear debate, a debate which is firm, aggressive, a debate which is aimed at trying to think through where we are at, and to explain reality.

I was struck recently by Patrick Henry's great speech, in which he said, and I quote:

> * * * no man thinks more highly than I do of the patriotism, as well as abilities, of the very worthy gentlemen who have just addressed the house. But different men often see the same subject in different lights; and, therefore, I hope it will not be thought disrespectful to those gentlemen, if entertaining, as I do, opinions of a character very opposite to theirs, I shall speak forth *my* sentiments freely, and without reserve.

He went on to say—

> This is no time for ceremony. The question before the house is one of awful moment to this country. For my own part, I consider it as nothing less than a question of freedom or slavery.

Now, Patrick Henry, speaking—and of course it goes on for some length—was talking at a time of direct, immediate concern for America. Patrick Henry was talking at a time when we were in fact weak, the British empire was strong. He was talking at a time when no one had thought it possible to have a revolution of free men and women and when no one would have bet that George Washington could go to Valley Forge, could create an army, and could win America's freedom; and in fact at a time when if France and Spain had not helped us, we would not have succeeded.

That is why in this very Chamber, against the wall, is the Frenchman Lafayette who was here to help America. Because without his help, it is I think totally appropriate that Washington and Lafayette are the two people who are in this Chamber in their portraits because it was the combination of America and France, of Dutch money, French troops, Spanish support and American courage that made possible our revolution.

The striking thing, if one reads the debate in the House in March, is that we are really having two very different debates. I think my good friends from Massachusetts, both Mr. FRANK last night and again tonight, and Mr. STUDDS, indicated clearly one viewpoint. It is a powerful viewpoint, and I want to talk about it as a frame of reference.

I think frankly those of us who have a different viewpoint have done this debate a disservice by not being clear enough, not being, if I may, sharp enough and consistent enough; and I think in particular last night's special order by Mr. FRANK was entirely appropriate.

The series of ad hoc and ad hominem arguments on the part of those who favor the freedom fighters, the series of general dialog I think have done a disservice to the debate.

The Nicaraguan issue can be understood only within the context of the Soviet empire, its use of Communist Cuban colonial troops, and the historic patterns by which Leninist factions seize power, ally themselves with the Soviet union, and become a threat to the United States.

The McGovern left ignores the Soviet empire, disputes the role of Castro's Cuba, creates its own version of modern history, denies the seriousness of Leninism as a doctrine for tyranny, and rejects the predictability of Communist behavior.

Consequently, the McGovern left sees no threat to the United States. The McGovernites are true believers and committed ideologues. Their commitment is psychological, not intellectual. Their rejection of data is a sign of cognitive dissonance, a psychological problem; not factual disagreement, an intellectual problem.

We cannot convert the McGovernites. Taking them seriously and debating them about detail is a mistake. It elevates their legitimacy by accepting that they have a position that is defensible in the real world.

Let me make this very clear: These are very competent, very patriotic, very sincere people. These are people who believe just as passionately, just as deeply in America as anyone else. The challenge I am raising today, and which I hope in future weeks our friends on the left will take up, and we will be able to discuss together, is a fundamental challenge about the nature of reality.

I would argue that for those who truly believe in their version of reality, that they are not going to be converted, and that our job is the isolation not the conversion of the McGovern left.

Let me make it quite clear: To isolate people who believe deeply but are wrong is not unamerican and not inappropriate. In 1946, Harry Truman was faced with that problem. In 1939, Franklin Roosevelt was faced with that problem. The isolationists of 1939 saw no danger in Japan, saw no danger in Hitler's Germany, were willing to say "America first, don't worry about the world, we won't be threatened."

The isolationists of 1946 saw no danger in Stalin's Russia, did not believe in Leninism, and were opposed, for example, to aid to Greece and Turkey. They were isolated. They were probably never converted. They simply faded away from politics; they did not become part of the debate because people came to realize they frankly were not very relevant.

The audience of those who believe in the Soviet empire's reality, those of us who believe that the Soviet use of Communist Cuban colonial forces is a real threat, those of us who are convinced that there is truly a transnational strategy to extend tyranny.

Our audience is the younger American, untraumatized by Vietnam and willing to look reality in the face.

Our strategy must be to highlight the McGovern left's fantasy world and contrast it with the grim reality of the evening news.

Let me quote again for a second, because it is so appropriate, from Patrick Henry who said, and I quote:

> * * * it is natural for a man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth—and listen to the song of that siren till she transforms us into beasts. Is this the part of wise men, engaged in a great and arduous struggle for liberty?

Let me go on, and from a different place cite what he suggested, Patrick Henry, in his great speech, was the key test. He said, and I quote:

> I have but one lamp by which my feet are guided; and that is the lamp of experience. I know of no way of judging the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years to

justify those hopes with which gentlemen have been pleased to solace themselves and the house?

□ 1345

If you simply replace the word British with "Nicaraguan Communist" "Cuban Communist" "Soviet Communist," you get the same message, and let me read it:

I know of no way of judging the future but by the past and judging by the past I wish to know what there has been in the conduct of the Soviet Communist, Cuban Communist, or Nicaraguan Communist Ministry for the last 10 years to justify those hopes with which gentlemen have been pleased to solace themselves and the House.

I would suggest that in fact the average American, the everyday American watching television news, watching Afghanistan with the Soviet Army there, watching Angola with the Cuban colonial army there, watching South Yemen with the pro-Soviet side winning a war in which there are 3,000 Soviets in the country on the border of the Red Sea, watching Ethiopia where there are thousands of Cubans and Soviets, looking at Nicaragua where there are 3,000 Cuban troops and some 800 Soviet troops. The average American watching television would say yes, there is a grim, frightening dangerous reality called the Soviet empire.

Our goal must be to convince the American people that survival depends on honest realism. We have not gained over the last 16 years by hiding from reality. Freedom has not gained, human beings have not gained, America has not gained. Everytime this country hides from reality, freedom has lost a little bit, America becomes a little weaker, and our future becomes a little more dangerous. Success in this debate over time will be having the McGovern left become discredited just as the forces of isolation became discredited between 1946 and 1952.

Victory will be a bipartisan consensus that the Soviet empire is dangerous and that we must build a successful strategy for the transnational effort to develop freedom. The March 1986 House of Representatives debate on President Reagan's proposal to help Nicaraguan freedom fighters is a case study in the political, intellectual divisions which have undermined America's effectiveness in stopping communism for the past 20 years.

Any observer who studies carefully the 136 pages of the March 19 and 20, 1986 CONGRESSIONAL RECORD, 10 hours of debate, will discover a leftwing world view and analysis which simply blocks intellectual debate. It is clear from this debate that the American left has built a pleasant fantasy world in which only fantasy solutions make sense. Apparently the American left is so paralyzed by the threat from the Soviet empire it has simply withdrawn from reality. Again and again House Members in this debate have made emotional statements, presented nonrational arguments, distorted history, and used false facts to make points. The March debate makes clear the passionate conviction with which the American left articulates its fantasy world.

These are sincere patriots who are at best misinformed and at worst suffer from delusions so great they would be considered psychological problems if encountered as private citizens.

Since the American left passionately advocates a fantasy world view it is very difficult to explain to the casual observer of the debate what is rally happening. Many leftwing politicians went to excellent colleges and use English brilliantly. They cloak their delusions and fantasies in pseudolearning. To the unsophisticated they sound plausible, even if there are occasional phrases and concepts that jar listeners who are more in touch with common sense and reality. When the common themes are brought together, the pseudofacts analyzed, and the stranger debating gimmicks carefully examined, the extent of psychological and intellectual blindness among the American left becomes obvious.

Consider the following patterns in the 2-day House debate in March: 19 Representatives found some way to blame America for communism in Nicaragua; 10 Congressmen blamed the United States for forcing the Nicaraguan Communists to be repressors; four opposed aid to the freedom fighters but said to President Reagan, if he is really worried about communism in our hemisphere, he should go after Cuba and the Soviet Union; 12 suggested that violence never works, ignoring the fact that it was violence that brought Castro and Ortega to power in the first place and violence or the threat of violence which keeps them there; seven suggested we should never aid freedom fighters against the Government we recognize although, by the way, that is precisely our current generally applauded policy in Afghanistan; 15 scoffed at Nicaragua as a threat, while ignoring the Soviets in Cuba; six applied standards to United States behavior which would cut off all aid to the Afghan freedom fighters; 33 asserted confidently that the freedom fighters could not win, including some who 16 years ago predicted peace and freedom in Cambodia and Vietnam if only the United States would withdraw.

I might point out by the way that if you applied the standards that are applied to the freedom fighters to George Washington at Valley Forge, it is almost certain that Lafayette would have written home, "Please don't send these guys any money." Anyone who has read about Washington's troops at Valley Forge, who have read about men who had no shoes, whose feet left blood tracks as they walked across the snow, who were virtually without weapons at times, who were virtually without ammunition, who had many desertions, could read the precisely same language about the freedom fighters and be amazed at the parallels.

Twenty-six analyzed the Nicaraguan Communists in terms that ignore the Leninist Communist Soviet system; 16 suggested that America could not afford $100 million in Nicaragua, while consistenly voting for more spending in everything else.

Let me suggest again, for example: We had a vote last summer on hiring five additional automatic elevator operators.

Now many people may not realize, but in the House there are elevators that acutally have a person who is paid to stand there and they push the button. It is not a very complicated system. Many of you have probably seen this back home. We have buttons that say like "1" for first floor, "2" for second floor, but we have people whose job it is to stand there and when a Member gets on they say code words like "1" or "2" and then the operator punches "1" or "2."

Of the 16 McGovern-left Members who said that America could not afford $100 million in Nicaragua, 15 of the 16 voted to hire more automatic elevator operators.

Now if you consider how proud America once was under Jefferson to say, "Millions for defense, but not 1 cent for tribute," is it not rather ironic that we now have 15 out of 16 Members of the McGovern left who spoke on this issue saying, "Hire automatic elevator operators if you need, but not one penny for freedom fighters." Is there not something almost impossible to debate, about a person who can cheerfully vote to hire more automatic elevator operators because of course we have the money but then when you start talking about helping freedom fighters—and again I am not saying that they could not have very good reasons for voting no, but to use as the reason to vote no that you do not have money while hiring automatic elevator operators tells us something about the gimmickry of the debate.

Two, who had consistently voted against Reagan's Central Amercian policy and helped defeat many of his requests, asserted Reagan has gotten everything he asked for in Central America over the last 5 years, something which is just explicitly not correct.

Two who opposed aid suggested that the President should declare war on Nicaragua. Seventeen who opposed aid said we should use American troops if Nicaraguan communism became a threat.

Again, imagine, you have people on the McGovern left whose basic posi-

tion is we should not use troops. Yet 17 of them said, "Let's not help the freedom fighters but if in fact Nicaragua becomes dangerous, let's send in the Marines."

So not a dime for the Nicaraguans to fight for their own freedom, but we will send our children if it gets tough; an interesting policy position.

Five predicted that a "yes" would lead to escalation and even Nicaraguan Communist attacks into Honduras. None predicted that defeating the aid would lead to the actual event, over 1,000 Nicaraguan Communists attacking into Honduras. In fact it is fascinating: Several bitterly resented any suggestion that a "no" vote had lowered Contra morale and encouraged Communist aggression. In other words, when we were debating on Thursday whether or not to vote the additional aid, a number of Members got up and said that if we vote "yes," we may well have a Nicaraguan Communist attack into Honduras. None of the Members on the left suggested that defeating the aid would lead to that attack. The aid was defeated. Two days later the attack began. And when the attack did begin, the very people who felt calm and confident saying vote "yes" and you will get more violence, when it was pointed out that a "no" vote brought more violence were very angry.

Eighteen who opposed the vote suggested that there was a severe threat of McCarthyism, defend themselves against self-defined smears while mistaking attacks on their record for attacks on their patriotism. I think this is a very important point to understand about this whole debate. The ultimate example of the left's isolation and fear may have been represented by a Member who, after Representative WALKER spoke on Tuesday of that week, protested, and I quote, "Mr. Speaker, I request the gentleman's words be taken down. He is questioning the judgment of other Members of this House."

The Member continued, "He questions the judgment of the Members of the House who oppose the Reagan proposition."

When asked if he insisted on his request, he continued;

> Yes, Mr. Speaker, I do, because it followed a statement that I just made when I indicated that I opposed the President's position and certainly by inference he was questioning my judgment and I resent it.

In a Freudian slip this particular left-wing critic of the Reagan administration used the word "judgment" three times when either "motive" or "patriotism" would have been more appropriate to his complaint.

Clearly in a free society questioning judgment is precisely what freedom of speech, political parties, and the U.S. Congress are all about. This incident illustrates the degree to which the left now confuses its belief with righteousness and its judgment with patriotism.

To question the left's record is perceived by the left as an assault on its motives. To question the results of its policies is seen by the left as a smear on its intent. Yet the fact is that meaning well, the American left has performed badly. Now it suffers from cognitive dissonance, a psychological disorder in which new information is rejected if it threatens deeply held beliefs. Furthermore I would suggest that the psychological problem of cognitive dissonance is compounded by a 20-year burden of potential guilt. If the American left has been wrong about communism, then its actions have made it easier for the Communist dictatorship to thrive in Vietnam, the Communist massacres in Cambodia, and Communist colonies imposed in Angola and Mozambique, the Communist savagery imposed on Ethiopia, and the current Communist threat in Nicaragua.

Notice carefully what I am saying: not that the American left willingly helped, not that the American left failed us, not that the American left wants communism to spread. A person can spread a disease without meaning to because they did not know the disease was being spread. A person can permit someone who is drunk to get in their car and drive away without stopping them because they did not realize they were drunk. The question is: Was communism a danger? Did the American left understand it? And did the American left take effective steps to stop it?

Faced with that, one has to look at the historic record. Faced with the refugees from Southeast Asia, the Vietnamese and Cuban boat refugees, the demands of freedom fighters, the assertions of Solzhenitsyn, Shcharansky, and Sakharov and the cries of the refuseniks, the American left finds it easier to hide in a pleasant fantasy world of blaming America first and seeking negotiated solutions by which America could live comfortably with the Soviet empire and its bases in our backyard.

In my judgment it is impossible to debate people who are traumatized by the Vietnam debate as high school and college students. The young Democrats who nominated McGovern in 1972 now serve in the Congress. They are psychologically fixated ideologues acting out their beliefs, and these are honest, sincere, legitimate beliefs, I think in what is a desperate rejection of the frightening reality of the Soviet empire.

In that context they seem to deliberately ignore the Soviet use of Communist Cuban colonial forces to extend tyranny in the Middle East, Africa, and Latin America. To sustain their self-delusion they simply minimize or totally avoid the Soviet Communist threat to American security. I think the record of that debate proves that it is impossible to have a rational debate with ideologues. This 2-day record of 10 hours of talking past each other proves that a new approach is necessary.

There are three keys to a successful future dialog about American survival and the survival of freedom. First, since we cannot debate an unshakeable and willfully ignorant left in the Congress, we must reach beyond them to have a dialog with the American news media and the American people so they can learn and they can choose.

Second, since our opponents live in a fantasy world and describe fantasy solutions, true debate is by definition impossible. The best we can do is educate the news media and the public about the nature of the American left. For example, watching a debate about medicine between two doctors is one experience; watching a debate between a doctor and an alcoholic masquerading as a doctor so he can prescribe whiskey is a totally different proposition. Citizens sitting at home watching the second debate, not knowing which is the alcoholic and which is the doctor, might well not know who to believe because both could be glib, both could be well-educated, both could use words brilliantly.

□ 1400

I would suggest that it is very important to clarify which is which.

The American left replaces fact with fantasy, reality with rhetoric and security with sentiment. The American left can be defined and exposed, but it cannot be debated.

Third, we are at the end of a 20-year foreign policy debate dominated by left-wing language in assumptions. For 20 years, congressional subcommittees, in which leftists hold very powerful and destructive positions, have supervised and molded foreign policy. Consequently, our policies have been implemented by bureaucracies, weakened and made ineffective by two decades of American military and diplomatic decay and withdrawal from the world.

In this context it is very difficult to win tactical victories with lasting effects. Debating Nicaragua in isolation, which removes it from the broader framework of the Soviet empire, means very little. On the other hand, placing Nicaragua in context, looking at the broad issue of what is Nicaragua's relationship to Cuban colonial troops, what is Nicaragua's relationship to Leninism as a doctrine for tyranny, what is Nicaragua's relationship to the Soviet empire, how do those together relate to America, that means a great deal. Getting a few old weapons to Afghan freedom fighters helps a little bit. Getting a system established to develop high technology, easy to

use and cheap antihelicopter weapons for freedom fighters everywhere means a great deal more.

We must define and win the debate on the vision level. The specific tactical victories will follow.

It is important to remember that Harry Truman convinced America that there was a Soviet empire and that it threatened America. Only after he won that debate at the vision level could he win votes on aid to Greece and Turkey, on aid to the Philippines, on NATO, on the Marshall plan for Europe. Truman could never have won the specific votes first and then win the larger argument.

First we have to win the central issue, because vision defines and determines tactics. We must first create the new consensus in American foreign policy at that vision level. To do that, we must look at the real dangers to American survival and how we got where we are now, where we are and how we got here.

First of all, as a basic premise, there is a Soviet Communist empire. The Soviet empire is based on the writings of Lenin. Its doctrines use a triad consisting of a Communist Party, secret police, and the military to control a country. The current Soviet empire reaches from East Germany to the Pacific, from the Arctic to Afghanistan. With its enormous nuclear and conventional military power, the Soviet empire has been working systematically to expand its power beyond Eurasia. Today, the Soviet empire, often through the use of Communist Cuban colonial troops, has extended its power into South Yemen and Ethiopia, thus potentially dominating the mouth of the Red Sea; into Libya and Syria, thus having a major presence in the Mediterranean; Angola and Mozambique, providing bases on both the Indian and Atlantic coast of southern Africa; Vietnam, providing bases in the western Pacific; and in Cuba and Nicaragua, providing bases in the Caribbean and the Pacific coast of North America.

Notice that if you went back prior to 1960, none of the countries I just mentioned would have fit the description I just gave it. There were no Soviet forces in South Yemen; no Soviet-Cuban forces in Ethiopia; no Soviet Forces in Libya; no Soviet-Cuban forces in Syria; no Soviet forces in Angola or Mozambique; South Vietnam was still free and there were no military bases for the Soviets in Vietnam; Cuba, prior to 1960, was not yet Communist; and Nicaragua was not Communist.

So if you have a very long view of history and you look at the gradual extension of Soviet power, you look at it as an empire, a 19th century empire, an extension of power by using secret police and military, you have to say to yourself that this Soviet empire and its Communist Cuban colonial allies are a real threat to the United States and to the free world.

America's concerns about Nicaragua and Central America can be understood only within that context.

Let me make it very clear here. I do not think anybody except those who are the most distant from reality would deny that there is a Soviet Communist empire. I do not think most of our friends on the left would even deny that the Cuban Communists are often used as colonial troops.

Yet, once we start talking about Nicaragua, again and again and again on the left there is a tendency to forget all about the Soviet empire, to forget all about the Communist Cuban troops, and to say, "Now, let's eliminate all of that from the debate; now let's talk about Nicaragua." It is a little bit like trying to discuss cancer without discussing cancer. Let us focus on your little finger and forget that cancer that is in the middle of your body, and why are you threatened by your little finger. In fact, if your little finger does not have cancer, you are not threatened by it. It is the cancer, not the finger, which threatens you. If there were no Soviet empire and if the Cubans were not being used as Communist colonial forces, we would not be worried about Nicaragua. That is where, frankly, I believe this administration has failed to be clear, because it has failed to put Nicaragua in the global context of the Soviet empire and walk through how to survive.

There is a Nicaraguan Communist faction which promised the United States in the Organization of American States it would hold free elections. As a result, it gained their support to overthrow Samoza. Since taking power, the Nicaraguan Communists have systematically squeezed out true Nicaraguan democrats while imposing a Cuban-style Communist dictatorship. The Nicaraguan Communists know what they are doing, and are in alliance with the Soviets and Cubans against freedom and against the United States.

Let me make this point very clear. Again and again, we will hear our friends on the left say, "Gosh, Ortega's dumb," or "Gosh, Ortega does silly things," or "Gosh, Ortega has a bad sense of timing." They do not seem to understand that the Communist dictatorship of Nicaragua is a serious government engaged in serious things, that in fact they are winning.

My question would be: If Ortega is so dumb, how come his side is winning? If Ortega is such a fool, how come his side controls the country right now? If Ortega does not know what he is doing, how come there are Soviet helicopters, Cuban pilots, Bulgarian and East German secret police advisers in Nicaragua? For a guy who is foolish, he is doing pretty well. And how come all of our condescending friends on the left cannot figure that out?

The lesson of 26 years of communism in Cuba is clear. It has consolidated power and trained terrorists and guerrillas against free countries. It systematically votes against Israel and the United States in the United Nations. It provides colonial troops for the Soviets to use against Israel in the Third World. It provides a base for Soviet spying against the United States. It threatens its neighbors. The Nicaraguan Communists give every indication they will be as anti-American and pro-Soviet, as antifreedom and protyranny as their Cuan advisers.

Let me go back again for just a moment and requote Patrick Henry, because it is the very essence of my appeal to the American people in looking at this between the McGovern left and those of us who are worried about the Soviet empire.

Patrick Henry said:

> I have but one lamp by which my feet are guided; and that is the lamp of experience. I know of no way of judging the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years to justify those hopes with which gentlemen have been pleased to solace themselves and the house?

As I said earlier, replace only the word "British" with the word "Communist," and I would repeat exactly the same question.

Everything we have learned about Castro and Communist Cuba is dangerous to America's future. We know that there are 35,000 Communist Cuban colonial troops in Angola today holding down Soviet bases and a Soviet colony. We know that there are Communist Cuban troops today in Ethiopia. We know that there are Communist Cuban troops today in Nicaragua.

What reason do we have to believe that a Communist Nicaragua will be any different? We know that again and again, Communist Cuba and Communist Nicaragua vote with the Soviet empire and against the United States and against freedom in the United Nations. What possible belief do our McGovernite friends on the left have to suggest, what evidence at all do they have to suggest, that the current Communist government of Nicaragua will somehow be different, that it will not be anti-Israel, anti-America, antifreedom?

I would suggest they have no evidence. They have only what Patrick Henry earlier had described;

> It is natural for man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth and listen to the song of that siren until she transforms us into beasts.

He went on to say, and I quote, "Is this the part of wise men engaged in a

great and arduous struggle for liberty?"

□ 1410

And I would say: Can our friends on the left offer one single piece of evidence that Communist Cuba is not what I have described—a colonial force for the Soviet empire? Can they offer one piece of evidence that the Nicaraguan Communists are not what I described—precisely allies of the Soviet empire? I believe not.

In that context, a Soviet-Cuban foothold on the North American Continent is a threat to the United States because it gives the Soviets additional bases in our own backyard, because it imposes communism on people who want to be free and because it increases the resources of the Soviet empire.

The rebellion of free Nicaraguans against Communist dictatorship is part of a worldwide rebirth of freedom in defiance of the Soviet empire.

In Afghanistan, Cambodia, Ethiopia, Angola, and Nicaragua, Communist dictatorships and their Soviet and Cuban colonial enforcers are being challenged by nationalist groups determined to free their nations. Both our own security as Americans and our moral heritage, beginning with the Declaration of Independence, compel us to recognize the challenge of the Soviet empire and the opportunity freedom movements create.

The rise of freedom movements is the third round in the struggle between the Soviet empire and freedom. In round 1 Presidents Truman and Eisenhower recognized the threat of communism, aroused and educated the American people and created a new system of institutions and ideas to contain the Soviets.

The revolution of ideas, policies, systems and politics led by President Truman dwarfs anything we have seen since.

A large peacetime military, the Central Intelligence Agency, the North Atlantic Treaty Organization, the Marshall Plan, Greek-Turkish aid, point 4, the unified Department of Defense, the concept of containment, the Berlin airlift, the Rio Treaty and fighting a war to stop Communist aggression in Korea were only highlights of 6 years of strenuous effort and intense debate by Truman and others against isolationists of the left and right.

By 1958 the free world had won round 1 decisively. The Soviet empire was contained, and Japan and Western Europe were protected from conventional attack. Round 2 began with the Communist development of transnational conflict and a transnational strategy to extend the Soviet empire. The Communists found a gap in the free world model of containment.

Think, if you will, of a football team that has perfected the goal-line defense, all 11 are up close to the line. That was the free world in NATO, in Korea, that was containment.

And then the Soviets figured out the equivalent in that setting of the forward pass. They leaped past our containment to a new strategy. Using Lenin's strategy for seizing power in Third World countries, the Soviets discovered that the Western legal, political, diplomatic, and military systems had no effective response to transnational conflict. Western thought was based on clear-cut distinctions between war and peace, legality and illegality, civil war and foreign aggression.

By using Western words to disguise Communist transnational strategies, the Soviets confused and divided the West.

Ho Chi Minh used the language of the Declaration of Independence to deceive Western liberals about his intent. Castro posed as a reformer while consolidating power as a Communist. In fact, Castro's charade is still believed by leftists 26 years later and was cited in the March 1986 House debate on Nicaragua.

There is a famous study of Castro by historians who said that it is incredible that every major historian now understands that Castro was a Communist but they cannot get people on the left to read the histories.

Dwight Eisenhower and then John F. Kennedy moved to develop an American response to Communist transnational strategies. The Army's special forces were dramatically enlarged by President Kennedy. J.F.K.'s Alliance for Progress included both the Peace Corps and Green Beret advisors training the Bolivian troops to track down Che Guevara and wipe out Communist guerrillas.

Under Kennedy's leadership communism was challenged from the Berlin Wall to the jungles of Laos and Vietnam. U.S. political, economic, and military power were used aggressively and risks were run to, in his words, "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty."

That was not a right winger. That was John F. Kennedy in his inaugural address in 1961.

President Kennedy felt so strongly about stopping communism that he risked nuclear war in the Cuban missile crisis, mobilized the National Guard during the Berlin Wall crisis and launched a major buildup of the United States military, including troops in Vietnam.

By November 1963, communism was losing round 2, and the free world was beginning to develop an effective transnational strategy for freedom.

Then Kennedy was killed. Lyndon Johnson proved unable to fill the intellectual-moral-political leadership vacuum created by J.F.K.'s death. The anti-Communist liberal internationalist party of Truman, Kennedy, and Humphrey began to disintegrate. By 1972, the ideological leftwing isolationist Democrats seized control of their party and nominated George McGovern, a 1948 Henry Wallace progressive, who had opposed Truman, opposed aid to Greece in 1947 and opposed active anticommunism.

In 1974, Watergate completed the collapse of the American centrist bipartisan anti-Communist consensus. In the 1974 election, McGovern's antiwar activists won spectacular and improbable victories. While economic pain (the oil price increase) and Watergate corruption decided the 1974 results, the winners were largely leftwing ideologues who were deeply opposed to an actively anti-Communist foreign policy.

The McGovernites moved quickly to impose their views on their party in the House and Senate. Then they voted to cut off aid to South Vietnam. The North Vietnamese Communists promptly launched an offensive, and a nation was captured for the Soviet empire. Next they cut off aid to Cambodia. The Communists won and killed over 1 million people in that holocaust dramatized in the movie "The Killing Fields."

Fresh from crippling freedom in Southeast Asia, the American left turned to Africa and cut off American help to anti-Communist forces in Angola and Mozambique. The Soviets responded to the left's timidity by flying 35,000 Cuban troops into Angola to impose a Communist colonial dictatorship. Surely, to anyone open to reason, the historical record should be clear. On a Thursday we voted in this House not to help the freedom fighters. By Sunday there was a Nicaraguan Communist attack into Honduras against the freedom fighters' camp. Does that sound familiar?

Is that not the same pattern: Cut off South Vietnam, the Communists attack; cut off Cambodia, the Communists attack; cut off Southern Africa, the Communists fly in troops. Again and again and again the McGovern left says, "If only the United States won't be provocative, the Communists will be reasonable." Again and again and again the Communists say, "As long as the United States is weak and timid, we will be daring."

The left turned, after southern Africa, to gutting the Central Intelligence Agency. And I might comment that many of those on the left who today complain about terrorism, many of those on the left who complain about the fact that we do not know enough, were among those who voted to weaken the very Central Intelli-

gence Agency which is the key to knowing about terrorism.

Next, under Jimmy Carter, Soviet Mig-23's went to Cuba and were explained away. A Soviet training brigade in Cuba, in explicit violation of the 1962 missile crisis agreement, was explained away. A Communist threat to Nicaragua was explained away. Again and again new excuses were found to avoid the reality of communism, the threat of the Soviet empire and the dangers to American survival.

By 1979, the free world had lost round 2.

Round 3 in the struggle between the Soviet empire and freedom began in late 1979. The American people were shocked by the Iranian hostage crisis, the boldness of Khomeini and Qadhafi as anti-American revolutionaries, the growing Soviet presence in Cuba, the continued Soviet military buildup despite the weak defense budgets of the Carter administration and, finally, the Soviet invasion of Afghanistan.

By early 1980, the American Nation was moving toward an active, assertive anti-Communist, antiterrorist foreign policy. The first frantic reactions were symptomatic of how weak and ineffective the McGovernite leftwing had made America's defense, intelligence and diplomatic efforts. The desert 1 commando raid failed. Our intelligence services were weak in Iran, Libya, Nicaragua, Grenada, and elsewhere. The Carter grain embargo hurt Iowa farmers while doing nothing to stop Soviet forces invade Afghanistan.

While the McGovern left dominated key Senate and House committees and had debilitated our bureaucracies, President Carter finally began to respond to the obvious threats to our survival. His Defense Secretary announced the Stealth bomber program. The Carter defense budget increased. Carter increased aid to El Salvador and began cutting aid to the increasingly Communist government of Nicaragua.

Round 3, therefore, began before Reagan entered office. Indeed, the American people's rediscovery of the Communist threat and renewed belief that the world was dangerous helped elect Ronald Reagan. That same rejuvenated patriotism led to the defeat of a generation of leftwing Senators in the 1980 election.

For 6 years President Reagan has worked at developing an active anti-Communist foreign policy. Despite a large military buildup, the liberation of Grenada and limited success in Central America, the Reagan administration has failed to create a new consensus and new understanding in American politics, the Congress and the bureaucracy. Indeed, Harry Truman accomplished vastly more in foreign policy in 5 years than President Reagan has in the same length of time.

There are essentially seven reasons the Reagan administration has failed to achieve its foreign policy goals:

First, it has not focused on vision, on clarity of language and on defining and describing reality. The change from the passive McGovernite approach from 1970 to 1979 to an active profreedom strategy requires a vision-level debate.

Second, the Reagan administration has not developed a systematic debate ensuring continuity of public awareness and learning. If the Soviet empire's transnational challenge is as great as President Reagan's occasional speeches imply, then educating the American people and creating a new consensus is a full-time job. The very absence of focus and continuity reassures many Americans that the debate does not require their attention.

Third, a vision-level shift from McGovernite passivism to Reaganite activism must occur first by educating and convincing the Nation's news media and educated leadership at the grassroots, second by having them help educate the country at large, and third by changing the Congress.

You will notice that from 1945 to 1950, President Truman did not start by compromising with the isolationist left or compromising with the isolationist right. President Truman started by going to the country and having the country reelect those who favored stopping communism and defeat those who favored isolationism.

The Reagan administration has followed precisely the opposite formula for 5 years in its efforts to appease the center-left Senators and Congressmen, all of whom are under pressure from the militant McGovernite left.

Remember, there are many people who mean well, who understand reality, who would like to work with the President. But if you serve in a House Democratic caucus in which the majority represents the McGovern left, it is impossible to consistently be with the President without losing opportunities for committee assignments, without being under pressure. This has blurred the debate. Trying to win tactically in a House dominated by leftwing ideologues is a formula for frustration.

Fourth, the Reagan administration has failed and still fails to recognize how many changes are necessary in the executive branch's ability to develop and implement a profreedom transnational strategy powerful enough to meet the Soviet empire's threat. The current diplomatic, intelligence and military systems are simply incapable of achieving President Reagan's goals or implementing his vision. Sixteen years of leftwing McGovernite assault on American Government has led to a bureaucratic timidity and defeatism which is systematically misunderstood and underestimated by the Reagan White House.

While the President wants to defeat communism in Central America, 80 percent of his State Department wants to cut a deal and find an accommodation with the Nicaraguan Communist government. While Reagan wants a military capable of arming and training freedom fighers, the Defense Department has learned the lessons of Vietnam and wants to avoid transnational conflicts.

While Reagan believes in free enterprise, the Agency for International Development continues to export bureaucratic red tape and Government-dominated liberal welfare state economics. Again and again the gap between the Reagan rhetoric and the Reagan administration reality is massive and self-destructive.

The Reagan team can only achieve their goals when they realize that they face a Truman-scale job of fine tuning an already successful system.

Fifth, the Reagan administration can begin to succeed only by requiring and managing dramatic change in the bureaucracy. Getting effective modern antihelicopter weapons now, developing an effective Latin American public education program about the Soviet empire now, launching a United Nations fight against Soviet and Cuban colonialism now and setting up Radio Marti-type branches in Africa and Honduras now is the style and speed necessary.

□ 1425

"Action this day" was Churchill's theme for World War II. If Reagan is to leave behind a revitalized, actively anti-Communist bureaucracy, he must impose his will now.

Sixth, the Reagan administration must accept the fact that its vision of a Soviet empire, Communist Cuban colonial troops, and transnational threat to freedom in general and America in particular, is simply unacceptable to the McGovernite left. We are engaged in a struggle between two visions of America and two visions of the world. These visions are incompatible and beyond compromise. The McGovernite left rejects Reagan's version of reality and therefore are appalled by his proposed response to that reality.

A debate between two visions, or two world views, is dramatically different from a debate over strategy, operations and tactics.

The gap between Reagan and the McGovernite left is the same as that between Truman and the Henry Wallace progressives. Between such differences there can be no compromise. One side will win. The other side will lose.

The Reagan administration should actively court those Democrats who have committed heresy against their

party and encouraged active anti-Communist transnational policies. The 13 Democrats who spoke in the House in favor of helping freedom in Central America are the leadership basis for a future bipartisan consensus on active anti-Communism. The 46 Democrats who voted yes on aid to the freedom fighters represent nearly one-fifth of the House Democrats and if banded together can survive as a pro-freedom activist anti-Communist faction. The Reagan administration goal must be to define, clarify and isolate the McGovernite left. The "soft-no's" must be encouraged to join the active anti-Communists, because they cannot afford to be McGovernites. The strategy must be to divide by defining and polarizing, and to build a stable, self-identified, bipartisan, and active anti-Communist majority.

Seven. President Reagan wants to lead enormous shifts in public opinion, elected officials' behavior, and bureaucratic effectiveness; yet he keeps trying to achieve these things, these changes, incrementally and by courting the very groups who have developed the McGovernite policies he opposes.

The fact is McGovernite House Members sought positions on the Foreign Affairs Committee, on Armed Services, and on the key appropriations committees precisely to fight for their isolationist, ideological world view. They believe in their world view and they will do everything possible to fight for their beliefs. That is their right in a free society and we should honor them for the courage of their commitment.

By nature, the wheelers and dealers and the political technicians who surround any White House keep trying to design conflict-avoidance strategies in foreign policy. They fail to understand the dynamics of change in American politics and government. They seek change through compromise, when in fact in a free society one more often gets change through disagreement and conflict.

If President Reagan truly wants to use his last 3 years in office to reshape the public, political and governmental systems of American foreign policy, he is going to have to fight more often and more tenaciously.

Theodore Roosevelt, Franklin Delano Roosevelt, and Harry Truman would have understood the challenge facing President Reagan. They relished a good spirited fight because they knew fights attract attention, attention is the first step to education, education is the first step to public support, public support is the key to organized political power, and organized political power is the key to building a sustainable activist anti-Communist coalition. If no coalition is built, then no success for President Reagan's beliefs will emerge.

The choice is simple. The change is difficult.

These seven steps are necessary if the Reagan administration is to achieve its foreign policy goals.

Ultimately, President Reagan's achievement may be measured by the survivability of the left wing isolationist fantasy world view.

Harry Truman's greatest accomplishment may have been the 20-year decline of the Henry Wallace progressives. By 1952 isolationism had become an obsolescent anachronism, a relic of a well-meaning but misguided fringe group.

Reading the 10-hour debate in March on Nicaragua, it is proof that Reagan has utterly failed to define and isolate the well-meaning, but self-deceiving left. Indeed, the consistent language, examples and analyses of the left in this debate are positive proof that the isolationist pacifist McGovernist left is still a serious competitor for power in America.

In the next few days it is my hope to take the debate, which itself ran 138 pages in the RECORD, and walk through case by case the basic themes of the McGovern left, the basic issues they developed, their view of the world, and simply leave it up to my colleagues; but let me bring this back for a moment to the challenge facing all of us as citizens, the news media, the President and the Congress.

I think that the gentleman from Florida [Mr. FASCELL], the very able Democratic chairman of the Foreign Affairs Committee, said it sadly and eloquently the last day of the debate in March, when he said, "You know, this debate is not going to go away. This issue is not going to have one more vote and then die. This is going to be with us for a long, long time."

I think I would say to our friends who worry about communism and who worry about the Soviet empire, to our friends who understand that the refugees we now have living in our towns and our neighborhoods, the people who fled from Poland, from Germany and from Hungary, from Czechoslovakia, from Laos, Cambodia, Vietnam, Nicaragua and Cuba, those of us who personally know refugees, I think what I would try to say most is in a way what the gentleman from Florida [Mr. FASCELL] said. We have been faced since 1917 on this planet with a brilliant formula for tyranny, the writings of Lenin. He and his immediate gang seized power in Russia at the end of World War I and built the largest empire in history, created a secret police system that works, developed a Communist Party technique that is transnational, and in many ways stole words. The 1936 constitution of Joseph Stalin is wonderful reading, but of course was never put into effect because it is a police state.

Ho Chi Minh's promises using the Declaration of Independence in 1945 were wonderful reading, but he established a Communist police state.

The left is real. The Leninist left is very different. If there were no Leninists on the planet, I would not have any arguments with my friends in this House on the left who are against aid to the freedom fighters. If Lenin's writings did not exist, if the Communist Party did not control the Soviet empire, if there was no secret police in Cuba and Russia, if terrorists were not being trained this afternoon to kill Americans, to threaten freedom and to disrupt our world, if guerrillas were not this very day being trained by Communists to be used in places in Central and South America, if the Soviet Union itself was not an active threat to our survival, then I would say to my friends on the left, "You were exactly right. We should never vote for a dime because it is not our business to be in Nicaragua."

But my challenge to my friends on the left is equally simple. Read the writings of Lenin. Study the history of the rise of the Soviet empire. Look at the way in which Cuban Communist forces are used in Angola, Ethiopia, Mozambique, South Yemen, Syria, and now Nicaragua.

Read the Grenada documents, where we actually captured an entire Communist government which wrote English and we know it is available from the State Department and you can read the thousand pages of their own speeches, their own minutes, their own dispatches.

Read what the people of Nicaragua have said, the Communist leadership.

In closing, George Will in a brilliant column recently quoted Adolf Hitler, speaking on January 30, 1942 at the Berlin Sports Palace, and Hitler said, "We will exterminate the Jews."

As George Will pointed out, educated, sophisticated, brilliant people, said to themselves, "When Hitler says we will exterminate the Jews, what does he mean? Since obviously reasonable people know he cannot mean that sentence, what would the sentence be a code for?"

Of course, we now know all too tragically from Auschwitz, from Dachau, and from Buchenwald, that he meant, "We shall exterminate the Jews."

I would say to my friends, read the speeches of Castro to the Communist Party of Cuba.

Read the speeches of Ortega. Read the speeches of Borge when he visits with his friend, Qadhafi.

Read the statements in Moscow by the Nicaraguan Communists as they say, "We are solid with the Soviet Union. We are against America."

Read what they say themselves and ask yourselves, what if like Adolf Hitler they just mean what they are

saying? What if like Adolf Hitler they are really just bad people? Not the Nicaraguan people, but the Communists.

What if like Nazi Germany, Communist Russia is a threat to freedom?

What if the reality of the evening news is real? And then what should America do?

This is going to be a long debate, not ending next week or the week after or the month after. This is going to be a debate which lasts for as long as there is a Soviet empire. It is going to be a discussion for as long as there as still free people somewhere on this planet trying to learn how to protect freedom from that empire.

We have only begun round three. We have only begun I think the recovery of the West, the rethinking of our transnational strategies, the development of opportunities to help freedom fighters wherever they have the courage to fight for themselves.

So, Mr. Speaker, I hope we enter next week having a fair chance to have an honorable vote, straight up or down, to send down to the President a bill for the side that wants to help the freedom fighters win, to do that which is right.

All of us are patriots in this House. All of us love America. The question is, how many of us can see clearly and carefully and historically the fundamental threat to America of Communism, the Soviet empire, Communist Cuban colonial troops and a brilliant transnational strategy for extending tyranny and threatening freedom.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, in anticipation of next week's activities, I wish to round out some of the thoughts that I have expressed here in prior weeks with respect to the continuing issue and now at present agitated by the question of the President's request for direct aid to the rebels or the Contras hiding out in Honduras, but also and firstly, I think more importantly, I want to remind my colleagues of the lengthening shadow of the threat that hovers over the heads of some 2,000 of our military who are on active duty, most members of the 101st Airborne, who are in the Sinai Desert.

Now, I have gotten up over the course of the last 6 or 7 months and addressed this issue on three distinct occasions. I had hoped that I could arouse a little bit of interest on the part of those members and chairmen of the committees that have direct jurisdiction.

In this case, there is unfortunately only one committee, and that is the Foreign Affairs Committee, even though it involves a military decision that was mandated by the Congress. For the first time in the history of the Congress, we ordered a military detachment for duty as an active duty military contingent. This was in 1981 when the Congress approved a resolution requested by President Reagan that would authorize the formation of a so-called multinational peacekeeping group and that even though at the time we discussed it on the House floor, which was December 12, 1981, no mention was made other than the limitation on the number of troops that would be allowed under that resolution from the United States as to exactly who or what nation would constitute the peacekeeping mission.

We were told that the reason for the request was that President Reagan wished to honor a request that President Carter had made following the Camp David understandings between Egypt and Israel, since the United States is not a party to the Camp David understandings, as a followup commitment that President Carter in a letter addressed to both the head of state of Egypt, then Mr. Sadat, and the then head of state of Israel, Mr. Begin, in which he said that in order to insure the continuing United States support and shoring up of the agreements that were arrived at in the Camp David meetings, he would initiate, he, President Carter, would initiate the action necessary toward the formation of a peacekeeping unit.

□ 1440

When it was presented on the House floor in December 1981, I was surprised that it was coming from the Committee on Foreign Affairs without a joinder of the Committee on Armed Services of the House. No explanation was given to me when I asked the question of the three ranking members of the committee at the time.

When my second question was also not answered, and as a matter of fact, at that time the overall chairman of the Committee on Foreign Affairs, a very close friend of mine who I highly esteemed, became irritated with me and would not even offer any time for me to be recognized to address the issue. So I then had to quickly formulate an amendment which, in effect, was formulated only so that I would have a forum in which I could raise the questions at least during the 5 minutes that I would be recognized for on the amendment.

The amendment was very simple. It just said that none of the moneys and none of the clauses in that resolution should be ever interpreted to mean that any draftee or conscript would be included in that contingent that the United States was committed.

Second, the other question that I raised was what was the precedent for congressional action in which the Congress was ordering a troop movement of members of the Armed Services of the United States. As far as I knew, I could not recall any instance in the history of the Congress.

Finally, the answer was forthcoming and it was admitted that it was unprecedented. So I then asked the fourth question, and that is, why do you not have the Committee on Armed Services coming in here and explaining to us, from the Armed Services point of view, what the limitations are? Define the mission. What is the mission of these men? Peacekeeping between whom? Between 2 allies, Egypt and Israel. How can the United States come out anything but a loser?

But in the meanwhile, the political environment has deteriorated insofar as a severe anti-American spirit is concerned in that part of the world, in the Middle East. So I consider our troops and the 500 Fiji Islanders that we finally got, and about 500 Colombian soldiers from the country of Colombia, and just a handful, I would say about 15, British, maybe about the same number of French, no West Germans, and that is it. These men do not have armor. They do not have aircraft. They are sitting ducks in a very, very delicate situation in which it would be ideal, I would think, for a so-called terrorist organization or group, or enemy head of state, to really attack and severely hurt this military contingent.

These are battle equipped, other than the fact that they do not have armor, they do not have aircraft. They could not possibly fend off any kind of an organized, in-force, military attack, with just a minimum of artillery or aircraft. I say that we have a serious responsibility not to forget these men. They were brought to the attention of the Nation, even though this happened about 3 or 4 months after I began to get the interest in this forgotten group of Americans, like I had during the time the Marines were in Beirut, and I kept asking the President, "What is their military mission?" The President kept answering indirectly, through the press, that they were peacekeepers and that they were there to shore up the Gemayel regime. That is hardly in keeping with a peacekeeping purpose, because the Gemayel regime was one of four factions in an ongoing civil war in Lebanon, so if we take sides with one, no matter what good purposes we might have, we certainly are not peacekeepers. We are intervening, and in a militarily untenable situation.

I think the precise situation is happening again in the case of these near 2,000 soldiers that we have in the Sinai Desert, even as I am talking. I think that we should not sit around

here and act as if nobody is reminding us that those men are there. I think the least we can do is request of the President, through the proper committees, the President is not going to listen to an isolated voice like mine. He does not even answer letters of a Congressman. So I really feel sincerely that this better be done. It should have been done months ago. The Congress ought to review the whole purpose and mission of these men.

What is their mission? Suppose they are attacked? Suppose there are casualties, whether they are American soldiers or Fiji Island soldiers or Colombian soldiers? We have a responsibility. What do we do to back up? Do we follow through? Do we invade Egypt in order to back up and defend these contingents in the Sinai there in this buffer state, or in case the attack happens to come from a direction of Israeli territory, what do we do, invade Israel?

These are questions that I do not think we should sit here and wait until we have a catastrophe on our hands. So I want to remind my fellow Congressmen, now that everybody is going off and looking forward to no more legislative work and no worries over the weekend, and the main preoccupation has been dominated with this obsession by the President over Nicaragua, and where there the issue is not whether the President wants or really needs $100 million, $70 million of it supposedly outright military. The issue is the fine print that nobody is discussing, and that is the approval on the part of the Congress, when and if it does approve that package, of the use and the permission to use our full service complement in direct aid of the rebel group known as the Contra forces for the first time. The Congress ought to realize that it is not just appropriating and sanctioning and approving the use of an appropriation of $100 million; it is also giving for the first time its direct consent to the President to divert troops. The President said last week that he intended, as soon as possible and feasible, to use Green Berets, Special Forces, in order to act as advisers to this motley group known as the Contras, or the rebels.

In today's New York Times, on page A31, the editorial section, we have a column written by Anthony Lewis, the prestigous columnist for the New York Times, entitled "Freedom Fighters," the story of Maurice Demierre. Maurice Demierre was a civilian Swiss of French descent who went to Nicaragua, was helping in a civilian way the peasants, and a group of Contras came in, wiped him and a group of peasant women and children out completely. These were Contras. He ends his article by saying:

> The death of Maurice Demierre cuts through all the words, all the debate about the Reagan policy in Nicaragua. It tells us that when the President speaks of "Freedom Fighters" he means terrorist killers of unarmed civilians. And the world sees it plain.

□ 1450

I have been telling my colleagues several years now that indeed, and in fact, the world sees it plain that the President has been conducting war, that the Congress has not declared war so that he stands in violation of the Constitution. And he stands in direct violation of the legislation approved by the Congress in 1974 known as the War Powers Limitation Act.

Now I listened to one of my colleagues earlier this afternoon say that he had introduced a resolution declaring war. Now I think that his main idea is sound; that is, that it will reduce to the irreducible the absolute basic issue involved. I do not agree with my colleague. I think it is not the way to either realistically or responsibly pursue the matter.

I think all we have to do is live up to our responsibilities as the first branch of the Government, coequal, independent and separate, and call the President and say Mr. President, rather than you demanding and trying to put us on the defensive, we are calling you before the bar of the Congress to account for the war that you have conducted now for 5 years, to account for the fact that the United States, before the International Tribunal of Justice known as the World Court has found you and us, the United States, guilty of violating international law, basic human rights, and have been told to stop and desist the Exo war you have been perpetrating in the name of our country against the Nicaraguan regime.

The issue is not whether or not we are going to lose Central America. There is no such thing. In the first place, we have never owned Central America. We are talking about independent, sovereign nations.

Now we have not considered them that way historically. We have invaded Nicaragua 14 times in less than 100 years. We have invaded them as late as 1929 when Calvin Coolidge sent the Marines and they were kept for 13 years, and where they imposed the Somozo regime, where they formed, they selected, trained, armed and equipped the national guard which today is still a word of anathema among Nicaraguans still in Nicaragua. Eighty percent of the so-called rebel group hiding out in Honduras are ex-Somocistas.

There, like in the case of Cuba, the issue is not whether or not we shall demand ideological purity. If that is the case, then we ought to invade France, because France has two Marxist-Leninists or Communist members of the French Cabinet. Why not invade France so that we can demand ideological purity there?

I have always said that if Latin America were known as a white, Caucasian, English-speaking area, we would never be pursuing the policies that we have pursued. There is one difference this time. This time we do not have the margin of error that we have had in the past. This time, at this most critical juncture, if the President does not, and he has not up to now, and he does not show any intention to do so, rise to the occasion, only the Congress can do so. I do not know what the result will be. The pressures have been tremendous, the accusations have been around that if the President is not supported, mind you, not his request analyzed and evaluated, but loyalty to the President. I recall, as if it were today, when we had the same issue, different form, different scenario, but essentially the basic issue insofar as our Constitution is concerned, and insofar as the independence and the separation of powers is concerned, and that was when the Gulf of Tonkin Resolution, as it was known later, was presented here. I was here. I was the last one to record my vote because of extreme doubts.

I went to the then chairman of the Foreign Affairs Committee, Dr. Morgan of Pennsylvania, and I asked him what is this all about. And he said what do you mean. I said, well, I did not know until I got here that this resolution, that I have a copy now for the first time, had not been printed, and the wording of it is very, very clear, it is to me sort of like a backdoor declaration of war. And the chairman, who was also a very good friend of mine on a personal basis, said, well, what do you want. Do you want to deny your fellow Texan, President Johnson, the same resolution we gave Eisenhower in the case of Lebanon, referring to the time that President Eisenhower sent 20,000 troops to Lebanon, and the one we gave President Kennedy in the case of Berlin. And I said, you mean this is the identical resolution. And he said it is the same thing.

So I came back and pondered, because the headlines were that some of our ships, warships had been attacked in that gulf and that the President was asking for the moral backing and support of the Congress. The resolution, and its plain wording, indicated to me that it was more than moral support. So I hesitated, did not know, and for the first and only time in my career as a legislator, I let fear, fear of being the only one to vote no, and particularly because the incumbent was not only a friend, he was a neighbor, and I did not want to stick out like a sore thumb. And it was not that I feared anything. I had gone through all of that in Texas. I fought every single establishment force anybody can create in any community, so that was not a fear. It was just a fear of ap-

pearances, and I swore after that that I would never let fear ever motivate my vote again, either fear of the loss of office, which frankly speaking never has frightened me. If I had been afraid of that, my whole trajectory in holding public office for 33 years would have been different. I would have never gotten up on the floor of the State senate and filibustered the race bills for 26 hours, not after Martin Luther King, but before Martin Luther King. I would have never gotten up on the City Council of San Antonio and offered a resolution to do away with all discrimination based on race, color or creed in all tax-supported municipal activities. Why, the black population in my whole county has never even reached 8 percent. What kind of a politician would I be to think I could get political mileage out of that? But that was not the issue to me.

The issue then, as the issue now, was the basic responsibility to uphold the oath of office and uphold at that time the Constitution of the State of Texas and the Constitution of the United States, and here to hold and uphold the Constitution of the United States. I think this is the real issue, because the President, instead of being brought before us, and I would suggest to the gentleman from Massachusetts who today announced that he was introducing a declaration of war, not because he wanted war, but because at least it would reduce the irreducible minimum the basic issue confronting us, and that is that the Congress confront the President and say, all right, Mr. President, you want war, you have been conducting war, and well, OK, we will go along with you. Or no, we will not.

But we do not have to do that. All we have to do is have the guts to consider the resolutions that some of us have introduced for 3 years in which we allege that the President is in direct violation of the War Powers Limitation Act. We also specify exactly and in what way, manner, shape and form the President continuously and unceasingly has violated the War Powers Limitation Act.

When we had a session of the House that was supposed to be considering, about 3 years ago, the so-called violation of that act, the debate turned out to be not on whether or not there was a violation of the War Powers Limitation Act, but whether one, we were going to be loyal to President Reagan, or disloyal to President Reagan, or as one of his side traps said, you are either for Reagan or you are for the Communists. I think that when we allow ourselves to be intimidated in that manner, shape and form that we have in effect traduced and have abdicated our duties under our oath of office.

I have thought long in formulating those resolutions. I have introduced a total of two resolutions, one in the case of Beirut where the President was obviously under the obligation, under the law we passed in 1974, to come before the Congress and get Congress' consent. But he never did and the Congress never cared. And what happened? We had 241 young and loyal and brave marines murdered.

The President can never escape the judgment of history, and more important, the infinite for the main and simple reason, as I tried to bring out for 14 months, that the President, as Commander in Chief, was in heedless disregard to the unanimous advice of the Joint Chiefs of Staff.

Ever since then, I have not trusted, have no confidence in either the judgment or the wisdom of President Ronald Reagan. The death of those marines are directly attributable to his obdurate and callous indifference to the recommendation of the top military experts we have in this country.

The same thing is about to happen in Central America. Why? For the main and simple reason that I have heard nobody, either in the Congress or in the executive branch, and I go back to President Kennedy's era, I had a close and an intimate and a personal friendship with John F. Kennedy since 1951, never dreaming at the time that I would be in politics. And after I came to the Congress, and again, not planned, not intended, that friendship was anchored down, and I know through the benefit of that friendship exactly what the thinking was. But even before that, when I was a State senator, and after the election in 1960 where I had to go into 11 States in behalf of the Kennedy-Johnson ticket, I was approached by a very successful and wealthy businessman on our Texas-Mexico border who had married into one of the most prominant Cuban families. He had traveled extensively in Cuba in the late 1920's and 1930's organizing baseball teams. That was his business. He met and married a member of one of the most prominant Cuban families.

After the election and on December 10, 1960, he called me and he advised me that he had to see me because he understood that I knew President-elect Kennedy very well, and that there were some things happening that were going to affect the Presidency even before he had a chance to get sworn in, and that he wanted to arrange a meeting through me with an individual then in Miami who had been a former distinguished Cuban jurist, that has been a member of the World Court representing Cuba and later in the diplomatic corps of Cuba, and he was an exile in Miami and had grave and serious matters. I met with him because I insisted that he give me details, since I did not know anything about Cuba. I had never made myself an expert on anything Latin American, just because my last name is Hispanic, and I keep trying to tell my friends, including President-elect Kennedy, who had called me on Sunday, before January 20 when he was going to be inaugurated, and called me from West Palm Beach to tell me that he wanted to appoint me as an Ambassador to some Latin American country, was the way he put it.

□ 1505

I demurred. I said, I am not ambassadorial material. He explained that he had long considered this vast reservoir of talent in the United States, of culture and tradition and heritage—Hispanic, as a source that would be fruitful in the selection of competent men that could be sent down as envoys for the United States.

I said, "That may be fine, and I'm sure you will find them." This group, like any other, has good, bad and indifferent; and yes, they have been victims of discrimination and all of that in the Southwest, but nevertheless, in our atmosphere of freedom, they will rise, those who have talent, but I am not one of those that has any kind of ambassadorial ability or ambition and I know it, and there is no use wasting your time; I am not interested.

Then he wanted me to come up and I did not. This was the background at the time this man called me from the border town. When he met with me before, I would consent to bothering the President-elect and meeting with him, which I considered a big responsibility. He came and explained to me that he had the most disturbing information; that a decision had been made in 1959 during the Eisenhower administration to invade Cuba, to try to knock out the newly installed Castroite regime.

Just in 1 year the CIA had spent, in the Miami area, $2.5 million training again another disparate group of exiles for the invasion. He told me that it would occur in February; he gave me the exact day, he told me the time that it was scheduled to depart from Florida; he told me the coincidentally departure of a group trained in Nicaragua, in the Somoza regime, anti-Castro, where the CIA also had training camps; and in one other Central American country.

The theory being, and as I later found out, that a group had been formed in the State Department, the Special Operations Group, but it was not supposed to have military purposes in mind.

Somehow or other, as the mysterious submerged groups that have power and no accountability will do, they will soon arrogate power that never has been given to them.

This happened, because by 1959, late in 1959 or April 1959, this group had decided on an incursion into Cuba based on a company-size invasion in each one of the six Cuban provinces.

At the time this man called me, I did not know any of that; who would know? I did not know anything about Cuba, and I told him so. He said, "Well, you're a good friend of John Kennedy, and we are warning you: He doesn't know, and he won't know, and what we're trying to tell you is that even if these men that form this invading group were to succeed in physically occupying Cuba, they would never be able to govern it because they cannot even get together among themselves first.

"Second, unless the United States is prepared to go in and sit and govern, this group won't do it." He said "Furthermore, we know that Castro knows exactly what we know, because we know that these groups and these CIA-sponsored activities have been infiltrated by friends and allies of Castro in the Miami area."

I said, "Fine. I think that's very important." I picked up the phone and I called Mr. Kenny O'Donnell, later the personal secretary of President Kennedy. I called him to Hyannisport and I arranged, because the President-elect had announced that he was coming to visit Lyndon Johnson at the ranch that Friday, which if I remember correctly was around the 11th or 12th of December 1960.

Mr. O'Donnell said, "Just a minute, I'll call you back." He called me back and said, "We're taking your good judgment, Henry, and we can allow you 15 minutes to visit with these friends, with Jack Kennedy, at Bergstrom Air Force Base, on Friday, if you will be there by 12 noon, report to the commander; he will see you at 12:30 for 15 minutes and then proceed by helicopter to Lyndon Johnson's place."

I then called the gentleman who had returned to his home town of Del Rio, and I said, "Fine. When is your man able to come over?" To make a long story short, on the appointed hour which was going to be that Friday, in the morning, and we were going to meet in San Antonio and then I was going to drive them to Bergstrom Air Force Base, this fellow from Cuba did not show up. It turned out something had happened to him. What, I never really knew for sure, but I am sure that the CIA probably intercepted the purposes of his projected trip.

So I then refused to go and bother the President-elect at Bergstrom Air Force Base. I then suggested to my friend that when and if he ever had that man, to let me know and I would contact then-U.S. Senator Ralph Yarborough, and let him set up, if he was willing to do so, whatever meeting they thought was necessary.

The reason I am going into this is that I was still in the State senate. I had announced my candidacy for the U.S. Senate. So naturally, I was preoccupied; I did not even come to the inauguration of the President. First because I did not have the money with which to do it and second because I was giving my all to running to the U.S. Senate seat which had been vacated by President Johnson.

On February 17, lo and behold, the date this friend had given me as the invasion date, the hour—all of that was exactly the way it had been explained to me. Ever since then, I made up my mind I would never overlook reliable and absolute foolproof sources of information.

This is what has been happening since 1979 in September in the case of El Salvador, and Nicaragua and Guatemala. That, my colleagues, is the only reason I have ever based myself in coming before the Members of this House, for the record—not for television; for the record—in order to appeal on the basis of the judgments I have formulated, in turn based on absolute reliable sources of information.

I have been pointing out that whatever it is, and I notice that Mr. Lewis in his column says, he refers to President Reagan's "policy." The trouble is, there is no policy. The President has never exerted any leadership in presenting either short-range or long-range, other than spasmodic, ad hoc requests, a policy approach. Our country has yet to develop a policy that will distinguish between an indigenous, native revolution, civil war and one that has been imposed by external forces, be they Communist or any other.

We have paid an extremely heavy price in blood and treasure for this lack of knowledge and perception, compounded by our own willingness to learn the history and the culture of these nations with whom destiny decrees we must share the future, of our children, grandchildren, great grandchildren.

Some of my colleagues have said, in advocating that we vote for this aid, that the reason they are doing it is because they do not want to see their children fighting. Their support of this approach and the actions that President Reagan has been taking, irreversibly, President Reagan is worshipping at the altar of the false bitch goddess of war.

I will say this, whether or not my resolution is considered, whether or not an impeachment resolution is ever considered by the Congress—which it ought to be—I will say this, President Reagan: You have already been impeached. You have been impeached by the infinite and the Almighty. Disgracefully, it will be others, and the children and the young who will face a future of anger and hatred and divisiveness, and the establishment of a history of out-and-out hatred in the New World, with the people that our children will have to deal with.

We have learned nothing. We have learned nothing from the first time we attempted to intervene in the way we have. That we have sold our birthright for—not even a mess of pottage, but for an ideological fear that obsesses the minds of even some otherwise highly intelligent Americans.

□ 1515

This I think should have been revealing to us as a policy of catastrophe, disaster, and further bloodshed.

Let me conclude, Mr. President, by saying you have already been impeached. We have walked out of the tribunals of international law. We are the ones that are trying to evoke the name of law and order in denouncing acts of terrorism among others. We have been found guilty of those actions as a nation by the only tribunal set up by the world's civilized countries. I say that that is indictment enough and that the wise, and I have the utmost confidence that given a chance to evaluate calmly and not under an aura and atmosphere of extreme pressure in a political election year, that the right thing will be done. The only thing is that up to now it has not, and up to now it has meant that we have a price to pay that I think, if the American people, en masse, understood, would say why should we?

Is there any need for it? I never have thought so. I always felt—I antagonized friends, President Johnson, mostly his advisers, when I pointed out that I felt there was an act of unconstitutionality in drafting an unwilling American conscript, and then compelling him, against his will, to go outside the continental United States in an undeclared war. Why did I say that? Because that was the express provision that had to be incorporated into the first Universal Training Act of 1941 that passed only by one vote and not until that clause was in it. Everybody forgot about it because naturally in those intervening years you have World War II and a formal declaration of war. I remind my colleagues, like I am reminding the President, that maybe he will never be called to the bar of the Congress or any other, not earthly, but he has already been impeached by the infinite and so has the Congress that has gone along supinely without rising to the independence, the coequality, and the separation that our Constitution says is our duty to uphold. This is the issue; nothing else is the issue.

Nobody that I know, in or out of the Congress, back home or in my district, has ever had any brief for what we call communism or Castro-ism or anything like that.

That is not the issue. That is a false issue. And if it is, then I will repeat what I have said innumerable times: We will never defeat communism with bombs. The only way will be social justice, which means instead of having traded our birthright we should have lived up to the heritage, our revolutionary heritage, and instead of letting other false hypothetical forces such as Communist and Socialist forces take the credit, we ought to be leading the revolutions in those unhappy lands where, at last, the millions of oppressed, downtrodden peoples who have been oppressed for 300 years, that would not even know what it would mean to have 6 minutes of democratic rule but who now know because the world has contracted, that they do not have to take it any longer and they are not going to take it.

So either we go in and we lead the revolution like we did on our own, or we abdicate and then see ourselves swept into the backwater of history because history is irrevocable and inexorable, and we will never escape that judgment. We can vote and we can satisfy our constituents and we can yield to those that say, "Who are you for? If you don't like it here, why don't you go back from wherever you came from," overlooking the fact that I was born in San Antonio in the United States. But I have had to face that ever since I can first remember, when I first went to school. So I say to my colleagues, next week the issue is not the money. That was proven 2 weeks ago when the President quickly found $20 million that he sent down to Honduras. The President said just 5 days ago that they did not request it, they did not want it. This is a country we are occupying, we are invading. They do not want us. The representatives of Honduras have never said they want us. In fact, they go out of their way, the Speaker or the President of their Assembly as they call it, has come out and said, "We wish you would leave."

We have gone in, we have had the shameful experience of $27 million approved for so-called humanitarian aid last year not even being delivered because the Honduran Government will still officially deny to the world, because they are trying to be law-abiding, international-law-abiding citizens and they will deny to the world that they have Contra bases in Honduras. The only reason they are there is because we have forced them there.

I will say this, my colleagues, and I know I am right, that the best thing we could do right now, and if I had the power, not that I am ambitious for that power, but if I did have it, I would do what I told President Johnson in 1966, I would pull out all our military south of the border, I would pull them all out, pull out the helicopters, and I would send back—and protect them—the priests, the nuns, the Protestant missionaries, the teachers, the doctors, I would recruit nurses, I would take water tanks instead of Sherman tanks. That is what I would do. And let me tell you the United States would have a leadership that would never be in any way eroded and we would find ourselves with a self-contained New World economy that some of us have been advocating for years in which, instead of idle plants in the rust belt we would have the smokestacks producing goods and a market, a ready market. We would be buying the needed goods and prime materials that we need and the other luxury goods like sugar and coffee and would have to be paying like we do now, through the nose and through a lobby who are the ones forging the policies of this administration.

I yield back the balance of my time.

FAIR SHARE LOW-INCOME ENERGY ASSISTANCE ACT OF 1986

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. BROYHILL] is recognized for 60 minutes.

Mr. BROYHILL. Mr. Speaker, I am introducing today the Fair Share Low-Income Energy Assistance Act of 1986.

This is a simple bill to remedy a clear injustice. The Department of Health and Human Services allots funds to the States under the Low-Income Home Energy Assistance Program [LIHEAP]. These funds are used by the States to help low-income families pay their energy bills.

Prior to fiscal year 1985, the formula for determining each State's share of low-income energy funds did not take into account the most direct measure of need—the amount of money spent by low-income households on energy. An amendment enacted in 1984 under the leadership of my friend and colleague, Mr. MOORHEAD, made low-income household energy expenditures the basis for determining State allotments. There was, however, an important caveat to this new formula. This caveat essentially provided that no State could get less money under the new formula than it would have received under the old one. The purpose of this clause was to prevent any State from suffering a cut in its LIHEAP allotment, due to the change in the formula.

Now HHS is applying this caveat clause in a manner that slashes low-income energy aid for many States while insulating other States from any reduction in funding due to Gramm-Rudman. Rather than cutting each State's fiscal year 1986 LIHEAP share by a uniform 4.3 percent, HHS intends to reduce 20 States' allotments by up to 11.69 percent, while some States' allotments will not be cut at all! Appended to this statement is a chart showing how each State is affected.

Implementation of spending cuts in this manner is tantamount to back-door repeal of the Moorhead amendment. Congress intended, and expected, the Gramm-Rudman sequestration to reduce spending across-the-board except for those programs explicitly exempted. The overriding premise of sequestration is that recipients of Federal moneys should share equally the pain of spending reductions. It makes no sense to undercut this premise because of a clause predating Gramm-Rudman.

Passage of this bill would remove any doubt as to what Congress intends in implementing the Gramm-Rudman sequestration order for LIHEAP. The Fair Share Low-Income Energy Assistance Act would make clear that any sequestration order must operate to reduce each State's share by the same percentage amount. This uniform reduction of funding would ensure that the policies and decisions made by the Congress, and reflected in the allotment formula, are preserved and that each State receives its fair share of LIHEAP moneys.

States	86 allotments $2.1 billion (ADM = $2.235 million; before G/R/H)	86 allotments reduction formula	Percent reduction formula	86 allotments reduction pro rata	Percent reduction pro rata
Col. A	Col. B	Col. D	Col. E	Col. F	Col. G
Alabama	$20,055,090	$17,710,215	−11.69	$19,192,720	−4.30
Alaska	10,815,202	10,815,202	0	10,350,148	−4.30
Arizona	9,698,881	8,564,871	−11.69	9,281,829	−4.30
Arkansas	15,302,982	13,513,731	−11.69	14,644,953	−4.30
California	107,589,719	95,010,144	−11.69	102,963,356	−4.30
Colorado	31,692,305	31,692,305	0	30,329,534	−4.30
Connecticut	41,343,730	41,343,730	0	39,565,948	−4.30
Delaware	5,988,766	5,731,249	−4.30	5,731,249	−4.30
District of Columbia	6,725,747	6,436,540	−4.30	6,436,540	−4.30
Florida	31,733,142	28,022,848	−11.69	30,368,615	−4.30
Georgia	25,089,914	22,156,358	−11.69	24,011,047	−4.30
Hawaii	2,134,629	2,134,629	0	2,042,840	−4.30
Idaho	12,362,111	12,362,111	0	11,830,540	−4.30
Illinois	121,420,693	116,199,597	−4.30	116,199,597	−4.30
Indiana	54,545,812	52,200,340	−4.30	52,200,340	−4.30
Iowa	36,719,670	36,719,670	0	35,140,722	−4.30
Kansas	18,060,013	17,283,432	−4.30	17,283,432	−4.30

States	86 allotments $2.1 billion (ADM=$2.235 million; before G/R/H)	86 allotments reduction formula	Percent reduction formula	86 allotments reduction pro rata	Percent reduction pro rata
Col. A	Col. B	Col. D	Col . E	Col. F	Col. G
Kentucky	30,886,082	28,183,302	−8.75	29,557,979	−4.30
Louisiana	20,503,252	18,105,976	−11.69	19,621,611	−4.30
Maine	26,784,147	26,784,147	0	25,632,427	−4.30
Maryland	37,470,649	33,089,516	−11.69	35,859,409	−4.30
Massachusetts	82,701,153	82,701,153	0	79,145,000	−4.30
Michigan	114,998,162	110,053,236	−4.30	110,053,236	−4.30
Minnesota	78,271,456	78,271,456	0	74,905,780	−4.30
Mississippi	17,194,125	15,183,758	−11.69	16,454,777	−4.30
Missouri	50,087,155	47,778,052	−4.61	47,933,405	−4.30
Montana	14,499,970	14,499,970	0	13,876,471	−4.30
Nebraska	18,159,286	18,159,286	0	17,378,436	−4.30
Nevada	4,555,275	4,022,665	−11.69	4,359,398	−4.30
New Hampshire	15,653,641	15,653,641	0	14,980,534	−4.30
New Jersey	86,626,243	80,250,915	−7.36	82,901,310	−4.30
New Mexico	11,920,234	10,722,624	−10.05	11,407,663	−4.30
New York	250,682,526	250,682,526	0	239,903,166	−4.30
North Carolina	44,221,026	39,050,627	−11.69	42,319,520	−4.30
North Dakota	15,751,355	15,751,355	0	15,074,046	−4.30
Ohio	113,925,355	105,815,466	−7.12	109,026,559	−4.30
Oklahoma	18,434,747	16,279,324	−11.69	17,642,052	−4.30
Oregon	24,562,876	24,562,876	0	23,506,671	−4.30
Pennsylvania	134,653,488	134,653,488	0	128,863,382	−4.30
Rhode Island	13,613,082	13,613,082	0.	13,027,719	−4.30
South Carolina	15,927,829	14,065,519	−11.69	15,242,932	−4.30
South Dakota	12,792,859	12,792,859	0	12,242,765	−4.30
Tennessee	32,329,050	28,549,081	−11.69	30,938,899	−4.30
Texas	52,793,359	46,620,669	−11.69	50,523,242	−4.30
Utah	14,727,489	14,727,489	0	14,094,206	−4.30
Vermont	11,732,961	11,732,961	0	11,228,443	−4.30
Virginia	41,694,856	39,901,975	−4.30	39,901,975	−4.30
Washington	40,402,548	40,402,548	0	38,665,237	−4.30
West Virginia	18,737,280	17,931,576	−4.30	17,931,576	−4.30
Wisconsin	70,455,549	70,455,549	0	67,425,957	−4.30
Wyoming	5,896,563	5,896,563	0	5,643,011	−4.30
Total	2,094,924,034	2,004,842,202		2,004,842,202	

Mr. MOORHEAD. Mr. Speaker, I rise today in support of the Fair Share Low-Income Energy Assistance Act of 1986. This bill will assist, to the extent possible under Gramm-Rudman, the equitable allotment of Low-Income Home Energy Assistance Program funds to the States. The Low-Income Home Energy Assistance Program provides block grants to the States to help pay the fuel bills of eligible low-income families. In 1984, under my leadership, an amendment was enacted which required State allotments of Low-Income Home Energy Assistance Program funds to be based on the actual energy expenditures of low-income households. That amendment included a proviso that no State could be allotted less money under the new formula than it would have been allotted under the old formula. The purpose of this proviso was to prevent any State from suffering a cut in its LIHEAP allotment due to a change in the formula.

The Department of Health and Human Services, however, has proposed to allot funds to the States so that certain States suffer no cuts in their allotments from either the new formula or Gramm-Rudman. Thus, HHS is proposing to reduce some State allotments, including the allotment of my own State of California, by up to 11.6 percent rather than cut each State's allotment by a uniform 4.3 percent.

This is obviously unfair and could never have been intended by Congress, either at the time my amendment to LIHEAP was enacted or at that time that Gramm-Rudman was enacted. Moreover, it has the effect of nullifying the formula change adopted in 1984. This injustice should be corrected. Enactment of the Fair Share Low-Income Energy Assistance Act will require any sequestration order under Gramm-Rudman to reduce each State's allotment by the same percentage amount. This uniform, even-handed reduction of allotments will ensure that each State receives its fair share of LIHEAP moneys.

I urge my colleagues to support the Fair Share Low-Income Energy Assistance Act of 1986.

INTELLECTUAL PROPERTY AND TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 15 minutes.

Mr. KASTENMEIER. Mr. Speaker, it is now commonplace that the United States must take dramatic steps to address our serious trade problems. Increasingly the private sector, Government officials and politicians have fixated on enhanced protection of American intellectual property as one of the keystones to addressing the trade problem. Without question, the American creative genius has been nurtured by strong legal tradition of protecting the property rights of intellectual property owners. As we think about adjusting our lives and laws to meet the trade problem I hope that we can proceed in a balanced and objective way. As important as this task is we should not take shortsighted and precipitous action as a palliative for short term problems.

Before outlining what are, in my view, the elements of a coherent and comprehensive approach to intellectual property and trade let me set the context.

Our key intellectual property laws—copyright and patent—are derived from the constitutional mandate to "Promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive rights to their writings and discoveries." (U.S. Constitution Art. 1, section 8, clause 8.) The Constitution envisions a bargain. Creators and inventors receive a benefit—a form of a limited monopoly right. In exchange, the right. In exchange, the public arguably benefits twice—first when it obtains access to the creation or invention, and second when the term of protection expires and the creation or invention is added to the public domain. This bargain furthers the public interest and does not represent in any way recognition of the natural right of creators and inventors to proprietary protection. Thus, our intellectual property laws—including laws relating to trademark and mask works—represent carefully fashioned compromises which limit the nature and extent of the rights of intellectual property owners. These limits include concepts such as fair use and first sale in copyright and the right to engage in reverse engineering with respect to mask works.

From a political perspective it is safe to say that our intellectual property laws are neither unlimited nor primarily designed to provide a special benefit. "Rather, the limited grant is a means by which an important public purpose may be achieved." *Sony* v. *Universal City Studios,* 464 U.S. 417, 429 (1984).

This perspective is important to keep in mind when addressing trade legislation affecting intellectual property. In my view, it would be a serious mistake to use legislation relating to international trade as a vehicle for changing the positive law relating to intellectual property.[1] I am also hopeful that we will not ignore the public interest in a rush to protect what are currently perceived by some to be embattled industries. Ultimately, I think that we would strike a bad bargain on behalf of the public if we ignored the need for balance.

SUMMARY OF PROPOSALS

As chairman of the Subcommittee on Courts, Civil Liberties and the Administration of Justice, Committee on the Judiciary, I have

[1] For example, we should avoid taking sides in the grey market or parallel import issue in trademark law or on first sale in copyright law, or on reverse engineering in mask work law.

responsibility for overseeing the functioning of both the intellectual property system and the Federal courts. The proposals I offer hopefully will preserve the appropriate role of the courts in adjudicating and enforcing intellectual property rights while simultaneously recalibrating the nature of the rights and remedies available to creators and inventors. In my view, a comprehensive trade-oriented intellectual property bill should include administrative law reform affecting the operation of the International Trade Commission [ITC].[2]

The ITC is an independent Federal agency, whose members are appointed by the President, authorized to adjudicate trade cases. The ITC is not and should not become an intellectual property court. In recent years section 337 of the Tariff Act of 1930 has been used to bring a number of patent, copyright, and trademark cases before the ITC. There is no doubt that the ITC is an important—if not essential—supplement to the remedies available in the Federal judicial branch. Because the ITC has in rem jurisdiction to exclude goods which would injure a domestic industry through unfair trade practices it differs both structurally and procedurally from a Federal court. The ITC remedy does not pose an insurmountable jurisdictional barrier to unauthorized exploitatiion of American intellectual property, because its powers are limited to the exclusion of goods either at the border or before they meld into the stream of commerce. Although the decisions of the ITC are ultimately reviewable by the Court of Appeals for the Federal Circuit, the same circuit that hears all appeals from district courts in patent cases, its procedures are not inherently judicial. For example, the ITC cannot assess damages, exercise any police power, nor can it hear counterclaims. Notwithstanding these limitations, however, the ITC currently is a potent weapon for the enforcement of intellectual property rights. The ITC presents the following advantages: First, availability of an exclusion order preventing entry into the U.S. of all offending goods regardless of source; second, extremely expedited procedures, cases must generally be concluded within a year; and third, the ITC need only follow the Administrative Procedure Act [APA] rather than more cumbersome judicial rules.

Despite the relative advantages of an ITC remedy, there has been a growing consensus to make relief obtained in the ITC more effective and expeditious. While that sentiment is understandable, before acting we should be keenly aware of the nature and extent of the alleged problem.[3] As you know, if it isn't broken don't fix it is a common refrain in Congress. We must also keep in mind the bargain—made on behalf of the public—referred to above.

I cannot tell you exactly what is the problem. I do challenge you to carefully identify the ends served by any legislative solution to see if the ends justify the means.

Some have suggested eliminating the so-called injury test altogether. Such a change is ill-advised. First, it would transform the ITC into a court whose only job would be assessing patent validity and infringement. Such a role would be especially inappropriate for an agency which is five-sixth nonlawyers. Second, retention of the injury requirement is the quid pro quo we offer to importers in exchange for an expedited nonjudicial proceedings in the ITC. Finally, elimination of the injury requirement could very likely produce serious challenges that future ITC orders violate the General Agreement on Tariff and Trade [GATT]. GATT violations, if found, can trigger retaliatory discrimination against innocent American exporters, hardly a desirable result.

The other major suggestion that has received some level of support in the context of intellectual property and trade is the removal of the domestic industry requirement. If enacted, this proposal would allow—if not encourage—foreign patent holders, currently 40 percent of the total to use the ITC to seek to exclude either their foreign or American competition from obtaining access to the U.S. market. Without the domestic industry requirement, this access would not be predicated on any investment in the United States. This change cannot be said to be an attempt to protect American jobs, quite the contrary is true. I should note parenthetically that it is argued that by giving equal access to the ITC by foreign industries will encourage better treatment of American intellectual property abroad. This argument sounds like the hope of a negligent driver who pays part of the victim's hospital bill that he/she won't be sued. Stated differently, if we gratuitously grant access to the ITC to foreign concerns, it is claimed that they will not sue us in GATT.

This is not to say that no changes are required. A careful review of the ITC and its current problems would support the following five modifications:

First, create a rebuttable presumption that once a complainant establishes the existence of a Federal, statutory, intellectual property right and an act of infringement that alone suffices to make a prima facie showing of injury. This change would permit a respondent to show lack of injury; for example, that the acts complained of produced no lost sale or profits.

Second, modify the domestic industry requirement by allowing complaints to be filed by persons who have made a substantial investment in facilities or activities relating to the exploitation of a patent, copyright, trademark, or mask work, including research and development, licensing, sales, and marketing. This adjustment will assure continued access to the ITC by entities, including universities, who have a substantial stake in the United States. This change would also avoid the unfortunate results which have occurred in some recent cases, such as Gremlins, where—because of pertinent legislative history explaining the current law—the ITC has denied relief notwithstanding the existence of a larger service industry exploiting the intellectual property right within the United States. Finally, such a change will enable universities and small businesses who do not have the capital to actually make the good in the United States to still have access to the ITC forum for the protection of their rights.

Third, transfer the economically and efficiently operated criteria from being an element of the complainant's case to a public interest factor to be evaluated by the ITC only in determining whether to approve a remedy. This change alone should limit the real and potential discovery abuse which can occur under current law.

Fourth, grant the ITC authority to penalize or sanction abusive discovery efforts.

Fifth, clarify the ITC's authority to: issue cease and desist orders in addition to exclusion orders; keep certain information confidential; enter limited exclusion orders in default cases without a full hearing; grant preliminary relief; require the posting of bonds by both parties; and provide that certain forfeited bonds can be assigned to the prevailing party.

In sum, there are five nondraconian modifications to the Tariff Act which meet the legitimate concerns expressed by advocates of change. After carefully reviewing these issues, it is my hope that the Congress will agree upon a balanced approach affecting the rights of both consumers and producers while serving the public interest and meeting constitutional criteria.

[2] Additional measures to further classify the rights of intellectual property owners have already been considered. Congress—through legislation processed by the Committee on Ways and Means—has given the United States Trade Representatives and the Department of State powerful weapons to use in bilateral negotiations in the context of the General System of Preferences [GSP] and the Caribbean Basin Initiative [CBI]. By permitting GSP and CBI benefits to be affected by the adequacy of our trading partners' intellectual property laws we have already wielded a big stick to induce greater intellectual property protection abroad.

Currently pending before my Subcommittee are two important measures affecting patent rights; process patent protection and legislation to implement the Patent Cooperation Treaty. Enactment of these measures would further align American law with internationally accepted norms of patent protection.

Finally, there have been proposals to make an intellectual property code part of the GATT and to adhere to the Berne Convention. While I remain skeptical about the wisdom of both of these initatives, I know that the Administration will not proceed on these fronts without full consultation with both the House and the Senate, including all the relevant Committees.

[3] *See* Testimony of ITC Chairwoman Paula Stern before my Subcommittee on Feb. 19, 1986.

GENERAL LEAVE

Mr. GONZALEZ. 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 extraneous material on the subject of the special order today by the gentleman from Maryland [Mr. HOYER].

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

There was no objection.

OSHA

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GAYDOS. I want to thank the Speaker and I want to, before I get into my formal remarks, refer back to a dissertation I had, through special orders, on the floor here 2 days ago. I did not have time to finish at that time. I think

in order to effect continuity of the remarks then I should make reference to some items. I was talking about OSHA, 2 days ago, the Occupational Safety and Health Act. And a lot of persons and individuals in this country still do not understand OSHA, what it means, what its purpose is, or was, and how it was designed to protect every working man and woman in this country.

My good friend, Mr. GONZALEZ, from Texas, talked about a very critical subject, and he does it on a regular basis, in order to promulgate some subject matters of grave importance to the country. It has a flavor of internationalism. When I talk about OSHA, it is distinguished from that type of analysis because OSHA goes right home, it goes directly to the core of what makes this country a great Nation.

OSHA protects people who work. Now if you cannot work or if you are on some type of a program in this country which does not allow you to work, you are disabled or some other type of a program, then of course you might not be too interested in OSHA. But by far the large majority of the American population is touched directly or indirectly by OSHA.

We have had OSHA in existence in this country for approximately 15 years. I consider it a personal privilege to have been one of the few remaining Members of the House who served on that committee, when we put the concept of OSHA together to protect the working man and woman in this country, both blue- and white-collar workers. That was a short 15 years ago. Other countries have had a like type of legislative enactment in effect for years, 20, 30, 40 years.

In this country after 200 years of existence, being the country that is so powerful, so intellectually advanced, so rich, we have an act in effect approximately 15 years. That is the act I want to speak on very hurriedly, the one I talked about previously.

As the chairman of the Occupational Safety and Health Act, on the general committee, Education and Labor, we are called upon to go throughout the country to take a look at how OSHA is working and when things like, for instance, a fireworks factory explodes or maybe some graineries explode, men and women are killed, blown up, parts of their bodies blown into smithereens, or they find burned corpses or, for instance, like the cooling towers in West Virginia, down at St. Mary's, where we had something in the neighborhood of 29, 30 workers, working in a cooling tower and all at once all of the scaffolding collapsed and they were thrown to their deaths, immediately. I just came back, the committee just came back from Oklahoma not too long ago where they had a fireworks factory located outside of the city back in a very, very rural area and they had people working there that were uneducated, very poor people, scratching out a living on the farm and this fireworks factory, which was never inspected by OSHA, never even listed on their rolls, and yes, a lot of young people working there too, 12, 13 years of age, a secret operation outside of your capital in Oklahoma.

□ 1350

And then when the big explosion came and leveled the whole thing, then they picked up the dead bodies, in the neighborhood of some 21 or 22 of them.

You know, the ironical part about that is that 2 days ago on the floor—I had gone out there and had taken the committee, I would say roughly 6 months or so ago down there to Oklahoma—2 days ago on the floor, the Representative from there, Congressman SYNAR, came up to me and the gentleman said, "Joe, do you remember that hearing we had?"

I said, "Yes, I remember."

Congressman SYNAR said, "Do you remember all the tragedy?"

I said, "Yes, I do remember all the tragedy."

Congressman SYNAR said:

> Do you know that they just discovered them again rebuilding that factory in the same spot? Nobody knows it was being done, in violation of zoning ordinances. It is not registered. OSHA is not over there, and they have rebuilt it, and I guess it is about to go back into operation again.

Do you know why they could do that and why they get away with it? No. 1, it is big country. We have something like 11,000 or 12,000 inspectors looking at something like 6 or 7 million work places, covering something like roughly 70 million workers, men and women in this country.

But do you know why it operates down there? It is difficult, yes, to find out, but usually somebody tells. Somebody is going to talk about it. There are rumors that are going to drift back to our OSHA people. But the reason why it works and it is kept alive is because of basic fundamental desperation. The people who work there need the money that desperately and they keep it quite. They will not talk to anybody about it. You ought to see the stinky wages that are being paid, less than minimum wage.

There is an article in today's Washington Post about a factory that blew up, a fireworks factory that blew up in California. I would grant you that it will probably be somewhat along the same situation as the one over in Oklahoma. How it existed and why it existed, again, operating and existing on the fundamental misery of people, a person who cannot make a living because of where he is located, where he is stuck, in some rural area where there are no factories. Particularly in Oklahoma, the oil business is down and the farmers are in trouble. So where does that man or woman or young person work, especially if they come from a poor family? With no opportunity to go to college, what does he do? If he is industrious to any degree whatsoever, he ends up in one of these factories such as that.

I can tell you as a chairman having traveled the width and breadth of this country, talking about all kinds of things—mercury, the mercury problem in New York. They make thermometers there. Again, they are paying less than minimum wage. They were never inspected. Finally, through the grapevine, they sent some inspectors up there and they had some terrible working conditions. There was mercury from these thermometers on the floor. You know, mercury is poisonous and, if it gets into your system, you lose your eyesight, your nervous system is attacked, and you lead a miserable life if you live. It is a poisonous substance fundamentally, and proven without any doubt.

There it was in New York City. Where? Among the poor people over there, the Hispanics that came up and the Puerto Ricans with difficulty in acclimating themselves to this country, and the new language in a lot of situations, thrust into living in those squalored apartments up there in New York, something like 20 and 30 people to a room, sleeping in shifts. As soon as one person gets out of bed, another one jumps in. They cannot afford anything else. They were below minimum wage. And there they were, eating in a room with mercury all over the floor. It was never inspected by OSHA.

I could go on and on and give you so many examples, so many examples.

The St. James River today in adjoining Maryland with the keystone situation that occurred there some 8 or 9 years ago, where they found this poison that got into the river, into the people, into the workers. I remember them testifying before the committee and their eyes were not coordinated and they had the shakes because of that keypone, that poison which is used as a fire ant killer. When it gets into the human anatomy and in the circulation, it attacks the nervous system. That got into the river and all the fish were polluted. They still do not eat fish from that river because it is polluted.

What am I saying? I am saying that we passed this act 15 years ago—this is what I wanted to say the other day, but we did not have time—and we passed it with all good intentions. It is not a perfect act. But here it is 15 years. I think 15 years is a reasonable time, as a reasonable man, I have to conclude it is a reasonable time, for this great country with all of its accomplishments to at least put into effect a half effective act to protect those men and women who are paying taxes in this country, who support this very building in which I speak, those

workers, so that when they go to work, at least the immediate family have a reasonable expectation that the primary breadwinner will find his way back from a half decent workplace; half decent, not mercury all over the walls and all over the floor, and not fall from a scaffold like down there in St. Mary's, and not be exposed to keypone.

We were down in New Orleans where the graineries exploded. If you ever saw a grainery, probably you have in your travels, it is a big structure, 20 or 30 stories high. They get accumulated with dust in there and one little spark sets it off and it blows like a torpedo. It kills everybody and anybody around. We went down to Oswego and down to New Orleans and we saw that. We investigated those series of explosions with a lot of deaths. There were something like 52 people killed. I took the committee down to examine it to try to find out, to get evidence on record why these disasters were occurring.

I think maybe the act is not working as half reasonably as it could or should, because we have not had an OSHA Director of any meaningful duration. We do not have one right now. There is a man there, a professional, a good man, but he is in a temporary position. He is serving as the OSHA Director. We have not appointed one. I think it has been like that for 6 to 9 months. The man before him—I am not going to get into names—the Director before him only lasted some 6 or 9 months and resigned. We had a Director prior to that who resigned and he said his job was finished.

I am telling you that I have in my capacity as a chairman, and also as an individual, a concerned individual, to feel that OSHA is far from working in a reasonable manner. To protect again, whom? The taxpayers of this country, the working man and woman, those that have done it so long.

I do not know if it is unreasonable to conclude that a man or a woman has no right to expect that his work place should be free from maybe a cancer-causing hazardous material. I do not know. All I know is that human decency and a series of precedents throughout the whole world, as evidenced in their enactment and their laws, indicate that governments, if they are doing their job, have a duty, yes, even a holy duty, a duty to their citizens to enact a meaningful act to protect that man and woman who work, a meaningful act to enforce that act.

Secretary Brock is a good man. He served in Cabinet posts under this administration. I know him personally. He was a former Member of this House. In fact, he is going to testify before the committee because I am bringing him in. I have a lot of questions I have to ask him about a lot of things.

□ 1540

Even Secretary Brock, here some 6 months ago, said:

> We don't have a standard in the agricultural business. We don't have a standard which would provide fundamental, simple toilet facilities for those who work out on our farms, those migrant laborers who do all of the stoop labor, pick the lettuce, pick the asparagus, do this, do that, there are no facilities out there.

There is no ability to wash their hands after they do work with pesticides in the fields, to wash their hands, for sanitary purposes, after they have handled all of the fruit and all of the pesticides and the crop that they are picking. And, yes, even after they might have used some toilet facilities, had they had them.

Talk about the opposition to such a fundamental and simple need affecting thousands of people, you talk about opposition, why, we have attached on the floor of this House to the appropriation bill that OSHA, the act generally which I am criticizing, does not pertain to any farm with 10 or less employees. They could not do that on the floor because I have had it bottled up and would not let the committee come out to amend that act whereby they may do it, so they do it indirectly, those who do not believe in OSHA, and they attach it to an appropriation bill where we provide money on the floor of this House for the different operations of the government, and they attach it to that and they make law on that bill.

They exclude from OSHA regulations farmers who employ less than 10 individuals.

You ought to go out sometime, if I could take you, and take a look at working conditions and who works out in the agricultural fields, take a look at their living conditions, take a look at families who are born into the trade or the business, born into it and no way to escape. It is very difficult.

Those are the things I wanted to mention that I did not mention the last time when I spoke. I have concluded that we are going to have to take a look at OSHA, try to get more standards in effect. We only have some 20-odd standards, and a standard has to be put into effect before you can enforce something. I am right now putting together and having hearings—and I will conclude with this on this part of the subject matter—involving hazardous communications of the workers, meaning that if you work anyplace where there is some hazardous material, the only decent thing and the only practical thing that you have a right to expect as a worker is to be notified that you are handling some material that potentially might be hazardous, deleterious substances. That is all the bill has in mind. Yet we have terrible opposition along the theory that if you do that it is going to cost so much money, so many records to be kept and that life in the ultimate which you are after, that is, the protection of a person, so that they would be alert to what they are handling, that is not important. The fact remains that it is another problem with the employer and that employee rights should be subjugated along those lines.

I just wanted to put those into the record and, hopefully, our hearing coming up in the near future with Director Brock will shed more light on the subject matter, and we might be able to hopefully influence him as the Labor Secretary to get after that OSHA act, to try to make it a meaningful act and to do what we had in mind when we first passed it.

JAPAN'S BUSINESS SAMURAIS TAKE AN ADVERSARIAL APPROACH TO TRADE

Mr. Speaker, during the course of the past several years, but primarily during the past 2 years, we have been told time and again that Japan is making every effort to increase its imports from the United States as a means of reducing the ever-growing trade deficit between our two countries.

And, as we have heard these pronouncements and watched as Japan's leaders made every effort to win support for their programs, we have seen failure after failure.

Last year, as part of a new national initiative, Japanese Prime Minister Nakasone urged every Japanese citizen to buy $100 worth of imports and, at the same time, 60 major Japanese companies pledged to increase imports by $5 billion.

Those efforts, too, appear to have fallen far short of the expected mark.

While there are no figures available on the push by the Prime Minister to have each citizen buy $100 in imported goods, we do have the results of a survey of Japan's 134 biggest companies and their import purchasing for the fiscal year ending on March 31. The survey shows that imports in the just ended fiscal year for those 134 companies rose by only 3.1 percent to $100.4 billion.

That total is a far cry from the 104.7 billion dollars' worth of imports projected by the Ministry of International Trade and Industry and, even more, it is a clear picture of Japan's practice of adversarial trade. Samuri economics—if you please.

Adversarial trade is a system whereby a seller displaces the goods produced by the "manufacturers" of the buying country without any compensating purchases from that country.

The concept is further outlined in an article in the April 1 issue of the Wall Street Journal. In the article, Peter Drucker, Clarke professor of social sciences at the Claremont Graduate School, notes that there is an ob-

vious difference between the Europeans and the Japanese trade with the United States.

One example cited by Mr. Drucker concerns the Swiss. They, Drucker says, on a per capita basis, are the world's largest exporters of machine tools and textile machinery, but, at the same time, are also the world's largest importers of both.

The West Germans export more motor vehicles, including trucks and buses, than Japan, but, unlike Japan, for every five West German vehicles sold abroad, West Germany imports three.

The adversarial trade pattern developed by the Japanese and now being copied by other Asian nations relies on a massive export program with few purchases of any kind from the buying country and almost no purchases of equalizing value.

The result, all too often, is the eventual destruction of the buying country's domestic competitive industry. We have seen it happen. We have seen it happen in the consumer electronics industry where, today, there are no American manufacturers of video-cassette recorders and only a couple of American radio and television manufacturers—and even they use parts made in foreign nations.

Mr. Drucker, unfortunately, uses an example that is in error. He says that in the mid-1970's, there were at least a dozen American plants manufacturing forklift trucks, whereas today there are none. That is an error. There are several companies still making forklift trucks in the United States, but each of those companies has off-shore operations and each buys components for its American operations from off-shore sources.

We see it happening in the steel industry, too. While it may be true that some American steel operations would have had to shut down because of outmoded equipment and excess capacity, too much of the cause is the heavy flow of imported steel from around the world. Our speciality steel industry is a good example in that it is the must modern and up to date industry in the world but still must be protected from such predatory practices in order to survive.

The one good sign of late is the downward trend of the American dollar. But its movement isn't as fast as many of us would like it and, there are indications that some nations may take steps to artificially shore up the value of their own currency.

The Japanese, concerned about the impact of the dollar's fall on their exports—they are already raising the prices of their cars and other products—have indicated they are considering steps to protect the yen against the dollar before the impact severely impairs Japan's export activities.

Any action of that nature could hasten the kind of negative reaction toward Japan and other adversarial exporting nations that Mr. Drucker says could occur.

And, as Mr. Drucker states, that backlash by Americans toward Japanese goods could open the door for an economic tragedy in Japan, including double-digit unemployment.

There is little doubt in my mind that Mr. Drucker is right when he suggests that Americans could very easily manage without Japanese-manufactured imports. The same, Mr. Drucker says, could apply to Western Europe.

Mr. Drucker offers what appears to be a moderate solution to the problem. He suggests that rather than limiting all sorts of imports, we might consider putting in place trade restrictions aimed at goods from countries that do not buy manufactured goods of a similar kind that at least equal in dollar value a minimum level of 50 percent of their exports.

This type of limiting provision, when coupled with a dollar that is decreasing in value against foreign currencies would enable America to adhere to the principles embodied in international trade laws, including our own, and, at the same time, focus on the truly serious aspect of the trade problem.

There is one other point in Mr. Drucker's article that I would like to single out for comment, Mr. Speaker, and that deals with the efforts by Japanese companies to build and operate manufacturing facilities in the United States.

According to Mr. Drucker, this practice will backfire in the long run because Americans will still consider it a predatory practice of first severely damaging or destroying the domestic manufacturer and then taking over the home turf.

Mr. Drucker suggests two alternatives. First, he says, the Japanese might want to consider the production consortia approach, in which manufactures in the buying country act as suppliers to the sellers. And, second, the Japanese might pay their share by taking over from American Banks some of the problems loans to the developing nations.

Because I believe Mr. Drucker's comments should be read and reviewed by every Member of the House, I will include the full text of his article as it appeared in the April 1 issue of the Wall Street Journal at the conclusion of my remarks.

There are two other items of special interest with respect to America's trade picture and the steel industry upon which I want to touch: The steel import figures for February 1986 and the impact of the merchandise trade deficit on the domestic steel industry.

On March 13 of this year, Commerce Secretary Malcolm Baldrige appeared before the congressional steel caucus to tell us that the President's program to control steel imports through a series of voluntary restraint agreements [VRA] was moving along on target.

During his appearance, Secretary Baldrige pointed to the sharp downturn of steel imports for the month of January as compared to December in an attempt to show the successful movement.

Last week, Mr. Speaker, the steel import figures for February 1986 were released and I certainly hope Secretary Baldrige will look them over carefully before he makes any more predictions as to the success of the President's program.

Just to refresh everyone of what is happening, in January 1986, steel imports totaled 1.748 million tons, a 34.3-percent decrease from January 1985—2.661 million tons—and an 18.6-percent decrease from December 1985—2.146 million tons.

In addition to the actual tonnage, in January 1986, imported steel accounted only for 21.6 percent of the steel supply as compared to a 30.9 percent share in January 1985 and a 27.2-percent share in December 1985.

With those figures in hand, Secretary Baldrige suggested that it was likely the President's program for steel would achieve the expected goal of limiting imports to about a 20.5 percent yearly share of the American steel market.

The Secretary may want to revise his projections and his comments on the President's program based on the February figures. Although imported steel tonnage for February 1986 was down by three-tenths of a percent as compared to February 1985—2.042 million tons in 1986 and 2.047 million tons in 1985, tonnage for February 1986 jumped by 16.8 percent as compared to January 1986—2.042 million tons as compared to 1.748 million tons. Further, the share of the American steel market taken by imports reached 26.6 percent for February and 24 percent for both January and February, substantially higher than the 21.6 percent share that imports had of the market in January 1986 alone.

So, Secretary Baldrige, as I said last month, we'll just have to keep on watching the numbers to see if the President's plan works and keep on praying that the American steel industry can hang on until either the plan works or someone wakes up and tries something different.

Too often, we in the congressional steel caucus forget that it isn't only steel imports that are bad for the steel industry. Some of the principal findings presented in a recent study, "Trade Ripples Across U.S. Industries," prepared by the Office of Business Analysis in the Department of Commerce, show that the merchan-

dise trade deficit itself has a substantial impact on the steel industry.

Among the findings in that report are:

The loss of shipments by U.S. Steel producers, due to steel mill products imports, amounted to $4.8 billion or 17 percent of the value of domestic steel mill shipments in 1984.

In 1984, indirect steel imports—those products containing steel—displaced an additional $8.5 billion or 30 percent of steel shipments, almost twice as much as the direct trade effect.

In 1984, the steel industry had 51 percent of total output displaced by imports, in terms of value, including both direct and indirect effects.

Net trade, both direct and indirect, caused a loss of 148,000 jobs in steel in 1984.

Assuming overall balance in U.S. trade in all goods and services—even though a U.S. merchandise trade deficit of about $80 billion annually would continue in the 1985-90 period—this would generate nearly 2 million jobs in the U.S. economy.

If overall balance in U.S. trade in goods and services were achieved, the steel industry would have one of the largest gains in output in any industry, amounting to about 7 percent—in terms of value—and also creating an increase in jobs of between 6 and 7 percent.

What all this means, very simply, is that the steel industry, as well as other manufacturing industries, is suffering most from the adverse effects of the Nation's trade imbalance and would benefit from a downturn in the overall trade picture.

It will be interesting to see where we stand for 1985. I, for one, want to know how effective the President's steel program has been and what the projections are for the next few years.

So far, I can't say that the results have been overwhelming, but I am willing to wait to see what develops in the next several months.

In the meantime, Mr. Speaker, I strongly suggest that the House take Mr. Drucker's proposal under consideration as we think about ways to bring America's trade imbalance under some kind of control.

We cannot afford, as a nation, to continue on our present path. For our self-defense and for our economic future, we must act and act now to eliminate our trade imbalance.

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Mr. Speaker, in conclusion, I strongly recommend to my colleagues to read and study and remember the article in the Wall Street Journal of Tuesday, April 1, 1986. It is captioned "Japan and Adversarial Trade."

With the inclusion of the article, I will conclude my remarks:

[From The Wall Street Journal, April 1, 1986]

JAPAN AND ADVERSARIAL TRADE

(By Peter F. Drucker)

"Why is the West obsessed with our exports?" every Japanese visitor asks. "The West Germans export even more and their trade surpluses are also growing rapidly." But there is a difference—though the Japanese are oblivious to it. The West Germans do indeed top the Japanese as exporters of manufactured goods—only the U.S. exports more. But the West Germans are also the world's second-largest importers of such goods—again topped only by the U.S. The Japanese, however, only sell; they do not buy. They practice adversarial trade.

The original 18th-century model of international trade—the one Adam Smith formulated—assumes complementary trade. Portugal sells wine in exchange for English wool. Each side buys what it cannot produce and sells what it is ideally equipped to make. There are no losers.

But since the middle of the 19th century the growth sector in the international economy has been competitive trade between developed countries. Both parties buy from each other similar goods, which both are capable of producing. Per capita the Swiss are the world's largest exporters of machine tools and textile machinery, but also the world's largest importers of both. West Germany exports more motor vehicles (including trucks and buses) than does Japan; but for every five West German motor vehicles sold abroad, the West Germans import three. In competitive trade there are losers: the U.S.—or West German, or British, or Swiss—manufacturer of weaving looms, for instance, whose technically inferior or more expensive product is being edged out of the market by the more advanced or cheaper make of its foreign competitor. But overall, everybody gains—not only the consumer but also the competing producers that are being forced to concentrate on what they do best, thus optimizing both resources and returns. In fact, in competitive trade the foreign competitor of an industry is commonly also its best customer. The best example is in chemicals, where each major company does more business with other chemical companies than with anyone else.

WEAKENS AND DESTROYS

But in adversarial trade both sides lose—the buyer, right away; the seller, within a decade or so.

In adversarial trade the seller's goods displace the goods produced by the manufacturers of the buying country without any compensating purchases from that country. No alternative markets for the foreign buyer's manufacturers are thus being created, and no purchasing power either. These manufacturers cannot earn the resources needed to modernize these plants and processes or to acquire the production volume needed to bring these costs down. If the seller in adversarial trade is truly successful, it eventually destroys the buyer's industry.

Twelve years ago, for example, there were more than a dozen American plants manufacturing forklift trucks. Today there are none—not even an assembly operation. The same thing has largely happened in consumer electronics, e.g. in videocassette recorders, and in many categories of machine tools and semiconductors. This then also means that in the end even the consumer in the buying country loses, his loss of income as a producer eventually more than offsetting his gains through lower prices as a buyer. Indeed, the effects of adversarial competition—no matter how unintended—are strikingly similar to what economist and lawyer both condemn as "predatory pricing," that is pricing so low as to destroy competitors and establish a monopoly.

Yet the seller in adversarial trade may lose in the end even more than the buyer and be totally unable to prevent it.

The seller has no defense against retaliatory action on the part of the buyer. The seller cannot counteract by stopping its purchases—it does not make any. To be sure, the Japanese are among the U.S.'s best customers for agricultural and forest products. But though the American farmers' political power is still formidable, U.S. primary-product exports have become far too small a part of the total to be a decisive factor—and they are steadily declining. Moreover, there is little doubt that the U.S. could manage without Japanese manufactured-goods imports—and at fairly low cost. And so could Western Europe. But Japan without industrial exports to the U.S. would face a major depression with double-digit unemployment.

Buyers can pay only if they have an income—that is, if they themselves get paid as sellers. The seller in adversarial trade, the seller who does not buy, will therefore find out in the end that it has given away its wares—though it cannot expect the recipient to appreciate the gift.

Japan now has the world's largest-ever surplus of liquid funds—as large as anything OPEC ever had, and soon to be even larger. Japan's banks hold $640 billion in external assets, practically all in cash, or in short-term securities such as U.S. Treasury bills. This is many times what Japan needs to finance its trade, is indeed so large that Japan could for six years pay for all its imports without having to earn a single yen through its exports. The only parallel in economic history is the U.S.'s surplus in the years immediately after World War II when the U.S. had the only functioning major economy in the world. Such a surplus can either be used to buy goods—something the Japanese are not willing to do—or it can be given away, as the U.S. did in the years of the Marshall Plan. Otherwise it will be taken away. How? Through bad debts that aren't repaid. Eventually they'll have to be written off.

Till now Japan has been the only modern practitioner of adversarial trade. It did not plan it, to be sure, though it is a logical outcome of the traditional Japanese approach to international trade—an approach that made ample sense as long as Japan was still catching up, until perhaps 1965 or so. Now, however, Japan's neighbor South Korea is deliberately embarking on adversarial trade. And if China ever develops industrially, it too—at least in its present frame of mine—will surely try to be only a seller and not a buyer.

Some small steps to correct the imbalance created by adversarial trade are being taken. The Japanese, especially the Japanese auto makers, are rapidly moving some production to the U.S. and to Western Europe to counteract anti-Japanese measures. But the Japanese don't realize this is still seen as predatory in the buying country, since it replaces the domestic manufacturer that Japanese adversarial trading has first damaged or destroyed.

More effective would be a "production consortium" in which manufacturers in the buying country supply the seller as subcontractors or partners—the way, for instance, in which Boeing Co. has placed 30% or 40%

of the development and manufacturing work on a new commercial aircraft with Japanese companies, or in which Rolls-Royce Ltd. in Britain is brought in as the engine supplier for American-made planes sold to European airlines. So far, however, consortium deals have been resisted by the Japanese. The Japanese might also pay their share by taking over from the American banks the "problem loans" to developing countries—something that is beginning to be discussed in New York and Washington, though so far only behind closed doors.

But the only true solution would be for the Japanese to become buyers of foreign goods, which is what the Reagan administration has now decided to press them for. Whether this can succeed in a country in which trade is as much social and political as it is commercial is very doubtful. Japanese, after all, find it almost indecent to buy from people who are not part of their own group. But unless Japan changes what is essentially a pattern of culture rather than economics, political measures will surely be taken to abort adversarial trade and pretty soon. Western Europe has already gone quite far in protecting itself against it, especially in respect to Japanese-made automobiles.

MEASURE IS NEEDED

There is a need to stop—or at least to confine—adversarial trade. But there is also a great danger that the measures taken to do so will do far more harm than good, especially to the U.S. economy and manufacturing. None of the proposals now being discussed—for instance, the one before a House subcommittee that bans foreign manufactured goods unless they had 30% or 40% "domestic content"—distinguish between competitive and adversarial trade. They are all uniformly protectionist and penalize all manufactured imports. But this would seriously harm and perhaps destroy our exports to our competitive-trading partners—especially to the industrial European countries. They could and would immediately retaliate. And all our healthy industries—perhaps three-quarters of our industrial base—are dependent for their growth, if not for their very survival, on exports to Europe: from aircraft and analytical instruments, through biomedicine, pharmaceuticals and computers, to chemicals, robots, electrical machinery and software.

We need a measure that arrests the degenerative disease of adversial trade without killing off the healthy tissue of competitive trade—perhaps by limiting whatever trade restrictions we might enact to import from countries and industries that do not buy from other developed countries (including the U.S.) manufactured goods of a similar kind at least equal in value to 50% or 60% of their exports.

The Japanese assert that it is not their fault that we find their goods more attractive than what we produce ourselves, and say that their export strength is simply the result of their working harder and doing a better job, whether in design, in quality, in price or in service. This is right on the whole—Japan Inc. is largely a figment of the Western imagination. But it is also irrelevant. Adversarial trade will not be tolerated very long. It was not planned as such, but it turned out to be a policy to beggar one's neighbor. And that is always self-defeating.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOULTER (at the request of Mr. MICHEL), for today, on account of a death in the family.

Mr. IRELAND (at the request of Mr. MICHEL), for today, on account of illness 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. BATEMAN) to revise and extend their remarks and include extraneous material:)

Mr. BOULTER, for 5 minutes, today.

Mr. BATEMAN, for 5 minutes, today.

Mrs. BENTLEY, for 30 minutes, on April 30.

Mr. KEMP, for 5 minutes today.

Mr. BROYHILL, for 60 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. WEISS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. KASTENMEIER, for 15 minutes, today.

Mr. WRIGHT, for 60 minutes, on April 21.

(The following Member (at the request of Mr. FRANK) to revise and extend his remarks and include extraneous material:)

Mr. GAYDOS, for 60 minutes, today.

(The following Member (at the request of Mr. GINGRICH) to revise and extend his remarks and to include therein extraneous matter:)

Mr. O'BRIEN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FORD of Tennessee, following the vote on rollcall No. 74, the Volkmer substitute amendment.

Mr. WEISS, prior to vote on Volkmer substitute to H.R. 4332, in the Committee of the Whole today.

Mr. GARCIA, prior to vote on Volkmer substitute to H.R. 4332, in the Committee of the Whole today.

(The following Members (at the request of Mr. BATEMAN) and to include extraneous matter:)

Mr. BILIRAKIS.

Mr. DIOGUARDI.

Mr. GREEN in two instances.

Mr. SUNDQUIST.

Mr. MILLER of Washington.

Mr. MCKINNEY.

Mr. GALLO.

Mr. SMITH of New Hampshire.

Mr. YOUNG of Florida.

Mr. IRELAND.

Mr. VANDER JAGT.

Mr. MARLENEE.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. FRANK.

Mr. HOYER.

Mr. FAZIO.

Mr. RANGEL.

Mr. KANJORSKI, in five instances.

Mr. BORSKI.

Mr. STARK, in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1660. An act to grant a Federal charter to the Confederate Memorial Association; to the Committee on the Judiciary.

ADJOURMENT

Mr. GAYDOS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Monday, April 14, 1986, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3256. A letter from the Comptroller General of the United States, transmitting a review of the rescissions and deferrals transmitted in the message from the President dated February 5, 1986 (H. Doc. 99-161), pursuant to 2 U.S.C. 685 (H. Doc. No. 99-194); to the Committee on Appropriations and ordered to be printed.

3257. A letter from the Comptroller General of the United States, transmitting a report on the status of budget authority made available to the Maritime Administration and deferred by the President in his message date February 4, 1986 (H. Doc. 99-161), pursuant to 2 U.S.C. 685 (H. Doc. No. 99-195); to the Committee on Appropriations and ordered to be printed.

3258. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting a report on the financial condition and operating results of the working capital funds of the Department, pursuant to 10 U.S.C. 2208(i); to the Committee on Armed Services.

3259. A letter from the Secretary of Education, transmitting final regulations in connection with the College Housing Program—loan discount, pursuant to 20 U.S.C. 132(d)(1); to the Committee on Banking, Finance and Urban Affairs.

3260. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of Army's proposed lease of defense articles to Italy (Transmittal No. 31-86), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

3261. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed lease of defense articles

to Canada (Transmittal No. 30-86), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

3262. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on the political contributions of Paul H. Nitze, of the District of Columbia, to be Ambassador at Large, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3263. A letter from the Program Inspector General, Department of State, transmitting results of the confidential audit of the Department's emergency expenditures, pursuant to 22 U.S.C. 2671(c) (the act of August 1, 1956, Chapter 841, section 4(c) (97 Stat. 1024)); to the Committee on Foreign Affairs.

3264. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3265. A letter from the Chairman, National Labor Relations Board, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3266. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting claims submitted resulting from the Teton Dam failure for the period ending December 31, 1984, pursuant to Public Law 94-400, section 8 (90 Stat. 1213); to the Committee on the Judiciary.

3267. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the 1985 annual report of the Administrative Office of the U.S. Courts and the reports of the proceedings of the Judicial Conference of the United States, pursuant to 28 U.S.C. 604 (a)(4) and (h)(2); 28 U.S.C. 2412(d)(5); to the Committee on the Judiciary.

3268. A letter from the Assistant Attorney General, Office of Justice Programs, U.S. Department of Justice, transmitting the first annual report for justice programs, fiscal year 1985, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

3269. A letter from the Under Secretary for International Affairs and Commodity Programs, Department of Agriculture, transmitting the third quarterly commodity and country allocation table showing current programing plans for food assistance under titles I/III of Public Law 480 for fiscal year 1986, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

3270. A letter from the Secretary of State, transmitting a report on the situation in El Salvador, pursuant to Public Law 99-83, sections 702(c) (99 Stat. 238); jointly, to the Committees on Foreign Affairs and Appropriations.

3271. A letter from the Comptroller General of the United States, transmitting an audit of the Panama Canal Commission's financial statements, fiscal year 1984 and 1983 (GAO/AFMD-86-15), pursuant to 22 U.S.C. 3723(b); jointly, to the Committees on Government Operations and Merchant Marine and Fisheries.

3272. A letter from the Comptroller General of the United States, transmitting a copy of the financial audit of the minority printing clerk, House of Representatives, as of September 30, 1984 and 1983 (GAO/AFMD-86-26), pursuant to 40 U.S.C. 193m-1; jointly, to the Committees on House Administration and Government Operations.

3273. A letter from the Comptroller General of the United States, transmitting a copy of the financial audit of the majority printing clerk, House of Representatives, as of August 31, 1984 and 1983 (GAO/AFMD-86-25), pursuant to 40 U.S.C. 193m-1; jointly, to the Committees on House Administration and Government Operations.

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. ROSTENKOWSKI: Committee on Ways and Means. H.R. 2110. A bill to make technical corrections related to the Retirement Equity Act of 1984; with an amendment (Rept. 99-526, Pt. 1). Ordered to be printed.

Mr. CONYERS: Committee on the Judiciary. H.R. 2998. A bill to make technical amendments to title 18, United States Code, relating to victims of crime and to the Victims of Crime Act of 1984; with an amendment (Rept. 99-527). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 3826. A bill to amend section 1153 of title 18, United States Code, to make felonious sexual molestation of a minor an offense within Indian country; with an amendment (Rept. 99-528). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ST GERMAIN (for himself, Mr. ANNUNZIO, Mr. FAUNTROY, Mr. HUBBARD, Mr. LAFALCE, Mr. LUNDINE, Ms. OAKAR, Mr. VENTO, Mr. BARNARD, Mr. GARCIA, Mr. SCHUMER, Mr. FRANK,, Mr. ROEMER, Mr. LEHMAN of California, Mr. MORRISON of Connecticut, Mr. COOPER, Ms. KAPTUR, Mr. ERDREICH, Mr. LEVIN of Michigan, Mr. TORRES, Mr. NELSON of Florida, Mr. KANJORSKI, Mr. GORDON, Mr. MANTON, Mr. FUSTER, Mr. WYLIE, Mr. SHUMWAY, Mr. MCCOLLUM, Mr. WORTLEY, Mrs. ROUKEMA, Mr. BEREUTER, Mr. ROTH, Mr. KOLBE, and Mr. MCMILLAN):

H.R. 4551. A bill to extend for 3 months the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982; to the Committee on Banking, Finance and Urban Affairs.

By Mr. APPLEGATE (by request):

H.R. 4552. A bill to amend title 38, United States Code, to increase the rates of compensation and of dependency and indemnity compensation (DIC) paid by the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BOULTER (for himself, Mr. DELAY, Mr. FIELDS, Mr. ARMEY, Mr. BARTON of Texas, Mr. GINGRICH, and Mr. WEBER):

H.R. 4553. A bill to provide fair incentives for the domestic production of oil and gas, and give flexibility to financial institutions with regard to energy and agricultural loans, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, and Ways and Means.

By Mr. BREAUX:

H.R. 4554. A bill to provide for the energy security of the United States; to the Committee on Ways and Means.

By Mr. WYLIE (for himself, Mr. MCEWEN, Mr. KASICH, Mr. LATTA, Mr. MILLER of Ohio, Mr. KINDNESS, Mr. GRADISON, Mr. REGULA, Mr. DEWINE, Mr. OXLEY, Mr. HALL of Ohio, Ms. OAKAR, Mr. APPLEGATE, Mr. FEIGHAN, Mr. SEIBERLING, Mr. LUKEN, Mr. TRAFICANT, Mr. ECKART of Ohio, Ms. KAPTUR, Mr. STOKES, and Mr. PEASE):

H.R. 4555. A bill to designate the Federal Building at Spring and High Streets in Columbus, Ohio, as the "John W. Bricker Building"; to the Committee on Public Works and Transportation.

By Mr. BROYHILL (for himself, Mr. MOORHEAD, Mr. RINALDO, Mr. FIELDS, Mr. OXLEY, and Mr. BARTON of Texas):

H.R. 4556. A bill to establish the manner in which an order issued by the President under any law providing for sequestration of budget authority generally throughout the Federal Government shall be applied to the allotment of funds under the Low-Income Home Energy Assistance Act of 1981; jointly, to the Committees on Energy and Commerce, and Education and Labor.

By Mr. CARPER:

H.R. 4557. A bill to amend title 10, United States Code, to authorize former prisoners of war to use Department of Defense commissary stores and post exchanges; to the Committee on Armed Services.

By Mr. DIOGUARDI:

H.R. 4558. A bill to amend the Federal Aviation Act of 1958 to prohibit domestic air carriers from providing alcoholic beverages on domestic and international flights to persons under 21 years of age; to the Committee on Public Works and Transportation.

By Mr. FLIPPO (for himself, Mr. SHELBY, Mr. ERDREICH, Mr. CALLAHAN, Mr. DARDEN, Mr. JENKINS, and Mr. GORDON):

H.R. 4559. A bill to amend the Tennessee Valley Authority Act of 1933 and the Inspector General Act of 1978; jointly, to the Committees on Public Works and Transportation, and Government Operations.

By Mr. GLICKMAN (for himself, Mr. FRANK, Mr. BERMAN, Mr. BOUCHER, Mr. STAGGERS, Mr. BRYANT, Mr. STARK, Mr. BEDELL, and Mr. IRELAND):

H.R. 4560. A bill to amend title 31, United States Code, with respect to the fraudulent use of public property or money; to the Committee on the Judiciary.

By Mr. HANSEN:

H.R. 4561. A bill to direct the Secretary of the Interior to designate certain public lands in Utah as the Utah Lake National Wildlife Refuge; jointly, to the Committees on Interior and Insular Affairs, and Merchant Marine and Fisheries.

By Mr. HUGHES (for himself, Mr. MCCOLLUM, and Mr. NELSON of Florida):

H.R. 4562. A bill to amend title 18, United States Code, to provide additional penalties for fraud and related activities in connection with access devices and computers, and

for other purposes; to the Committee on the Judiciary.

By Mr. JENKINS:

H.R. 4563. A bill relating to the application of the drawback provisions of the Tariff Act of 1930 to certain importations of raw cane sugar; to the Committee on Ways and Means.

By Mr. JONES of Oklahoma (for himself, Mr. ENGLISH, Mr. WATKINS, Mr. MCCURDY, Mr. BROOKS, Mr. PICKLE, Mr. STENHOLM, Mr. ANDREWS, Mr. BUSTAMANTE, and Mr. CHAPMAN):

H.R. 4564. A bill to amend the Internal Revenue Code of 1954 to provide a deduction and special net operating loss rules with respect to certain losses on domestic crude oil, to increase tariffs on petroleum and petroleum products, to require the Strategic Petroleum Reserve to be filled with stripper well oil, and to eliminate certain restrictions on the sale of natural gas and on the use of natural gas and oil; jointly, to the Committees on Ways and Means, Energy and Commerce, and Banking, Finance and Urban Affairs.

By Mr. RUSSO:

H.R. 4565. A bill to correct the tariff rate inversion on certain iron and steel pipe and tube products; to the Committee on Ways and Means.

By Mr. SCHUMER (for himself, Mr. BRYANT, Mr. REID, and Mr. PEASE):

H.R. 4566. A bill to amend the Federal Deposit Insurance Act and other laws to prohibit the establishment or acquisition of depository institutions by certain foreign nationals and the issuance of Federal deposit insurance to depository institutions controlled by such foreign nationals, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SIKORSKI (for himself, Mr. CONTE, Mr. RICHARDSON, Mr. BOEHLERT, Mr. WIRTH, Mr. ECKERT of New York, Mr. UDALL, Mr. GINGRICH, Mr. WAXMAN, Mr. BILIRAKIS, Mr. MARKEY, Mr. LENT, Ms. MIKULSKI, Mr. RINALDO, Mr. SYNAR, Mr. WEBER, Mr. LELAND, Mr. TAUKE, Mrs. COLLINS, Mr. JEFFORDS, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. BATES, Mr. GREEN, Mr. FLORIO, Mr. WALGREN, Mr. BRYANT, Mr. WYDEN, Mr. RITTER, Mr. ACKERMAN, Mr. AKAKA, Mr. ASPIN, Mr. ATKINS, Mr. BARNES, Mr. BEDELL, Mr. BEILENSON, Mr. BERMAN, Mr. BIAGGI, Mr. BOLAND, Mr. BORSKI, Mr. BOSCO, Mrs. BOXER, Mr. BROWN of California, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CHANDLER, Mr. CONYERS, Mr. COUGHLIN, Mr. COURTER, Mr. DASCHLE, Mr. DELLUMS, Mr. DIOGUARDI, Mr. DIXON, Mr. DONNELLY, Mr. DOWNEY of New York, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EARLY, Mr. EDWARDS of California, Mr. FAZIO, Mr. FISH, Mr. FOGLIETTA, Mr. FRANK, Mr. GALLO, Mr. GARCIA, Mr. GEJDENSON, Mr. GILMAN, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GOODLING, Mr. GREGG, Mr. GUARINI, Mr. GUNDERSON, Mr. HAWKINS, Mr. HAYES, Mr. HEFTEL of Hawaii, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mrs. JOHNSON, Mr. KASTENMEIER, Mrs. KENNELLY, Mr. KLECZKA, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LANTOS, Mr. LEACH of Iowa, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. LEWIS of California, Mrs. LONG, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. MACKAY, Mr. MANTON, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mr. MCDADE, Mr. MCGRATH, Mr. MCHUGH, Mr. MCKINNEY, Mr. MCKERNAN, Mr. MILLER of California, Mr. MINETA, Mr. MITCHELL, Mr. MOAKLEY, Mr. MOLINARI, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. NELSON of Florida, Mr. NOWAK, Mr. OBERSTAR, Mr. OBEY, Mr. OWENS, Mr. PANETTA, Mr. PENNY, Mr. PETRI, Mr. PURSELL, Mr. RANGEL, Mr. REID, Mr. RIDGE, Mr. RODINO, Mr. ROE, Mrs. ROUKEMA, Mr. ROWLAND of Connecticut, Mr. ROYBAL, Mr. SABO, Mr. SAXTON, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SEIBERLING, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Mr. SMITH of New Hampshire, Mr. SOLARZ, Mr. SOLOMON, Mr. ST GERMAIN, Mr. STANGELAND, Mr. STARK, Mr. STUDDS, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. VENTO, Mr. WEISS, Mr. WORTLEY, Mr. YATES, and Mr. HUGHES):

H.R. 4567. A bill to amend the Clean Air Act to reduce acid deposition, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SEIBERLING (for himself, Mr. UDALL, Mr. YOUNG of Alaska, Mr. LAGOMARSINO, Mr. WEAVER, Mr. MILLER of California, Mr. MARKEY, Mr. VENTO, Mr. MCCAIN, Mr. BLAZ, Mr. KILDEE, Mr. GEJDENSON, Mr. KOSTMAYER, Mr. MOODY, Mr. LEHMAN of California, Mr. RICHARDSON, Mr. SUNIA, Mr. LEVINE of California, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. BONKER, and Mr. LELAND):

H.R. 4568. A bill to clarify certain authorities of the Secretary of the Interior and of the Advisory Council on Historic Preservation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SYNAR (for himself, Mr. LELAND, Mr. BUSTAMANTE, Mr. RICHARDSON, and Mr. BRYANT):

H.R. 4569. A bill to amend the Federal Deposit Insurance Act to provide emergency procedures for dealing with the financial difficulties in the agricultural and energy sectors of the economy, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FAZIO (for himself, Mr. TRAXLER, and Mr. PURSELL):

H.J. Res. 594. A joint resolution to designate the week beginning May 4, 1986, as "National Correctional Officers Week"; to the Committee on Post Office and Civil Service.

By Mr. GILMAN (for himself, Mr. LELAND, Mrs. ROUKEMA, and Mr. HALL of Ohio):

H.J. Res. 595. A joint resolution to designate October 16, 1986, as "World Food Day"; to the Committee on Post Office and Civil Service.

By Mr. HOYER (for himself, Mr. KEMP, Mr. FRANK, and Mr. GILMAN):

H.J. Res. 596. A joint resolution to designate May 21, 1986, as "National Andrei Sakharov Day"; jointly, to the Committees on Post Office and Civil Service, and Foreign Affairs.

By Mr. JENKINS:

H.J. Res. 597. A joint resolution to authorize and request the President to designate the week of April 18, 1986, through April 27, 1986, as "National Carpet and Floorcovering Week"; to the Committee on Post Office and Civil Service.

By Mr. STUDDS:

H.J. Res. 598. A joint resolution declaring war on Nicaragua; to the Committee on Foreign Affairs.

By Mr. McCLOSKEY:

H. Con. Res. 315. A concurrent resolution to express the sense of Congress that the Secretary of Defense should defer the final award of a contract with respect to Defense Construction Supply Center Solicitation numbered DLA700-85-B-4-4607 (for the purchase of 178 crawler tractors) until Congress completes consideration of the Department of Defense Authorization Act, 1987; to the Committee on Armed Services.

By Mr. NEAL (for himself, Mr. WYLIE, and Mr. LEACH of Iowa):

H. Con. Res. 316. A concurrent resolution relating to predatory tied aid credits; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BATEMAN (for himself, Mr. PARRIS, Mr. WOLF, Mr. WHITEHURST, Mr. ACKERMAN, Mr. HOWARD, Mr. DICKS, Mr. BARNES, Mr. AKAKA, Mr. FAZIO, Mrs. BOXER, and Mr. FRANK):

H. Res. 412. A resolution to express the sense of the House of Representatives that the present 3-year basis recovery rule on taxation of retirement annuities be maintained; to the Committee on Ways and Means.

By Mr. COBEY (for himself, Mr. HENDON, Mr. COBLE, Mr. FUSTER, Mr. ROBINSON, Mr. PASHAYAN, Mr. OBERSTAR, Mr. PERKINS, Mr. LUNDINE, Mr. ROE, Mr. LIPINSKI, Mr. EVANS of Illinois, Mr. HAYES, Mr. WATKINS, Mr. LELAND, Mr. TAUKE, Mr. ROBERTS, Mr. FRANK, Mr. COELHO, Mr. RAHALL, Mr. BEDELL, Mr. BOUCHER, Mr. AUCOIN, Mr. BROOKS, Mrs. BYRON, Mr. WEBER, Mr. WORTLEY, Mr. SCHUETTE, Mr. CAMPBELL, Mr. MITCHELL, Mr. BROYHILL, Mr. ENGLISH, Mr. LAGOMARSINO, Mr. COLEMAN of Texas, Mr. MCMILLAN, Mr. LAFALCE, Mr. FISH, and Mr. OWENS):

H. Res. 413. A resolution expressing the sense of the House of Representatives with respect to Federal funds for the Cooperative Extension Service of the Department of Agriculture; to the Committee on Agriculture.

By Mr. MARLENEE:

H. Res. 414. A resolution expressing the sense of the House of Representatives that the President and the Secretary of Agriculture should take certain actions to minimize the adverse economic effect on beef, pork, and lamb producers resulting from the slaughter of dairy cattle under the milk production termination program, and for other purposes; to the Committee on Agriculture.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

334. By the SPEAKER: Memorial of the Legislature of the State of Idaho, relative to the Kern River pipeline project; to the Committee on Energy and Commerce.

335. Also, memorial of the Legislature of the State and Idaho, relative to Nicaragua; to the Committee on Foreign Affairs.

336. Also, memorial of the Legislature of the State of Idaho, relative to public schools; to the Committee on Interior and Insular Affairs.

337. Also, memorial of the Legislature of the State and Idaho, relative to the Corps of

Engineers; to the Committee on Public Works and Transportation.

338. Also, memorial of the Legislature of the State and Idaho, relative to the Federal Aid Highway Program; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 524: Mr. AuCoin.

H.R. 864: Mr. Swift.

H.R. 1257: Mr. Shaw.

H.R. 1400: Mr. Pepper, Mr. Pease, and Mr. Pashayan.

H.R. 1626: Mr. Dwyer of New Jersey.

H.R. 1780: Mr. Towns, Mr. de Lugo, Mr. Leland, Mr. Biaggi, Mr. Hughes, Mr. Hendon, Mr. Henry, Mr. Reid, Mr. Chandler, Mr. Davis, Mr. Valentine, Mrs. Martin of Illinois, Mr. Mineta, Mr. Mrazek, Ms. Mikulski, Mr. Gilman, and Mr. Kostmayer.

H.R. 1894: Mr. Gilman.

H.R. 2440: Mr. Bryant.

H.R. 3061: Mr. Hawkins, Mr. de la Garza, Mr. Towns, Mr. Stenholm, Mr. Wortley, Mr. Owens, Mr. Smith of Florida, Mr. Kindness, Mr. Mitchell, Mr. Fazio, Mr. Berman, Mr. Oberstar, Mr. Gejdenson, Mr. Rudd, Mr. Traxler, Mr. Barnes, Mr. Frank, Mr. Clinger, Mr. Robinson, Mr. Fuqua, Mr. Glickman, Mr. Olin, Mr. Wirth, and Mr. Petri.

H.R. 3118: Mr. Hawkins, Mr. Petri, Mr. de la Garza, Mr. Towns, Mr. Stenholm, Mr. Lagomarsino, Mr. Owens, Mr. Kindness, Mr. Mitchell, Mr. Fazio, Mr. Berman, Mr. Oberstar, Mr. Gejdenson, Mr. Rudd, Mr. Traxler, Mr. Barnes, Mr. Frank, Mr. Clinger, Mr. Fuqua, Mr. Glickman, and Mr. Wirth.

H.R. 3119: Mr. Hawkins, Mr. Petri, Mr. de la Garza, Mr. Towns, Mr. Lagomarsino, Mr. Owens, Mr. Kindness, Mr. Mitchell, Mr. Fazio, Mr. Berman, Mr. Oberstar, Mr. Gijdenson Mr. Rudd, Mr. Traxler, Mr. Barnes, Mr. Frank, Mr. Clinger, Mr. Fuqua, Mr. Glickman, and Mr. Wirth.

H.R. 3655: Mr. Carney, Mr. Ortiz, Mr. Kanjorski, Mr. Dixon, Mr. Davis, Mr. Hefner, Mrs. Bentley, and Mr. Mrazek.

H.R. 3690: Mr. Frank.

H.R. 3817: Mr. Gallo, Mr. Campbell, Mr. Chappie, Mr. Dellums, Mr. McCloskey, Mr. Rowland of Connecticut, Mr. Bosco, Mr. Gilman, Mr. Coleman of Missouri, and Mr. Smith of Florida.

H.R. 3984: Mr. Dymally.

H.R. 3989: Mr. Chappie, Mr. Cheney, Mr. Cooper, Mr. Davis, Mr. Dorgan of North Dakota, Mr. Dornan of California, Mr. Durbin, Mr. Gunderson, Mr. Hutto, Mr. Jones of Tennessee, Mr. Jones of North Carolina, Mr. Kildee, Mr. Leach of Iowa, Mr. McCloskey, Mr. McCollum, Mr. Murphy, Mr. Nichols, Mr. Pease, Mr. Petri, Mr. Ridge, Mr. Skeen, Mr. Spratt, Mrs. Vucanovich, Mr. Weber, Mr. Williams, Mr. Carper, Mr. Lagomarsino, Mr. Rowland of Georgia, Mr. Skelton, and Mr. Young of Missouri.

H.R. 3995: Mr. Skeen, Mr. Porter, Mr. Zschau, Mr. Kolbe, and Mr. Roe.

H.R. 4046: Mr. Thomas of Georgia, Mr. Lipinski, Mr. Hutto, Mr. Bosco, Ms. Mikulski, Mr. McKernan, Mr. Horton, Mrs. Bentley, Mr. Carper, Mr. Akaka, Mr. Dyson, Mr. Edgar, Mr. Lagomarsino, Mr. Hubbard, Mr. Carney, Mr. Bonker, Mr. Manton, Mr. Jeffords, Mr. Tallon, Mr. Kemp, Mr. Mitchell, Mr. Olin, Mr. Hayes, Mr. Jenkins, Mr. Vander Jagt, Mr. Torres, Mr. Matsui, Mr. Ortiz, Ms. Kaptur, Mr. Foglietta, Mr. Roybal, Mrs. Schneider, Mr. Anderson, Mr. Heftel of Hawaii, Mr. Coats, and Mr. Breaux.

H.R. 4052: Mr. Frank, Mr. Bonior of Michigan, Mr. Mavroules, Mr. Evans of Illinois, Mr. Udall, Mr. Boucher, Mr. Hayes, Mr. Perkins, Mr. Seiberling, Mr. Neal, Mr. Rangel, Mr. Morrison of Connecticut, and Mr. Kolter.

H.R. 4125: Mr. Bustamante, Mr. Bliley, Mr. Lipinski, Mr. Heftel of Hawaii, Mr. Fields, Mr. Reid, Mr. Valentine, Mr. Mrazek, Mr. Lowery of California, and Mr. Dornan of California.

H.R. 4142: Mr. Natcher, Mr. Lujan, Mr. Nelson of Florida, Mr. McCain, Mr. Loeffler, Mr. Fish, Mr. Kindness, Mr. Wilson, Mr. Packard, Mr. Parris, Mr. Brown of California, Mr. Callahan, Mr. Bates, Mr. Shaw, Mr. Horton, Mr. Coughlin, Mr. McEwen, Mr. Ireland, Mr. Matsui, Mr. Torricelli, Mr. Tauke, Mr. Badham, Mr. Stump, Mr. Crane, Mr. Carney, and Mr. Kolbe.

H.R. 4148: Mr. Penny, Mr. Oberstar, Mr. Towns, Mr. Rangel, Mr. Wolpe, and Mr. Volkmer.

H.R. 4154: Mr. Whitehurst.

H.R. 4186: Mr. Brown of Colorado, Mr. Tauke, Mr. Solomon, Mr. Molinari, Mr. Mack, Mr. Dreier of California, Mr. Chandler, Mr. Conte, and Mr. Bates.

H.R. 4231: Mr. Andrews, Mr. Gordon, Mr. Volkmer, Mr. Mineta, Mr. Ralph M. Hall, Mr. Barton of Texas, Mr. Monson, Mr. Synar, Mr. McKinney, Mr. Stenholm, Mr. Fazio, Mr. Swindall, and Mrs. Meyers of Kansas.

H.R. 4276: Mr. Weiss and Mr. Garcia.

H.R. 4280: Mr. Kleczka, Mr. Annunzio, Ms. Kaptur, Mr. Roybal, Mr. Roe, Mr. Mrazek, Mr. Mitchell, Mr. Vento, Mr. Mineta, and Mr. Matsui.

H.R. 4287: Mr. Lehman of Florida, and Mr. LaFalce.

H.R. 4333: Mr. Swift.

H.R. 4343: Mr. Smith of Florida, Mr. Dornan of California, Mr. Wolf, Mr. Bliley, Mr. Crane, Mr. Shaw, Mrs. Bentley, Mr. Armey, Mrs. Holt, and Mr. Reid.

H.R. 4388: Mr. Shaw and Mr. Martinez.

H.R. 4391: Mr. Quillen.

H.R. 4397: Mr. Wilson, Mr. Chapman, Mr. Matsui, and Mr. Torricelli.

H.R. 4456: Mr. Weber.

H.J. Res. 10: Mr. de la Garza, Mrs. Johnson, and Ms. Oakar.

H.J. Res. 266: Mr. Saxton, Mr. AuCoin, Mr. Aspin, Mr. Carr, Mr. Price, Mr. Boehlert, and Mr. Hutto.

H.J. Res. 379: Mr. Sabo, Mr. Dornan of California, Ms. Oakar, Mr. Hatcher, Mr. Coleman of Missouri, Mr. Kolter, Mr. Wolpe, Mr. Wyden, and Mr. Sikorski.

H.J. Res. 381: Mr. Torricelli and Mr. Regula.

H.J. Res. 444: Mr. Lowry of Washington.

H.J. Res. 470: Mr. Nelson of Florida, Mr. Spratt, Mr. Dorgan of North Dakota, Mr. Jones of North Carolina, Mr. Wolpe, Mr. Madigan, Mr. Coyne, Mr. Miller of California, Mrs. Lloyd, and Mr. Henry.

H.J. Res. 502: Mr. Boucher, Mr. Brown of California, Mr. Heftel of Hawaii, Mr. Livingston, and Mr. McEwen.

H.J. Res. 504: Mr. Darden, Mr. Gordon, Mr. Lewis of Florida, Mr. McCain, Mr. McDade, Mr. Smith of Florida, Mr. Swindall, and Mr. Whittaker.

H.J. Res. 521: Mr. Udall.

H.J. Res. 527: Mr. Kasich, Mr. Bevill, Mr. Dannemeyer, Mr. Kemp, Mr. Bryant, Mr. Yatron, Mr. McDade, Mr. Hoyer, and Mr. Fascell.

H.J. Res. 531: Mr. Kostmayer, Mr. Frank, Mr. Moakley, Mr. Dornan of California, Ms. Mikulski, and Mr. Hubbard.

H.J. Res. 533: Mr. Evans of Illinois and Mr. LaFalce.

H.J. Res. 554: Mr. Rowland of Georgia and Mr. Markey.

H.J. Res. 561: Mr. Lehman of California, Mr. de la Garza, Mr. Tallon, Mr. Hartnett, Mr. Sisisky, Mr. Stokes, Mr. Courter, Mr. Robert F. Smith, Mr. Morrison of Washington, Ms. Mikulski, Mr. Mitchell, and Mr. Ritter.

H. Con. Res. 200: Mr. Porter.

H. Con. Res. 299: Mr. Kindness, Mr. Reid, Mr. Mavroules, and Ms. Mikulski.

H. Con. Res. 307: Mr. Reid and Mr. Mavroules.

H. Res. 12: Mr. Evans of Illinois, Mr. Dellums, and Mr. Visclosky.

H. Res. 408: Mr. Kemp.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3921: Mr. Edwards of California.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

299. By the SPEAKER: Petition of the Navy League of the United States, Arlington, VA, relative to Western Hemisphere defense; to the Committee on Foreign Affairs.

300. Also, petition of the Board of Chosen Freeholders, Mercer County, NJ, relative to H.R. 3128; to the Committee on Ways and Means.

301. Also, petition of the city of Boscobel, WI, relative to H.R. 3838; to the Committee on Ways and Means.

SENATE—*Thursday, April 10, 1986*

(Legislative day of Tuesday, April 8, 1986)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer this morning will be offered by Navy Chaplain Milford Oxendine, Jr., of the Treasure Island Naval Station, San Francisco, CA. He is sponsored by Senator JESSE HELMS of North Carolina.

PRAYER

The Navy Chaplain Milford Oxendine, Jr., Naval Station, Treasure Island, San Francisco, CA, offered the following prayer:

Let us pray.

O God of the universe, Alpha and Omega, defender of our great Nation. We have been blessed by You who has given us this good land for our heritage. May we always prove ourselves a people mindful of Your favor and glad to do Your will.

O Great One, we thank You that You dwell among us this day. We pray in behalf of all who are in positions of authority who make the laws we are to obey: Our Commander in Chief, the Joint Chiefs of Staff, Members of Congress, Governors, and all other elected and appointed officials.

We remember in gratitude the labor and lives of those who have gone before us. Our land is indeed hallowed by their names and their dedication they had to You and our country.

Bless our land with rich soil, honorable industry, sound learning, and pure manners. In the time of prosperity fill our hearts with thankfulness, and in the day of trouble suffer not our trust in You to fail. Save us from violence, discord, and confusion; from pride and arrogancy, and from every evil way.

Also, we pray for the Members of our Senate, the members of their families, and all who support their service to us.

On this day we call upon You to guide our Senate Members with Your truth, Your compassion, and Your love. May they come to the end of the day strengthened by the service they have given in honor.

We commit ourselves in Your keeping this day in the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. RUDMAN. I thank the Chair.

Mr. President, let me first yield 2 minutes of the leadership time to the distinguished senior Senator from North Carolina.

The PRESIDENT pro tempore. The distinguished Senator from North Carolina.

CHAPLAIN OXENDINE'S PRAYER

Mr. HELMS. Mr. President, I thank the Chair, and I thank my good friend from New Hampshire.

Of course, it is a moment of pride for this North Carolinian to have sponsored the distinguished guest Chaplain today.

Milford Oxendine, Jr., is an ordained clergyman of the United Methodist Church. We Baptists will forgive him for that. [Laughter.] He belongs to North Carolina Conference, and as the distinguished President pro tempore has just indicated, he is chaplain in the U.S. Navy.

He was born in Pembroke, NC. His parents are Milford Oxendine, Sr., and Adief B. Oxendine.

I might add for the edification of our distinguished acting majority leader that he is the first native American to serve in the U.S. Navy as a chaplain.

He received his B.S. degree in math from Pembroke State University. He received his masters of divinity degree from Duke Divinity School.

He was commissioned in May 1977 and went into the USNR in September 1980.

He has a delightful wife, the former Jeannie Hunt. They have four children: Shane, Scarlett, Aaron, and Christopher.

As I have indicated, he is an American Indian of the Lumbee Tribe in North Carolina.

He is presently assigned to the Naval Station in San Francisco, CA, with primary duty at the Transient Personnel Unit.

As I conclude, I want to pay my respect to the gentleman who called to my attention Commander Oxendine, a man whom I have admired for many, many years but have never met: Dr. A Purnell Bailey, who lives in McLean, VA.

He is distinguished in many ways as a clergyman. But I first became acquainted with him through his broadcast ministry, and a newspaper column.

He is a distinguished clergyman, and I thank him for calling my attention to Commander Oxendine.

I thank the distinguished acting majority leader for yielding.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. RUDMAN. Mr. President, the two leaders under the standing order will have 10 minutes each.

I ask unanimous consent to reserve the remainder of the leadership time, both for the Democratic leader, and for the Republican leader.

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

Mr. RUDMAN. There are special orders in favor of the following Senators for not to exceed 5 minutes each: Senator HAWKINS, and her statement will be read by Senator MURKOWSKI; Senator PROXMIRE; Senator DOMENICI; Senator CHILES; Senator QUAYLE; Senator CRANSTON; Senator WILSON; Senator MELCHER; and Senator LAUTENBERG.

There will be routine morning business for not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for not more than 5 minutes each.

At 10 o'clock this morning, the Senate will resume consideration of S. 1017, the regional airport bill. Pending is amendment No. 1744, offered by Senator SARBANES of Maryland.

By unanimous consent there will be 40 minutes of debate to be equally divided on amendment No. 1744.

A rollcall vote will occur on or in relation to this amendment but not prior to the hour of 10:40 a.m.

Rollcall votes can be expected throughout the day, and into the evening in order to complete action on S. 1017, the regional airport bill.

Mr. President, I reserve the balance of the leadership time.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

SENATOR HAWKINS' SPECIAL ORDER

The PRESIDING OFFICER. Under the previous order, Senator MURKOW-

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

SKI is recognized for the Senator from Florida, Mrs. HAWKINS, for not to exceed 5 minutes.

Mr. MURKOWSKI. Mr. President, I thank my colleague from New Hampshire, the acting majority leader.

It gives me a great deal of pleasure on behalf of Senator PAULA HAWKINS, who is recuperating in the hospital, to present a statement by her. The subject of her statement this morning is "Foot-Dragging Is Not a Good Posture for a Good Neighbor."

Mr. President, on behalf of Senator HAWKINS, I present the following statement:

FOOT-DRAGGING IS NOT A GOOD POSTURE FOR A GOOD NEIGHBOR

Mrs. HAWKINS. Mr. President, it is a matter of great disappointment to me that a country that ought to be a model of a "good neighbor" is considerably less than that. We have many economic and cultural ties with Mexico. We both are firmly committed to democracy and to capitalism. Mexicans have the same disdain for communism that Americans do. The governments of our nations are friendly. There is a cordiality between us and a spirit of cooperation in many international endeavors. There is a notable exception, however, and that is the effort to curb narcotics trafficking and bring violators to the bar of justice. Here the relationship falls short of what it could be.

Miguel Angel Felix Gallardo, the drug kingpin who is said to have ordered the assassination of American DEA agent Enrique Camarena Salazar, is still at large. Gallardo, supposedly being sought by Mexican authorities, has been seen publicly several times in Mexico in the past year. He is reported to be enjoying shelter and hospitality from high-ranking officials of two state governments. Does that sound like a maximum effort to locate one of the prime suspects in the Camarena kidnap-torture-murder plot?

Ambassador John Gavin says "there are at least 50" people involved in Camarena's slaying who are still at large. Gavin charges that these 50 are not being hunted seriously by Mexican law enforcement authorities. Thirty-seven people, including several policemen, have been arrested in connection with the Camarena case. The charges vary from crimes against health, conspiracy, illegal import of arms and concealment. But when will they be tried and what is the holdup? What of the case against Rafael Caro Quintero? He was indicted in the Federal district of Mexico City on April 8, 1985, one year ago. The weight of the evidence against him would appear to be damning, but when does he go to trial?

The partnership between drug traffickers and police, and others in authority in Mexico, is well-known; what is worse, it is accepted. Corruption in high places has reached a new plateau.

American officials have granted temporary asylum to 29 Mexicans who have been threatened by drug traffickers linked to the Camarena case. The temporary visas were given to 6 Mexicans and their families; four of the men were members of the Mexican federal police force. The group is said to have abducted a suspected drug trafficker, Rene Martin Verdugo, who is believed to have been present during the torture of Camarena, and handed him over to American authorities at the U.S.-Mexican border. Mexican drug smugglers were unhappy about the incident and threatened to retaliate against those involved. I am proud that our officials granted asylum to these Mexicans, and I hope that they and their families are given all the protection possible. But I decry the fact that these six men, who have respect for justice, do not feel secure in their own country, and that drug smugglers have gained so much power and influence they can commit irrational acts with impunity, even crimes so beastly as the fatal bludgeoning of Enrique Camarena Salazar.

Mexico is the number one supplier of illicit amphetamines to the United States. Marijuana shipments to the U.S. are also increasing to the point where statistics are almost meaningless. Every six-month reporting period exceeds the previous six months. One-third of the cocaine coming into the U.S. is smuggled through Mexico. And more than one-third of the heroin entering the U.S. illegally comes from Mexico—the largest single source country for the American market. What is particularly frightening to our drug fighters is Mexico's expanding output of a darker, stronger heroin known on the street as "black tar" or "tootsie roll." This sticky, cocoa-colored powder is 60 to 70 percent pure—twice the strength of the traditional "Mexican brown" heroin.

Small wonder that we worry about Mexico's dedication to fighting the drug traffic and challenge her sincerity to bring it under control. Until we see more solid evidence, we must question her commitment and urge her to take the necessary steps to become a "good neighbor." A "good neighbor" does not do things which threaten your institutions, corrupt your officials, destabilize your economy, wreck the health of your children, and weaken the fabric of your society. Mexico could take definite steps in the direction of becoming a "good neighbor" by bringing to justice the criminals who snuffed out the life of Enrique Camarena Salazar.

Mr. MURKOWSKI. Mr. President, I am pleased to have read that statement into the RECORD. We all wish Senator HAWKINS a speedy recovery as she recuperates.

Mr. President, I, too, have had the opportunity to work with Senator HAWKINS in regard to her tremendous efforts to bring the drug issue to the forefront. I commend her as a member of the special Presidential committee with a number of other colleagues who have pursued this matter.

CREDENTIALS OF VETERANS' ADMINISTRATION PHYSICIANS

Mr. MURKOWSKI. Mr. President, as chairman of the Veterans' Affairs Committee I am deeply concerned about the case of Comdr. Donal M. Billig and the questions it raises for medical care practice in the United States in general, and in the Veterans' Administration in particular.

Commander Billig, chief of heart surgery at Bethesda Naval Hospital, was recently sentenced to 4 years imprisonment for the deaths of three patients. Dr. Billig was convicted on 2 counts of involuntary manslaughter, 1 count of negligent homicide, and 18 counts of dereliction of duty.

It is difficult to imagine how these events were allowed to transpire. Although Dr. Billig was held accountable finally by the military medical care system, this case is a perfect illustration of the critical need for a systematic means of verifying the licenses and clinical competence of health-care professionals.

Patients and their families seek relief from alleged poor medical care practice by turning to the courts to file malpractice claims. The emphasis in this country on litigation as a means to remedy a negative medical outcome has resulted in unprecedented increases in medical malpractice insurance. Patients and their families should have access to the courts. Physicians and other health-care professionals should be held accountable to their patients, their colleagues, and the public for the quality of their work. However, by its very nature, any malpractice claim is filed after the fact, when the damage is done. That is too late. A patient will never be brought back to life or permanent physical damage cannot be reversed.

That is why it is imperative to develop a preventive mechanism to ensure that such incidents do not occur. I believe that accurate, truthful, and complete information is the foundation of any health care credentialing program. The appropriate and timely use of the information, including its exchange with relevant agencies and licensing bodies, is the most critical component of this important process. This exchange is basic to verifying and maintaining the integrity of any health-care system.

Last summer I expressed my concerns to the VA about the need for a comprehensive credentials monitoring process. It is, therefore, timely to note that the Veterans' Administration just submitted its first report to Congress, required by Public Law 99-166, on its current efforts and procedures and future plans for determining and monitoring the credentials of VA health-care professionals. The report covered several major areas of concern. First, for physicians applying for employment, the VA now requires license verification, a check with the applicant's current or most recent employer, questions to the applicant concerning past clinical privilege problems, and a revised physician employment application. Second, the VA is currently negotiating with the Federation of State Medical Boards for a regular screening every 2 years for licensing irregularities of all currently employed physicians. And third, the VA is also negotiating with the federation to arrange for the notification of former VA physicians whose professional clinical practice failed to conform to generally accepted standards of clinical practice.

The VA's efforts to improve the credentials monitoring process are well underway. Although VA health-care professionals are noted for their dedication to providing high quality acute and long-term care services to our Nation's veterans, I continue to be concerned that the credentials monitoring program is not yet fully implemented. I believe that once the VA has the credentials monitoring program firmly in place, the agency will have the capability to be a leader and an example, as it has been in other areas, to other health-care providers of responsible and high quality medical care practice. I intend to continue to monitor closely the VA's efforts in this regard and I encourage the VA to expedite the full implementation of this most comprehensive monitoring program.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

BUDGETARY NECESSITY, NOT ARMS CONTROL, STOPPING THE ARMS RACE

Mr. PROXMIRE. Mr. President, what is the outlook for slowing if not stopping the superpower arms race? Can arms control work? The answer is surprising. Arms control is not working. The outlook for arms control is dismal. But the arms race may slow to a halt for an entirely different reason. What, besides arms control, could begin to halt the arms race? Answer: Gramm-Rudman, not Geneva, will hold down star wars. Gramm-Rudman, not arms control, will cut the prospect of any new major initiative in U.S. strategic arms. Gramm-Rudman, not arms control, will force some serious reductions in plans for expanding the far more costly conventional arms. How about the Soviet Union? Will they not race ahead? No, they will not. Why not? Because Gorbachev recognizes that the long-term strength of the Soviet economy depends on limiting the burden of Soviet military spending in the 1980's and 1990's.

If this is so, why does it not pave the way for an arms control agreement that would serve the interests of both sides? Well there is a different answer for each of the superpowers. President Reagan bounces along under the illusion that he can persuade the Congress to comply with Gramm-Rudman his way. He would hold down nonmilitary Federal spending. He would count on exuberant economic growth, so that even with lower tax rates, revenues would rise and provide the wherewithall to fund an increasingly vigorous military buildup. So he does not want any long term arms control agreement to limit that opportunity for the United States to move well ahead of the Soviet Union militarily on land, sea, air and outer space and in conventional as well as strategic forces.

That is the Reagan dream. Arms control will not spoil it. Gramm-Rudman will. No one can predict what will happen to the economy in the long run. But in the short run every informed Member of the Congress now knows that Gramm-Rudman could force the Congress and the President to stop increased military spending dead in its tracks in fiscal year 1987 that begins next October 1, less than 6 months from now. That will certainly happen if the Congress fails to make the spending cuts the President has proposed in nonmilitary programs. Will the Congress make those cuts? No. The Congress will not make those cuts. That slowdown in military spending will certainly happen if the Congress does not on its own initiative raise taxes and pass that raise over a Presidential veto. Will the Congress do that? No, the Congress will not. So what does that leave? That leaves a simple choice between two options. Here is option No. 1: The Congress lets the Gramm-Rudman sequestering take effect. What does that do to military spending? It results in a 15- to 20-percent reduction in military spending below the base line.

How will that affect our military forces? The top officials in the Army, the Navy, the Marine Corps, and the Navy have all told the Senate Appropriations Subcommittee on Defense within the past few weeks that such reductions would be absolutely devastating for this country's national security. No arms control agreement could begin to make reductions this decisive even over a period of years. Most Members of the Congress believe this cannot happen. Will it? Well, maybe, but maybe not.

But what other option does the President have? He can sit down and negotiate with the Congress. What will come out of those negotiations? Will the Congress agree to make the reductions in domestic programs the President has called for? Mr. President, there is absolutely no way that will happen. The Congress knows that if the deadlock is not broken, Gramm-Rudman sequestering must follow. The Congress knows that the sequestering will be far better for domestic programs than the budget cuts the President has proposed. But how about the effect of Gramm-Rudman sequestering on military spending? The Congress knows that poll after poll has shown a large majority of the American people believe we are spending too much on the military now. The Congress faces an election in a few months. All this means that the President will have to negotiate with the Congress over the budget. He will negotiate from a position of considerable weakness. He will in all likelihood have to make concessions in two areas. First, he will probably have to give up any increase in real terms in military spending. He may even have to surrender part of the inflation increase necessary to prevent any cut in real spending for the military. He will also have to make a concession, probably a substantial concession, in his determination to prevent any tax increase. Even with a tax increase of tens of billions, the President will almost certainly not be able to win an increase in military spending above inflation for 1987. So arms control will not hold down American military spending in 1987. Gramm-Rudman will.

The Soviet Union obviously has no Gramm-Rudman to worry about. It has no election to worry about. But in the long run their military faces an even tougher problem. The Soviet economy is only about half the size of the American economy. Its Warsaw Pact allies have far smaller and weaker economies than our NATO allies. The longrun progress of the Soviet military under Gorbachev depends heavily on economic growth and Gorbachev knows it. He also knows that economic growth cannot progress if the already very heavy Russian military spending burden continues. So in the Soviet Union as well as in the United States the economy and the budget, not arms control, is driving the Government toward slowing the arms race very close to a halt.

THE MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, the myth of the day is that the economy is on the threshold of a recordbreaking boom. This myth is made up of 90 percent hope and 10 percent fact.

Despite the lack of evidence to support this myth, it has been swallowed hook, line, and sinker by official Washington. The administration is talking confidently about gross national product, adjusted for inflation, growing by over 4 percent a year. And Congress is basing its budget on projections of real GNP growth exceeding 3 percent.

Where is the evidence to support these hopes? The most recent economic statistics have been disappointing, at best. During the last quarter of 1985, real GNP grew by only 0.7 percent at an annual rate. Unemployment remains at record levels this long into an expansion. Consumption spending is leveling off, savings are at historic lows, and the farm economy is in shambles.

Most of the euphoria comes from two factors: A fall in the price of oil and lower interest rates. Both are defi-

nite pluses for the economy. Yet even these good signs have downside risks, especially in the near-term. A decline in the price of oil poses serious problems for a financial system, which is already wobbly. Certain sections of the country, which assumed that high oil prices meant good times forever, are now suffering. And drops in interest rates could lead many foreign investors, who helped finance our staggering deficits, to pull their money out of this country. The Federal Reserve might have to respond by drawing tight the credit strings, driving up interest rates, and aborting the recovery.

We may be on the verge of a boom as the optimists contend. This Senator certainly hopes so. Prudence dictates that while we hope for good news we should base fiscal policy on facts, not euphoric myths.

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

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

The legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

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

RECOGNITION OF SENATOR MELCHER

The PRESIDING OFFICER. Under the previous order, the Senator from Montana [Mr. MELCHER] is recognized for not to exceed 5 minutes.

THE DAIRY HERD BUYOUT PLAN

Mr. MELCHER. Mr. President, part of our job here is to help Presidents. I have been here, in the House and in the Senate, about 17 years; and while my desire has been to help whoever happens to be the President, I have always found it quite difficult because the Presidents, no matter who, during those 17 years have thought they had the right idea on what you tried to advise them about. Particularly, their Cabinet members always seem to have their minds set and are not prone to ask or accept too much advice. Particularly is that true as in my case, being a member of the opposite party. But I must hasten to add that during those 17 years, the White House was occupied for only 4 years by a Democratic President, Jimmy Carter, who was not very easy to advise, either.

The case in point right now is the dairy herd buyout plan. I vigorously, in a fighting mood, opposed that proposal. Indeed, in the Senate Agriculture Committee, when it came up for a vote, it was voted down by a substantial number of the membership of that committee and was thrown in the ashcan, where it belonged. However, the dairy buyout plan was accepted in the House and passed in the House, and it became one of the items in the conference between the House and the Senate that had to be ironed out.

While the administration might want to deny now any parentage, any responsibility, for this dairy herd buyout scheme, the fact is that then Secretary of Agriculture John Block was very active, telling conferees that the plan was workable and desirable.

I sat in on several of the many meetings, small meetings of conferees who were interested in the dairy program. The principal point was what to do about the dairy herd buyout, and Jack Block was present at every one of the meetings I attended of those smaller groups.

I attended those meetings with the hope—beyond hope, to get the scheme dropped completely—but with the hope of modifying it, minimizing it, or somehow getting the bad effects of the dairy herd buyout changed in the final bill that would be adopted by the conferees and submitted to the whole Senate and House for acceptance. I was not very successful. The fact is that the only thing we were able to do—or I was able to do—was to get increased the amount of red meat that would be purchased to offset the deleterious effects that the herd buyout plan would obviously have on the beef and pork markets.

What is wrong with the dairy herd buyout plan is that, first of all, it moves in the wrong direction and absolutely pits one part of the agricultural sector against another part of the agricultural sector. It pits the dairyman against the livestock producer. That is a bad way to run the show.

What was feared by the livestock producers was that when the process began to buy out the dairy herds, the livestock markets would take a beating. That is exactly what has happened. In the livestock market, if there is on any given day 5 percent too much offered or even 3 percent too much offered for the market to absorb, the price is likely to decline at least 10 percent. If the perception is that there will be too much livestock available on the market for a period of time, even for 2 or 3 weeks, the market is likely to drop greater than 10 percent.

What has happened with the dairy herd buyout announcement and the implementation of it is that the beef market has dropped about 20 percent. That is all beef. For cows themselves—that is one category, just for slaughter cows—it is down about 30 percent. It is a fiasco. Something has to be done.

This deleterious effect on the livestock market is bad enough, to the extent that the repercussions of that are going to be heard not just by a few of us in the Senate, but by a great number of Senators, as to how bad it is. The same in the House. And it is going to reach the White House. Something has to be done about this, and done quickly.

The new Secretary of Agriculture, Richard Lyng, inherits this bad scheme. So far, it has been handled in the wrong way. Perhaps that is his fault. The announcement and the implementing of it were made in such a way that it had the most staggering, deleterious effect on the livestock markets. How it is handled from now on is going to determine whether or not the White House feels the repercussions of this in a very strong way. So I suspect that Secretary Lyng will attempt to respond very quickly.

What he did yesterday was to announce that there would be some dairy cows sold at a very attractive price south of the border, to the Mexican Government. I hope that can happen. Secretary Lyng also announced yesterday that they tried to make some arrangements for selling some of these dairy cows to Indonesia. I hope that can happen.

The Secretary also announced that they would implement the offsetting purchase of red meat on the market to go to the military exchanges, the commissaries, in Europe, or would be purchased by the U.S. Government to be used in different programs where the meat would end up abroad.

Obviously, that must happen; because if it is just going to be on the market, the Government would purchase meat for the school lunch program that it would ordinarily purchase anyway, or if the Defense Department would purchase some meat that they would ordinarily use for the kitchens of our Armed Forces or the galleys of the Navy, that would be meat they were going to purchase anyway. So it would have no beneficial effect on the market.

What we are involved in here, Mr. President, is seeking to find a solution that will minimize the harmful effects of the dairy herd buyout plan. It could come in two ways. First, a suspension of the program temporarily or a stretchout, a stall, a delay, in accepting for sale these dairy herds; or, having already made the contract with an individual dairyman, making some arrangement for that dairyman not to unload those cows on the market for slaughter for some time, in the meantime purchasing equal amounts or more of red meat, particularly beef, off the market, to offset the staggering effect that shoving these cows on the market would have in dragging the market lower.

I must point out that the reason why there are repercussions felt in the Senate and by Members of the House, and will be felt in the White House, is simply this: The beef market for cattle producers was a disaster in 1985, and

likewise so far in 1986. In 1984, it was not a profitable market for cattle producers. In 1983, it was the same situation. It was an unprofitable situation during most of the year.

So we are speaking about how we are going to minimize the effects of bad judgment on what is the largest single industry of the United States, and that is livestock. That involves a lot of people. They were hurt before. They were not in good economic shape before. Now they are clobbered again.

We cannot act fast enough. Most of the prompt action will be coming through the actions of Secretary Lyng in the Department of Agriculture. I hope he will suspend the actual marketing of these dairy cows. Those that are under contract are, after all, owned by the United States. It will cause some additional expense by the Department of Agriculture to get agreement from dairy herd owners who had contracted to sell these cows to the United States and market it themselves. To get them to hold that market is going to cost something for the Department of Agriculture, but it is the best thing to do under the circumstances; because a further deterioration of the livestock market, or even letting it stay as low as it is, is going to be very damaging for big industry and therefore very damaging to the country as a whole.

The second thing is to do as he announced yesterday: To find a home abroad for those that are marketed. The two countries I mentioned earlier are Mexico and Indonesia, and possibly there are others.

The third thing to do is to purchase more beef out of the market by Government entities at this time, so long as the beef is in addition to what normally would be purchased and so long as the beef will go out of the United States.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. HELMS). Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 10 a.m., with statements therein limited to 5 minutes each.

UNITED STATES-MONACO RELATIONS

Mr. PRESSLER. Mr. President, I would like to share with my colleagues here in the United States Senate some interesting correspondence I have received from Prince Rainier of Monaco. Indeed, I recently had the pleasure of meeting him and his son, Prince Albert.

In an earlier Senate speech, I discussed the importance of examining the significance of smaller states, such as Monaco, to the United States. It is, therefore, very rewarding to see Prince Rainier's strong reaffirmation of the traditionally very close and friendly relationship between our two countries. Both Prince Rainier and his son, Prince Albert, and the people of Monaco are valuable friends of the American people. This is an important indication of the need for appropriate, reciprocal recognition by Americans. Good friends make good allies, and they remain friends and allies when their bonds of friendship are demonstrated—both in private and in public.

Mr. President, I ask unanimous consent that Prince Rainier's correspondence to me be printed in the RECORD.

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

PALAIS DE MONACO,
April 3, 1986.

Senator LARRY PRESSLER,
Chairman, Subcommittee on European Affairs.

DEAR SENATOR PRESSLER: Thank you most kindly for your letter of February 20, 1986 concerning the project of your Subcommittee to examine the role of small European states and their relationships with the United States of America. I was also greatly interested in reading your recent Senate speech on this subject.

I regret the slight delay in submitting my comments to you on this subject of great importance. The reason is due to the fact that I wished to give this subject my undivided attention and to prepare the fullest reply possible. You will find my thoughts on this matter outlined on the enclosed document.

I would like to emphasize the importance I attach to the historic—and longstanding—ties of family, friendship and commerce which have linked our two nations. If you examine the diplomatic record of these relations in detail, I think that you will conclude that there has been much gained by both nations. In spite of the size of the Principality, its reputation as a true friend of the United States can never be questioned. The overwhelming majority of my people are indeed pro-American and, as is universally known, my admiration for the American people and nation could never be questioned either.

My only regret, at this moment of our relationship, is the fact that the White House has apparently seen fit to remove its diplomatic mission in Nice/Monaco and transfer the seat to Marseille. I have attempted to outline my feelings on this subject in the attached document. I would like you to be aware, however, that I consider such a move to be false fiscal economy. Such an action will, in my opinion, save no money for the U.S. Government, but may indeed increase expenditures as the staff in Marseille would, of necessity, have to be augmented while travel time and money would have to increase in order to get from one end of the Riviera to the other. Such a diplomatic relationship, conducted from long distance, will never equal the actual situation of having a professional United States diplomat on the spot.

Should you have any questions regarding the attached document or if I could provide your Subcommittee with any additional information, please do not hesitate to ask. I would be pleased to receive any member of your Subcommittee in the Principality, should the need arise.

With best wishes,
Sincerely,

——— ———.

RELATIONS BETWEEN THE PRINCIPALITY OF MONACO AND THE UNITED STATES OF AMERICA

QUALITY OF MONACO'S RELATIONS WITH THE UNITED STATES

For several generations, diplomatic relations between the Principality and the United States of America have been most cordial and fruitful. According to our records, a United States Consular Agency, under the jurisdiction of the American Consulate in Nice, was maintained in the Principality of Monaco for a total of 32 years—from 1874 to 1906. One officer, Emile de Loth, a French citizen, was the sole agent in charge of the Agency from its opening to its closing. In 1927, the Department of State proposed that American Consular Officers accredited to the Alpes Maritimes also be accredited to the Principality of Monaco—with the Consulate being located in the City of Nice, France. As your committee on Foreign Relations is no doubt aware, the Consulate in Nice was closed under the Carter Administration and reopened again under President Reagan. I have recently been informed that the Consulate in Nice will once again be closed in the near future and the consular jurisdiction will be returned to the Consulate General in Marseille. This news of the closing of the Nice Consulate is very distressing for me personally because I fully realize the inconvenience it will cause for those American citizens residing permanently in the Principality, as well as the thousands who annually visit my Country. In my opinion, the Consulate General based in Marseille, France, is too far away to handle those matters which are presently the responsibility of the American Consul in Nice. For your information, Marseille is a 300-kilometer trip from the Principality.

For the past several generations, close and intimate ties have existed between our nations. Several Americans have taken up permanent residence in the Principality—some 500, that is—while thousands of American tourists spend a week or more each year in my Country. According to last estimates, over 150,000 American citizen tourists annually visit the Côte d'Azur. In view of the high volume of consular services provided by the Consulate at Nice, I fail to understand how such emergencies can be taken care of by a Consulate so distant as Marseille. The hardship would incovenience not only American citizens but also those Monègasques and French citizens who require visa services. It is obvious the Consular General in Marseille would experience great difficulty in providing the necessary services in Nice and Monaco—especially during the very active tourist months of June, July and August. I would like to call to the attention of the European Affairs Subcommittee of the United States Committee on Foreign Relations that the Principality of Monaco is a member of 12 international bodies, among which are Intelsat, the International Hydrographic Union and UNESCO. My Ministry of State has, on a number of occasions, cooperated intimately with the Government of the United States—especially when crucial votes are involved in an International Meeting. Although I have been more than pleased to fully cooperate whenever a request for assistance is received from the Government of the United States, I am

presently most concerned and disappointed to learn the United States of America will no longer be represented in the Principality from Nice.

COMMERCIAL INTERESTS

As your Subcommittee may be aware, I have expended great efforts in recent years to attract American commercial interests to the Principality. This has proven to be a most successful venture and, at present, we now have many American financial investments in Monaco. This expansion of American commercial interests has also increased the number of American citizens residing here on a permanent basis. The local business community has, of course, come to rely heavily on the American Consulate in Nice for support.

THE U.S. NAVAL PRESENCE

Monaco has remained, for several decades, a favorite port of call for the United States 6th Fleet in the Mediterranean. The port of Monaco, as well as several official entities in the Principality, have always worked very hard to assure full support is provided to the Fleet in the form of liaison with the Monégasque Government as well as civil authorities, to assure successful fleet visits. I welcome the visits of the 6th Fleet ships to Monaco and I sincerely hope they continue. This is one additonal evidence of the very strong ties which bind our two nations.

TREATIES WITH THE UNITED STATES

At present, I am unaware of any specific treaties between the Princiaplity and the United States of America, which need updating or possible changes.

RECOMMENDATIONS ON THE ENHANCEMENT OF MONACO'S RELATIONS WITH THE UNITED STATES

I cannot emphasize strongly enough my personal doubt that a Consulate General based in Marseille could ever maintain the permanent contacts with members of my Government and all of the participants of several international conferences who meet in the Principality throughout the year. The closing of the Nice Consulate would, in my opinion, seriously damage the image of the United States of America in this part of the world. From my personal acquaintance with many principal officers at your Consulate General in Nice, I know for a fact that important political, economic and commercial contacts—which have been greatly beneficial to the United States Government—have been in the Principality of Monaco. I am of the personal opinion much would be lost if the United States continued with its plan to close its diplomatic representation in the Principality. As a chief of State, I fully realize the difficulties a Government faces today in managing its resources more effectively and the need to centralize work in diplomatic missions abroad. Even in an area of fiscal constraints, I wish to emphasize that I consider such a decison to be a case of false economy. I have never been convinced that an adequate level of diplomatic services could be provided to the Principality from the American Consulate General in Marseille and, indeed, it appears to me that by eliminating the Consulate General in Nice, the United States is sending a signal of lessening of interests in this area of the world. I sincerely hope my impression is untrue.

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A CLEAN ENVIRONMENT AND A PROSPEROUS ECONOMY: CAN WE HAVE BOTH?

Mr. SIMON. Mr. President, a former Member of this body, Senator Gaylord Nelson of Wisconsin, now serves as counselor of the Wilderness Society of this country.

Recently, he gave a speech at Michigan State University in which he urges us to pay attention to our environment and safeguard it for the future.

Gaylord Nelson was never known for mincing words and letting anyone be uncertain as to what his position was.

This speech is no exception.

I urge my colleagues in the Senate and the House to read his remarks, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

A CLEAN ENVIRONMENT AND A PROSPEROUS ECONOMY: CAN WE HAVE BOTH?

(By Gaylord Nelson)

I once introduced the late Adlai Stevenson at a dinner in Milwaukee. He opened his remarks saying, "I am the speaker—you are the audience. It is my responsibility to speak, and it is your responsibility to listen. However, if you finish listening before I finish speaking, you are, of course, free to get up and leave."

I shall endeavor to finish speaking before you finish listening. If I fail, I am sure you won't hesitate to exercise your constitutional options.

Out of some thirty-two years in public office, I did finally learn that in public speaking, there is at least one rule that is worthwhile to keep in mind. It is this—never speak to a group of experts about their own field of expertise. Don't talk to dairy farmers about dairying, doctors about medicine, foresters about forestry, or snake charmers about charming snakes.

That is precisely the advice Prime Minister Disraeli gave to a member of Parliament more than 100 years ago who asked whether Disraeli thought it advisable for him to participate in the debate.

Disraeli charmingly replied saying, "I don't think you had better enter this debate. It would be better if the House of Commons were to wonder why you did not speak than why you did." Having said that, I am now about to break that rule and speak on environment, resource and conservation issues to an audience that includes a whole host of authorities with considerable expertise in ecology life systems, resource and environmental issues. Nonetheless, I am willing to risk expression of a viewpoint on these complicated matters knowing, as do you, that our understanding of the environment and the tens of millions of living things that are a part of it is miniscule compared to what we do not know. So we are all in a situation of what might be described as shared ignorance. It's just a question of degree.

Over a period of some four decades, I have particularly concerned myself with environmental and resource issues. Early on I realized the more I learned, the less I knew. This is so because the subject matter is all-encompassing. It is the air, the water, the soil, the forests, the oceans, the rivers, all living things in the seas, on the land, the relationship and influence of each on the others, plus economics, politics, philosophy and more. So, obviously, we will never know or understand more than a small bit about the endless intricacies of nature's works and how the world habitat is affected by it all. Nevertheless, we can learn and understand the general principles that should guide our conduct as a society if we are to preserve a liveable habitat. The overall general guiding principle can be stated in many ways. The proposition is, quite simply, that we must conduct our activities in such a way as to protect the integrity of the ecosystem and its resources which sustain life and determine its physical quality.

Obviously it is easier to state that proposition than it is to practice what we preach in this highly industrialized society which produces waste products capable of destroying the ecosystem that sustains us. Indeed, in the process of producing those goods our society seems to desire, we are degrading and endangering the fabric of our life systems in manifold and increasingly dangerous ways.

There are, of course, powerful forces in the country who do not believe the problem is serious, and therefore the environmental laws and standards are unnecessary and should not be enforced. There are others who think we cannot afford a clean environment, and, there are those who oppose any governmental interference in the market place at any time, under any circumstances. They believe the free market place, good intentions and competition will somehow resolve this problem along with all others in due time. This is the Supply Side School. They believe their formula is applicable to all problems and they are a force to be reckoned with in this Administration.

They proclaim, for instance, that their supply-side, self-help, free market, do-it-yourself environmentalism will work if we will all just calm down and give it a chance for a decade or two. If, for example, you go into the free marketplace to buy some fresh air and none is available, just hold your breath, and as the demand increases, the price will rise and the classic forces of supply and demand will take over; then there will be an abundant supply, the price will fall and even the poor people will be able to buy some. It all sounds pretty good if you don't think about it too hard.

Well, the fact is we are going to have to think about it much harder in the future than we have in the past. As we all know, our resource problems are global as well as national and thus require international cooperation on an unprecedented scale. If we are to live in harmony as passengers on the "spacecraft earth," as Adlai Stevenson once described our planet, then we must understand and cooperate with each other. We have a long way to go. At the Congress of Vienna in 1814-15, when Prince Metternich was informed that the Russian Ambassador had just dropped dead, he paused for a moment or two and then asked: "What can have been his motive?"

We ask the same question today of the Soviets that Metternich did, and they ask the same of us. Some day, and it cannot be too soon, the two superpowers must succeed in de-escalating the arms race and begin cooperation on a global basis with all other countries on the vital enterprise of better husbanding those resources which determine whether we will survive on this planet and in what condition.

If you were asked the question, "What, in the long run, is the most important issue

facing mankind on the planet?", how would you answer?

Is it:

The economy? Jobs? Free speech? Freedom of religion? Freedom in general?

Is it:

World peace? World hunger? Discrimination? Civil rights?

Is it:

The threat of nuclear war? The viability of democratic institutions?

Just what is the most important issue of all?

Well, we could probably argue all day and all night without agreeing on the list or the priorities. . . .

But if you think carefully about it, there is one issue that stands alone, above all others. Right now, at this moment in history and in the longhaul into the next century and the centuries thereafter, no other issue is more relevant to the physical quality of life for the human species than the status of our resources and the quality of our environment, air, water, soil, minerals, scenic beauty, wildlife habitat, forests, rivers, lakes, and oceans.

These resources determine quite precisely the physical condition of our lives on the planet and influence quite dramatically the human condition, spiritually, intellectually, and philosophically. There is quite simply no other issue with a more compelling entitlement to our attention and our time.

And yet, strangely, this issue which is of primary consequence for this and all future generations plays a secondary role to a multitude of other issues such as the economy, jobs, the nuclear arms race, star wars, the never ending Middle East crisis, Soviet expansionism, foreign imports and many more. These are the issues that occupy the front page, the Congress, the President, the public. These kinds of issues, of course, will always make a strong claim on our attention. The puzzling question is why an issue far more important than any of these commands far less attention?

While in the past two decades we have come some appreciable distance in our understanding and sensitivity to resource-environmental issues, we still have advanced only a few steps toward the goal we must achieve if indeed we are to forestall a disastrous degradation of the planet's resource base.

If we, as rational individuals, understand, as I think we do:

That the viability of our economic system depends upon our resource base;

That issues of war, peace, hunger and revolution are mightily influenced by the availability of resources;

That nuclear war is not inevitable but environmental disaster is inevitable unless we act in a timely fashion;

That in many corners of the earth population numbers already exceed the supply of resources necessary to sustain an acceptable quality of life;

That, indeed, our physical well-being, our standard of living, the quality of our lives is directly, specifically and tightly tied to our resources.

If all of this is so, and clearly it is, then why do we not have the foresight and the will to act collectively to meet the challenge before the damage is beyond repair?

The central core of the problem is, I think, that the various political, religious, economic and social power structures which set our goals and guide our direction have their own institutional agendas which take priority over everything else:

The political system is headed by politicians who have a short franchise. The next election is the first order of business, not the next generation or the one after.

Business and industry are primarily concerned about profits this year and next year.

Labor unions must worry about jobs today and tomorrow.

Farmers and their organizations worry about the current price of corn, soy beans, wheat, milk and the mortgage payment.

Religious institutions worry about today and the hereafter.

Educational institutions are heavily preoccupied with training their students for jobs in today's marketplace albeit they do have a broader intellectual mission which affords some hope that they will give us a new generation with a better grasp of this issue and a stronger commitment than past generations.

While the mission of these institutions as I have just described them is overly simplified, the important truth is that long-range resource issues are not a significant institutional priority for any of them.

And, unfortunately, individuals, the public, so to speak, tend to conduct themselves much like institutions in the sense that they are pre-occupied with minding the store, responding to the pressures of daily events and postponing hard decisions on pervasive long-term problems under the illusion that delay won't cost very much, that we can address the problem at some other time. So it goes from one generation to the next.

Until we understand that the problem is urgent, right today as it was yesterday and the day before; that every delay exacts a price, levies a hidden tax, imposes a cost which ultimately will impoverish us; until we understand, and believe, and are willing to act on the proposition that the highest and first priority of our society must be to preserve the integrity and viability of those ecosystems that sustain us and all other creatures; until then, we will continue to delude ourselves with the seductive notion that we are addressing the heart of the matter, when, in fact, we are merely tinkering at the periphery of the problem.

Just a little more control of air and water pollution; just a little more protection of ocean estuaries and salt marshes; saving a few hundred thousand acres of wetlands from mindless destruction; preseving a few million acres of wilderness and wildlife habitat; modest reductions in the use of herbicides and pesticides; reducing the pace of soil erosion; deploring the depletion of aquifers; cleaning up a few hazardous waste dumps while proliferating the production of new toxics; lamenting the siltation of spawning grounds while cutting the forests that protect them; and then, topping it all off by celebrating Arbor Day, is not a prescription for meeting the challenge we face. It may make us feel good, but the effort is inadequate and doomed to failure.

As we look to the decades ahead we must very soon recognize that our present-day focus on the resource issue is far too narrow and superficial. It touches only the visible tip of the iceberg. It is going to be necessary to make many jarring course corrections that will lead us in a different direction from which we have been going since the founding of the Republic. For two hundred years it has been the prevailing philosophy of this society that our resources were boundless, that we could dissipate and exploit them with lavish extravagance without end. We have uncritically assumed that the vast quantities of toxic chemicals, hazardous wastes and all other pollutants that society produces could be safely vented into the air, dumped in the oceans, lakes, marshes, rivers and on the land because nature would somehow contain or neutralize them. This, of course, was not so. Nature's capacity is limited and that capacity was exceeded in many places and in many ways quite some time ago. After many years of debate, Congress initiated some important steps to address the issue of environmental contamination by adoption of a series of historical legislative proposals. The objectives sought in these enactments have overwhelming public support in every opinion poll. We were beginning to make some progress in reducing air and water pollution under the Johnson, Nixon, Ford and Carter Administrations. So, too, in land protection under the Surface Mining Act, wilderness preservation, the Endangered Species Act, pesticide control and a beginning on hazardous wastes and toxic chemicals.

Until the Reagan Administration, we had a decade and a half of encouraging, bi-partisan support in controlling environemental contaminants. While the progress was slow, at least we were moving in the right direction.

Unfortunately, at the very time that circumstances demand a continuous and far more vigorous expansion of our address to the whole spectrum of resource issues, we have an Administration that is turning the clock back because it is either blind to the problem and ignorant of the consequences, or recklessly prepared to dissipate the resources of future generations for short-term political gain and illusory economic benefits.

The loss of time and momentum is only one of the serious damaging consequences of the President's environmental policies. Even more importantly he has trivalized a vital issue at a critical time instead of using the power and prestige of his office to galvanize the necessary public support to move our society more rapidly in the right direction. What a difference in the course of history the President could have made had he invested as much time and energy in advancing the cause of the environment as he has in pushing a tax bill that, at best, will be but a minor footnote in the long perspective of history.

Increasingly in the past half dozen years the argument is advanced that some kind of benefit cost assessment should be made before implementing any environmental enforcement procedures. Many of the proponents of such an assessment are opposed to the laws passed by Congress on the grounds that the controls are unnecessary, or too stringent or too costly. They support such an assessment because they believe it would provide ammunition in support of proposals to weaken or compromise legislative mandates. Others support such assessment because they believe that the overwhelming weight of the evidence will demonstrate that most environmental mandates need to be strengthened not weakened.

The reason the two parties reach opposite conclusions while appearing to support the same proposition is that they, in fact, are not supporting the same kind of benefit cost assessment.

Those who want to use the BCA to weaken support for environmental mandates do not include in their assessment all societal costs and benefits, only those that are easily quantifiable in current dollar costs to the polluter and measurable on the

consumer price index. In their computations they do not include the societal cost of a polluted river, a lake or forest destroyed by acid rain, an aquifer poisoned by toxic chemicals, a wildlife refuge destroyed by selenium or any one of dozens of other societal costs.

In other words, they want society as a whole to continue to shoulder the cost of environmental damage directly caused by the polluter's own activity. To permit that practice to continue is both bad environmental policy and bad economic policy.

If all costs and benefits are included, the case is clear beyond question that preserving a clean environment is a profitable investment. This argument is all part of a major proposition being advanced by environmental critics who insist that at some point soon we must make a choice between a prosperous economy and a dirty environment, or clean environment and a poor economy. A year or two ago I participated in a conference organized around the theme, "The Economy and the Environment: Need We Choose?"

Those who would dramatically weaken environmental protection claim we must, indeed, make a choice between the two. They assume the two are separable and must be addressed as discrete entities standing alone, antagonistic one to the other. They are wrong by every rational standard of measurement. I assume we are using the world's "environment" in its broadest context to include all physical resources—air, water, soil, scenic beauty, minerals, and forests. They are all part of the environment and inseparable from it. The appropriate generalization to be made, I think, is that the economy and the environment are inextricably intertwined; a degraded environment and a poor economy travel hand-in-hand. It is vital to understand that while you can have a country rich in its resources with a poor economy, you cannot have a rich economy in a country poor in its resources or its access to them. That, I assume, is axiomatic. Jeremy Rifkin recently stated the proposition simply and clearly as follows: "The ultimate balancing of budgets is not within society, but between society and nature."

Each incremental degradation of nature's resources—the air, the water, the soil, forests, scenic beauty, habitats—is quite simply a dissipation of capital assets which ultimately will be paid for by a lower standard of living and a lower quality environment.

Dozens of examples easily come to mind which demonstrate the universality of the principle involved in Mr. Rifkin's statement. One or two briefly argued make the case.

Soil, top soil, productive farm land which provides the food and fiber which sustain us. No country on earth matches our great land base of fertile soil. Our agricultural productivity is the wonder of the world.

Nonetheless, we are dissipating that land base at an alarming pace.

In the past 200 years almost one-third of our top soil has been lost by erosion.

Since 1935, millions of acres have become unproductive through soil loss.

Each year one million acres of prime farm land is taken out of production for real estate development and other purposes.

In the past half-century we have paved over an area 20,000 square miles larger than Wisconsin.

Let me quote from the Global 2000 Report:

"In the United States, for example, the Soil Conservation Service . . . has concluded that to sustain crop production indefinitely at even present levels, soil losses must be cut in half. The outlook for making such gains in the United States and elsewhere is not good."

One does not have to pause and think more than a moment or so to recognize that the implication of this situation dwarfs by comparison the importance of any other issue currently confronting us, including the economy, inflation, jobs, unbalanced budget, energy shortages, poverty, or political and military confrontations around the globe. While each of these problems, standing alone, can reasonably be managed by intelligent action, they will all be seriously exacerbated by a reduction in agricultural productivity.

Almost every week another example of the enormous cost to society of a dirty environment surfaces on the front pages of the national press. Just a few days ago The Wall Street Journal carried a front page story with the headline:

Nuclear Mess Uranium-Mill Wastes, Piled High in West, Pose Cleanup Issues

Debate is Raging Over Who Should Pay Burial Costs And When They Should

"Ecological Bombshells" Seen

The story reports, in part, as follows:

"AMBROSIA LAKE, N.M.—The visitor drives past a sign its lettering faded now, welcoming him to the heart of uranium country. But traversing an eerily silent basin guarded by honey-colored buttes, he sees only the industry's bones; abandoned mines, a shuttered mill and, overshadowing all, strange gray mesas—man-made, poisoned hills.

They are mill tailings, wastes left from uranium-ore processing, and 222 million tons of them are heaped up in 10 Western states. Mildly radioactive, they exhale gamma rays and radon gas. The wind blows dust particles off them, spreading contamination. Plumes of pollutants, including selenium and arsenic, feather out beneath them toward ground-water supplies.

A few have seriously fouled nearby areas already, and others threaten to. Randy Sabo, a former executive staffer at a now-moribund uranium producer, calls them 'ecological bombshells waiting to blow up on somebody's desk.' They now confront the West with one of the most gargantuan cleanup jobs in history.

Burial of 25 million tons of this stuff at 24 sites has begun, with the federal government paying 90% of the cost and the states 10%. But these are all so-called inactive sites, which in the industry's early years produced almost entirely for the government anyway. They had shut down and surrendered their operating licenses before 1978, when Congress ordered a tailings cleanup and told the Environmental Protection Agency to set standards for it.

But who will pay to bury the other 197 million tons, and when will they be forced to do it? A huge flap has arisen over this.

These tailings are at so-called active mill sites, those still licensed when the 1978 law was passed. Currently, companies owning them are liable for the whole cost of cleanup when their operations are clearly over. The bills could conceivably total billions of dollars. Alarmed producers, their business almost destroyed, are screaming for relief."

". . . Some idea of the extent of the whole problem can be gleaned from work on the inactive piles scattered from Tuba City, Ariz., to Spook, Wyo. They are small, but several are in or near towns or threaten to slump into rivers. Colorado alone has seven sites, with piles in or near Durango, Gunnison, Grand Junction and Rifle ranked as high health hazards."

". . . At Grand Junction, workers are jacking up houses and scraping mill tailings from beneath them. The tailings have been widely used there as construction fill and have contaminated 4,500 properties. Another 1,000 sites elsewhere in the nation will have to be cleaned up, too.

At Salt Lake, a pile in a populated area has polluted an aquifer and homes and businesses around it. So every day, a 100-car train takes 10,000 tons of it to a remote spot near Clive, Utah for burial."

" . . . Also, no one knows how much it would cost to stabilize the active piles; estimates range up to a maximum $4.4 billion projected by the Energy Department, based on its work with the old sites."

" . . . In the most serious incident, in 1979, a United Nuclear Corp. pile near Church Rock, N.M., partially collapsed, dumping toxic and radioactive wastes into the Puerco River and degrading it all the way into Arizona. Radioactivity was detected in animals watered by the river, and wells near the pile showed alarming concentrations of thorium 230, a dangerous isotope."

The Journal story further states that the producers of the uranium waste now raise the fairness issue:

"They note that the cleanup standards that they now must meet, finally issued by EPA in 1983, were unanticipated years ago; so, they say the price they charged for uranium never reflected the financial burden that government has suddenly dropped on them."

That's hardly a convincing argument. They were certainly aware that the wastes were radioactive and contained other toxics such as selenium and arsenic. If not they, who did they think should be responsible for protecting the aquifers, rivers, soil and the public health from the pollutants they produce in their own commercial activities?

Any benefit-cost assessment that leaves this factor out of the equation so distorts the result as to make such an assessment meaningless.

There continues to be a national controversy over the Clean Air Act and appropriations for waste management treatment facilities. The Administration would like to weaken these statutes and cut appropriations.

Just what do we mean by clean air and clean water? What general principles should guide us in setting air and water quality standards? It would seem obvious that standards must be set at a level that will assure that air or water pollution will not impair health or result in any significant adverse ecological damage. We are a long way from achieving that standard.

"Will it cost too much to achieve that standard?" That is the way the question is usually formed. The proper way to test the question is to ask, "How much will it cost society not to meet that standard?" The answer is that we can pay the cost of meeting the standard, but there is no way for future generations to pay for our failure.

All across the nation, fresh water lakes are being sterilized, made lifeless, by acid rain caused by sulphur oxides from burning fossil fuel and nitrogen oxides from auto emissions. Some three hundred lakes have been rendered sterile in New York, and thousands of others are being degraded in Canada, the Rocky Mountains, Wisconsin, Minnesota, Michigan and elsewhere.

Can anyone tell us what the monumental economic and recreation loss to the nation will be unless we move now to save our lakes from acid rain?

What is the economic value of the protein sources in the oceans and the water in our rivers? If we continue to destroy the salt water marshes and pollute the estuaries and the shallow waters of the continental shelf which provide the breeding habitat of most marine creatures, we ultimately will destroy the productivity of the oceans. Has that been factored into the economic equation in the debate over clean water standards? The answer is, no, it has not.

Is it not cheaper to clean up the Mississippi River and keep it clean than to leave it dirty so that every city, every municipality and every industry from Minneapolis to the Gulf of Mexico takes out dirty water, launders it and returns it polluted again?

These and one hundred other questions can be asked and every time the answer will be that it is far better for the economy and cheaper to maintain a clean environment than a dirty one.

In the short run, some very modest temporary benefit to the economy might result from relaxed air and water quality standards, but it would be dangerous and enormously expensive. If we do that, it simply means we are borrowing capital from future generations and counting it on the profit side of the ledger.

Quite apart from the ethical questions involved, there is simply no way that a future generation could replace the capital we borrow from them because we cannot restore a polluted ocean or a polluted lake.

The ultimate test of man's conscience is his willingness to sacrifice something today for a future generation whose words of thanks will never be heard.

LEADING CONSERVATIONISTS HONORED IN PENNSYLVANIA

Mr. SPECTER. Mr. President, later this month, on April 25, 1986, the Pennsylvania Wildlife Federation will gather in Hershey, PA, to honor the outstanding conservationists in Pennsylvania. It gives me great pleasure to inform my colleagues of the recipients of these distinguished awards.

The Wildlife Federation, the educational arm of the Pennsylvania Federation of Sportsmens' Clubs, will present these honors at their second annual awards banquet. In all, nine individuals or organizations will be honored for their exemplary work in the past year, including: The leading Pennsylvania Conservationist, Mr. Larry J. Schweiger; the year's Conservation Professional, Mr. Gary L. Alt; the finest Conservation Organization, the Pennsylvania Forestry Association; the Conservation Classroom Educator of the Year, Mr. William R. Einsig; the finest General Conservation Educator, Mr. Louis Ritrovato; the year's Conservation Communicator, Ms. Susan Q. Stranahan; the Conservation Legislator of the Year, State Senator Roy W. Wilt; the finest Youth Conservation Group, Butler County Explorer Post No. 100; and the Special Industry and Business Conservation Award to P.H. Glatfelter Paper & Pulp Wood Co.

I am pleased to be able to share my enthusiasm for the accomplishments of all the federation's honorees. As we approach the 21st century, it is essential that on the Federal, State and local levels we continue to focus on the environmental integrity of our Nation. The efforts of those honored by the Pennsylvania Wildlife Federation will encourage expanded emphasis on the vital need for conservation, and I look forward to working with them to achieve this goal.

DEATH OF HON. H. CARL MOULTRIE I

Mr. MATHIAS. Mr. President, it was with sorrow that I learned yesterday morning of the death of the Honorable H. Carl Moultrie I, chief judge of the Superior Court of the District of Columbia. Appointed to the superior court by President Nixon in 1972, Judge Moultrie was an untiring jurist, not only carrying a full trial calendar, but effectively and efficiently administering the court on a day to day basis. His service to the people of the District of Columbia on the trial court and in his civic involvements will long be remembered.

Mr. President, I ask unanimous consent that an article from today's Washingtion Post detailing Judge Moultrie's life be included in the RECORD.

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

SUPERIOR COURT'S JUDGE MOULTRIE DIES OF CANCER

(By Elsa Walsh)

H. Carl Moultrie I, 71, the chief judge of D.C. Superior Court, a jurist who put more faith in stiff sentences than in rehabilitation and a widely respected civil rights and community leader who was president of the D.C. branch of the NAACP during the 1968 riots, died of cancer yesterday at the Washington Hospital Center.

Judge Moultrie announced to his colleagues in February that he had inoperable cancer, but that he had no intention of giving up his work. His last day in his chambers was March 25.

Judge George H. Goodrich, the court's senior acting judge, was named acting chief judge until a permanent replacement can be selected.

A former newspaperman, social worker and housing official in Wilmington, N.C., Moultrie came to Washington in 1948 as the national executive secretary of Omega Psi Phi, a noted black fraternity. He studied law at Georgetown University at night and in 1956, at age of 41, received his degree. While continuing his work with the fraternity—he remained executive secretary until 1972—he joined the law firm of Cobb, Hayes, & Windsor.

As a lawyer he distinguished himself by filing the first police brutality suit against the D.C. police department. As was the case with most black lawyers at that time, much of his courtroom work was for little or no pay.

He also immersed himself in civic activities and over the years held positions of increasing responsibility in areas ranging from health and welfare to the provision of legal services. He became a mentor to a generation of younger black leaders, including Marion Barry, Walter E. Fauntroy and Jesse Jackson, who stayed at Moultrie's house on the eve of the 1963 March on Washington that was led by the Rev. Martin Luther King Jr.

In 1964, Moultrie became president of the local NAACP and he held that post in 1968 when rioters torched and looted parts of the city in the aftermath of King's assassination. With then-Mayor Walter E. Washington he rode through the riot areas trying to calm the situation. Later that year, he played an important behind-the-scenes role, helping to feed the participants in the Poor Peoples March who camped on the Mall.

In 1972, President Nixon appointed him a judge at D.C. Superior Court. The court had come into being only in the previous year, replacing the D.C. Court of General Sessions. Its purpose was to serve the citizens of the District of Columbia as a state court, taking over from the U.S. District Court such functions as the trail of felonies and major civil cases, the probation of wills and other functions.

Judge Moultrie was part of this process. In 1978, he succeeded Harold H. Greene as chief judge when Greene was made a judge of the U.S. District Court.

A pressing priority was the court's backlog of cases. As a way to alleviate it, Moultrie initiated several mediation programs that serve as alternatives to full trials. He expanded the number of hearing commissioners from one to 10. These officials handle preliminary hearings, arraignments and other matters that used to fall to judges.

Moreover, Moultrie is credited with furthering opportunities in the court system for minorities, women and younger lawyers and judges. His tall, lean figure with a puff of white hair and wire-rimmed glasses often could be seen in the hallways and on the escalators, talking to attorneys and court officials.

In the process, the judge became for many the embodiment of Superior Court. Most judges began their work yesterday by asking for a moment of silence, and the courthouse closed early out of respect for him.

Apart from his administrative duties, Moultrie had a full trial calendar. He presided over some of the city's most celebrated cases, including that of Bernard Welch, the murderer of Washington cardiologist Michael Halberstam.

It was as a trial judge that he gave heavy sentences. In an interview in February, he said the young defendants appearing before him seemed to be hardened criminals with scant prospect of rehabilitation. He almost always gave them maximum sentences.

"He's just a criminal," he said of young offenders. "He's just damn mean. They don't give a damn. Your life to them is nothing. I would like to see the death penalty. I would use it."

For defendants over 30, however, Judge Moultrie had greater hopes of rehabilitation and was less severe. "Theirs is a one-time act," he said.

In a controversial decision in 1985, he sentenced Edward Strothers, 54, to 365 days of weekends in prison after Strothers pleaded guilty to murdering his girlfriend while her grandmother looked on. He also ordered Strothers to make payments to the victim's

6-year-old daughter and to take out a life insurance policy in her behalf.

"I had only one thing in mind: to see what could be done for the decedent's daughter," Moultrie said in an interview. "I have no qualms about putting people in jail. In fact, it's the easiest, least controversial thing to do. I could have put this man in prison and let the citizens take care of him for the rest of his life. But what good would that do the child?"

Mayor Barry yesterday ordered flags on city buildings flown at half staff in honor of Moultrie. He released a statement that said: "His legal acumen, his judicial temper and his long and successful efforts as the leader of our Superior Court will forever remain a monument to this great lawyer, jurist and public servant."

U.S. Attorney Joseph diGenova said Moultrie reminded him of Socrates' idea of a good judge: "To hear courteously, to answer wisely, to consider soberly, and to decide impartially."

Moultrie was born in Charleston, S.C., April 3, 1915. His parents were the Rev. William Edward and Annie Moultrie. For reasons lost in time, his childhood nickname was "Dick Tracy." He graduated from Lincoln University in 1936 and also studied theology there. He received a master's degree at New York University in 1952.

After Lincoln, he moved to Wilmington, N.C., where he was a newspaper reporter and worked at a boy's club. From 1941 to 1949, he headed the Hillcrest Housing Project in Wilmington. He then moved to Washington to work for Omega Psi Phi.

A resident of Washington, he is survived by his wife, Sara; a son, Dr. H. Carl Moultrie II of Valparaiso, Ind., and two grandchildren.

In the interview he gave in February, Moultrie said: "There are so many things that still need to be done. And you think, you think in terms that it could be a space of months that you are no longer involved. That's very frightening, very frightening. But you learn to live with it."

COUNCIL ON HEMISPHERIC AFFAIRS SITUATION 1985 CHILE ANNUAL HUMAN RIGHTS RECORD

Mr. KENNEDY. Mr. President, last summer the Government of Chile finally lifted its 7-month state of seige, and the United States promptly resumed its support for international loans to Chile. This action was taken despite protests from human rights groups in the United States, in Chile, and from Members of this body.

The lifting of the state of seige last year did not end the Pinochet regime's brutal oppression of its population. That Government still retains the de jure right to continue systematically repressing and terrorizing the Chilean population.

And in fact, the human rights record is just as bad today as it was during the state of emergency. U.S. law clearly states that the U.S. representative to multilateral institutions should not support loans to governments which engage in a pattern of gross human rights abuse. Yet the U.S. World Bank Executive Director has voted in favor of millions of dollars in loans to the Pinochet dictatorship since the lifting of the state of seige, and a record $909 million during 1985.

Last January I visited Chile and met with opposition leaders committed to a restoration of democracy in that country. I also met with victims of human rights abuses who told me of the brutal methods of intimidation, torture, and murder perpetuated by Pinochet and his military supporters.

I direct my colleagues to a recent report on the human rights situation in Chile compiled by the Council on Hemispheric Affairs, one of our Nation's most respected bodies of scholars and policymakers. Contrary to claims by members of the Reagan administration that the Pinochet government is making progress on human rights, the report's findings indicate that there was no improvement in Chile over the last year.

As the report states, "Abuses in the country occurred on such a broad scale throughout the year that Pinochet's human rights record ranks Chile as the worst violator in South America and one of the poorest in the hemisphere."

I have asked Treasury Secretary Baker to reconsider our Government's decision last summer to resume support for international loans to Chile. It is my hope that he and my colleagues in the Senate will take the time to read the Council's report.

Mr. President, I ask that the report may be printed in the RECORD.

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

CHILE: WORST VIOLATOR IN SOUTH AMERICA

Human rights conditions in Chile, which had gravely deteriorated in 1984, remained at least as poor if not worse in 1985 despite the lifting June 16 of the seven-month old state of siege. Abuses in the country occurred on such a broad scale throughout the year that Pinochet's rights record ranks Chile as the worst violator in South America and one of the poorest in the hemisphere. A December 10 report by the Chilean Human Rights Commission counted 169 banishments, 7,518 political detentions, and 61 deaths at the hands of security forces. Further figures compile an indicting litany of torture, harassment, threats, and censorship. In addition, Chilean dictator Gen. Augusto Pinochet's rejection of the National Accord, a loose but comprehensive coalition of leftist, rightist and centrist political groups brought together by the country's Cardinal Primate and committed to a peaceful transition to civilian rule, make clear his intention not to follow the lead of many of his South American neighbors in moving towards democratization.

Though the lifting of the state of siege at mid-year was, in itself, taken by the Reagan administration as sufficient proof of improvement in human rights to justify the United States voting in favor of international loans to Chile in June, repression in the second half of the year continued to be widespread. Even without the state of siege, other states of legal exception, particularly the state of emergency, guarantee the authorities broad discretion to violate civil rights, though mere suspension of civil rights pales in view of the torture, intimidation, and murder attributed to security forces and anti-communist paramilitary groups.

One disturbing developoment has been the emergence in the last year of the clandestine right-wing group the Chilean Anti-Communist Action (ACHA), which has intimidated and threatened church and human rights activists and students, and is responsible for some bombings and kidnapings as well. But most abductions, some of which involve rape, beatings, slashings, or inflicting burns, are invariably carried out by unidentified armed civilians, who are generally believed to be connected to the security forces because of the similarity of methods, the impunity with which they operate, and use of "safehouses" to interrogate or torture victims. A direct connection was established between the ACHA and military personnel in at least one case in Oct. 1984 in which ACHA pamphlets were found at the scene when an army lieutenant was killed while placing a bomb in a church.

Students, teachers, human rights activists and labor leaders have been particularly victimized. Demonstrations were routinely broken up with water cannons, tear gas, and demonstrators arrested, beaten, and in some cases killed by National Information Center (CNI) or Carabinero personnel. Killing prisoners by staging "shootouts" with police has been a frequent technique since the onset of Pinochet's rule, and human rights groups in Chile include "supposed shootouts" as a subcategory in their statistics.

Repression of students and campus groups has been a hall mark of the regime since it seized power in 1973. Early this year, members of the Student Association of the University of Chile (FECH), who were working on community projects in several poor neighborhoods were arrested by police. On the second such occasion February 8, 240 students were held for two days during which time they were beaten and forced to do strenuous exercises which led to the death of one student, Patricio Manzano, due to cardiac failure. At the student's funeral, the vice-president of FECH, Gonzalo Rovira, was arrested and banished to a remote concentration camp. In March, five leaders of the national teachers' union were kidnapped, tortured and interrogated by armed civilians. Numerous other arrests and killings of students occurred throughout the year, particularly in the fall when the incidence of student protests and antigovernment demonstration was greater.

Church leaders, who are often considered subversive by the nature of the office that they hold, also were frequently threatened. In one case a priest, Manuel Heiva, was actually beaten, in many others priests or their parishioners were threatened or abducted, and in some cases crosses were cut or burned into victims. Maria Vilicic Wallberg, a worker with the Pastoral Youth Vicarate, was the victim of such an attack in August in which two men attacked her and carved three crosses on her breasts and chest as a warning to Pedro Montiel, an official of the vicarate.

A number of incidents occurred of death threats against prosecutors and judges involved in politically sensitive cases, and included the intimidaton of family members. In a case similar to the attack on Vilicic, Mirta Navarrote, the wife of a court secretary working with Judge Jose Martinez in the investigation of a suicide of a prisoner thought to have actually been staged by

police to cover up the true circumstances of his death, was assaulted June 21 and had a cross slashed into her breast as a warning against pursuing the case. She was attacked again in July and had another cross cut into her forehead.

Numerous other persons directly or indirectly related to human rights work were subject to intimidating attacks, on several occasions against the offices of rights organizations themselves.

1985 was also a bad year for press freedoms, though it should be mentioned that the lifting of the state of siege did allow six publications which had been banned to reopen. In February, a dozen plainclothes policemen, carrying a search warrant issued by the Interior Ministry, raided the offices of the Chilean Journalist Association and seized the latest edition of the journalists' newsletter. Raids on two publishing houses (one by the CNI), and various detentions of journalists, also contributed to a poor press situation. On Dec. 4, Rev. Renato Hevia, a Jesuit priest and editor of the magazine Mensaje, was arrested for violating the State Security Law by criticizing the Pinochet regime and publishing allegations of human rights abuses. Though freed Dec. 19, other individuals accused of similar infractions faced possible 10-year sentences if found quilty.

Labor unions were also a favorite target of the regime. On some occasions, union offices were raided and their leaders detained in the raids, picked up in connection with their fomenting public demonstration, or banished to internal exile. In addition to its normal strike activities, labor has paid dearly, along with students, for its role in protests against specific murders and abductions, "Day for Life" protests against the regime, and demonstrations in commemoration of May Day, former socialist president Salvador Allende's birthday and election, and other occasions.

A rising tide of demonstrations climaxed with huge National Day of Protest held Sept. 4, in which ten demonstrators and bystanders were killed and over 1,000 arrested in connection with the street manifestations. Pinochet's brutal response to the day of protests provoked a rash of other actions creating widespread disturbances in October and November as well. Dozens of opposition and union leaders were arrested for instigating the unrest, although most have since been released.

The reinstatement Dec. 9 of nine of the fourteen Carabineros accused of the March killings of a sociologist, a teacher, and an illustrator who were members of the Communist party, was a major setback for hopes that there would be successful prosecution in the case. The three victims had been arrested by the Carabineros and were found two days later near the road to the airport with their throats slashed and bearing signs of torture. The brutality and openness of the incident sparked outrage in the country and led to a rash of resignation in the security forces. But much of the early success of Judge Jose Canovas Robies' investigation into the case seems due to a rivalry between the Carabineros and the CNI which prompted the latter to cooperate in the prosecution of the case, and hopes for further action in this and other cases against police which arose in its wake, has dimmed with the acquittal of the nine accused Carabineros.

When eleven opposition parties, with the coordination of Santiago Cardinal Juan Francisco Fresno, signed the "National Accord for the Transition to Democracy" August 25, it was considered a watershed in Chilean politics. The accord disavows violence as a means of transition, does not include the participation of the Communist party, and does not call for broad-ranging human rights trials such as occurred in Argentina.

But the same broad representation which makes the agreement unique also limits its cohesion, and Pinochet has ridiculed the accord and dismissed any possibility of ending his own presidency before the 1989 deadline for elections originally stipulated in the 1980 constitution, nor of ending military rule even beyond that year. The all too familiar pattern experienced in Chile this year was that of limited freedoms generating greater opposition, that in turn provokes greater repression rather than the further development of a political opening in the country.

SALT STRENGTHENS AMERICAN SECURITY

Mr. BUMPERS. Mr. President, the President, and the country, are facing a critically important decision in the next few weeks. We have two choices. One is to continue to stay within the limits of the unratified SALT II Treaty II, and thereby force the Soviets to continue to dismantle hundreds of nuclear-tipped missiles over the next few years. The other choice is to violate those limits, and thereby condemn the world to an accelerated nuclear arms race where there are absolutely no limits at all on the deployment of offensive strategic nuclear weapons. To me the choice is clear: SALT strengthens American security, so we should stay with it until we get something better. I am pleased that a total of 52 Senators have agreed and so stated their views in a letter to the President yesterday, and I hope that more Senators will do the same.

This issue is timely because in May, our eighth Trident submarine, with 192 warheads on 24 missiles, will go to sea. This will put us 22 over the SALT II limit of 1,200 multiple warhead missiles unless we dismantle two older submarines, each with 16 missiles. Not surprisingly, some administration officials with a record of unrelenting hostility toward arms control are pushing for the United States to junk SALT and not dismantle the two subs. This would end all limits on offensive nuclear arms and trigger an acceleration of the arms race in several directions. In return, we would increase our missile forces by just 2 percent and get an extra 4 to 5 years of service from the subs, after which they would be scrapped anyway because they would hit their 30-year life limit.

This administration has so far wisely chosen to stay within the limits of SALT. It even went so far last June as to decide to dismantle a Poseidon submarine when our seventh Trident went to sea. However, reports are that the President is less likley to repeat that very statesmanlike decision this time around. I hope those reports prove wrong.

It is important to focus on what we get out of SALT. One of the great untold stories of SALT is that it has forced the Soviets to dismantle over 500 operational missiles and bombers, yet has forced us to dismantle only 16. Through the end of 1987, it will force the Soviets to dismantle 5 times as many missiles as us, 300 to about 60.

If we drop our policy of abiding by SALT, the Soviets will not have to make any of these reductions. Furthermore, they would be free to add up to 20 more warheads on each of their 308 SS-18 ICBM's, adding over 6,000 warheads to their totals. Without SALT, they could build even more SS-18's. They could easily exceed the SALT II limit of 820 MIRVed ICBM launchers—since they now have 818—and are getting ready to deploy their new MIRVed SS-24 this year.

The major increase in Soviet nuclear forces brought on by a breakdown of SALT would weaken U.S. security. It would pose an important and growing threat to the survivability of U.S. ICBM's, submarines, and bombers. It would increase the difficulty of the President's strategic defense initiative by increasing the number of missiles and warheads that SDI would need to defend against. And in this Gramm-Rudman environment, violating SALT would cause us to take money away from conventional forces and shovel still more into nuclear weapons. It's not surprising that the Joint Chiefs are reported to favor staying with SALT II.

Some say that because the Soviets have violated some of SALT's provisions we should junk the treaty.

We should ask three questions: First, are the Soviets in violation? The answer is yes. Second, are the violations sufficient to alter the strategic balance? The answer is clearly no. Third, if not, is our interest well served by continuing our no undercut policy? The answer is clearly yes.

The Senate has spoken out clearly and convincingly on several occasions for maintaining our current SALT policy. In 1984 the Senate accepted our amendment supporting SALT by a vote of 82 to 17. Last year the Senate again approved our SALT amendment by a vote of 90 to 5. And again last year, the Senate rejected by a vote of 79 to 17 an attempt by SALT opponents to overturn the President's wise decision to dismantle a Poseidon submarine.

Our allies strongly support our current SALT policy. Every one of our NATO allies endorsed SALT II back in 1979, and they continue to do so today. In the words of Hans-Dietrich Genscher, West Germany's foreign minister:

We supported the United States sentiment of commitment to the SALT II treaty, although it was never ratified. Because it is very difficult to make new agreements in arms control, it is all the more important to most carefully preserve existing treaties and adhere to them.

Rejecting SALT now, before we have a new strategic arms agreement in place, would be a body blow to the NATO Alliance, and would give the Soviets a propaganda field day in Europe.

Some in the administration are proposing that we drydock the two submarines; that is, inactivate them for a year to put pressure on the Soviets. While some see this as a compromise position, the record was set straight when a senior State Department official, when asked if this would be a violation, said "Drydocking? Yes, it would." There is no doubt we would label such behavior by the Soviets as a violation. We would just be inviting the Soviets to drydock the submarines and ICBM silos they would otherwise dismantle. And while it would take about 3 years before we could return our subs to service, the Soviets could reactivate their ICBM silos in a matter of days. The drydocking ploy thus favors the Soviets numerically—300 versus 60—and qualitatively as well.

As President Reagan so wisely said last June:

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.

I am pleased that so many of our Senate colleagues have joined us in reinforcing the message the Senate sent last year: For the sake of vital United States and NATO security interests, and to force the Soviets to continue dismantling hundreds more missiles, Mr. President, please stay within the SALT limits and dismantle the 2 submarines, or 22 Minuteman III's next month.

Mr. LEAHY. Mr. President, yesterday a bipartisan majority of the U.S. Senate—52 Senators in all—wrote to President Reagan to urge him to continue his "no undercut" policy of interim restraint with regard to existing offensive strategic arms agreements.

As many of my colleagues know, the sea trials of the eighth Trident submarine, the U.S.S. *Nevada*, scheduled to occur on May 20, 1986, will require the President to decide whether or not to dismantle existing strategic launchers in our nuclear arsenal in order for the United States to remain within the MIRV'd launcher ceilings imposed by the unratified SALT II Treaty.

Specifically, unless the President orders the dismantling of the launchers of two Poseidon submarines or an appropriate number of Minuteman ICBM launchers, the United States will violate the SALT II Treaty by exceeding the 1,200 subceiling on launchers of MIRV'd ICBM's and SLBM's.

Our letter to the President is a reflection of the strong feeling in the Senate that scrapping the no undercut policy would not serve U.S. national security interests, would damage relations with our NATO allies, and probably destroy any chances for arms control for the rest of his administration.

Mr. President, the no undercut policy has been overwhelmingly endorsed by the U.S. Senate on two previous occasions when Senators BUMPERS, CHAFEE, HEINZ and I offered amendments to the fiscal year 1985 and fiscal year 1986 Department of Defense authorization bills. After the Senate voted 90-5 for our amendment last year, President Reagan stated on June 10, 1985: "It remains in our national interest to establish an interim framework of truly mutual restraint on strategic offensive arms as we pursue * * * the ongoing negotiation in Geneva."

Surely, the President realized—as we do—that, without the SALT limits, the Soviets are capable of producing strategic weapons faster than the United States, at least in the short term. Anyone who takes the trouble to learn the facts knows the no undercut policy constrains the growth of Soviet strategic forces, and at least through 1987 requires the Soviets to dismantle more strategic systems than the United States.

A fierce debate over the no undercut policy is raging in the administration. Evidently, some in the administration are leaning toward drydocking or mothballing the two Poseidon submarines instead of removing their launchers. If that is what the President finally decides, it will, in my judgment, endanger the hopes for a summit, undermine the Geneva arms talks, and probably lead to a collapse of the mutual observance of the key SALT numerical limits.

My colleagues and I are very concerned about the administration's charges of Soviet arms control violations. Yet, none of the alleged violations either alone or collectively significantly alter the strategic balance. The way to address our legitimate concerns about Soviet compliance is through confidential, nonpolemical discussions in the SALT Standing Consultative Commission in Geneva. It is clear to me that the administration has not made serious use of the SCC to resolve compliance issues because the alleged violations help excuse the lack of any progress in arms control for over 6 years.

The President's new decision on the no undercut policy, which we believe is imminent, could be the turning point for the hopes of arms control during his tenure in office. If he decides to stay with it, we can still hope for a breakthrough at a summit or in Geneva. If he turns away from it, I predict a quick poisoning of United States-Soviet relations, the end of any chance for an arms agreement before the President leaves office, and an acceleration of the arms race.

Finally, Mr. President, I would like to thank Senator BUMPERS, Senator HEINZ, and Senator CHAFEE and their staffs for their hard work in preparing our letter to President Reagan. In addition, I would like to express my appreciation to all of our colleagues who joined us in this important effort.

I ask unanimous consent that the text of the letter to the President be printed in its entirety.

The letter follows:

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

U.S. SENATE,
Washington, DC, April 9, 1986.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Your November meeting with Secretary Gorbachev in Geneva established a solid basis to improve U.S.-Soviet relations. One of its more important accomplishments was the agreement, that a follow-up meeting would be held this year in the United States. Despite our profound differences with the Soviet Union, both countries share many common interests, the most important of which is avoiding nuclear war. In this regard, we believe it is important that some restraints continue in place on the Soviet Union and United States on an interim basis while negotiations continue in Geneva to reach a new arms agreement.

We applaud 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." We firmly believe that your policy of not undercutting existing strategic arms agreements, while reserving the right to take proportionate responses that enhance U.S. security, is very important in limiting the Soviet nuclear threat to the United States and our allies. Your June decision to dismantle a Poseidon submarine when the USS Alaska went to sea trials has forced the Soviet Union to continue dismantling older weapons as it deploys new ones, a practice they would be unlikely to continue in the absence of SALT restraints. We also note that your June decision received strong support from our NATO allies.

We strongly support your June statements concerning U.S. policy toward existing strategic arms agreements and believe U.S. and NATO security interests would be best served by continuing your "no undercut/proportionate response" policy through 1986. As you know, the Senate strongly endorsed that policy in June by a vote of 90-5 and endorsed your decision to dismantle a Poseidon submarine to stay within SALT limits by a vote of 79-17. As our June votes indicate, we encourage you to continue this wise policy.

As you know, our eighth Trident submarine is scheduled to begin sea trials about May 20. When this important event occurs, we believe that you should ensure that the United States not exceed the ceiling on

launchers of MIRVed ballistic missiles. We believe that discarding the SALT limits will endanger U.S. and NATO security by allowing the Soviets to add thousands of new warheads to their arsenal. They now have a far greater capability than the U.S. to exceed the SALT limits, particularly in MIRVed ICBMs and missile-launching submarines, but have refrained from doing so under the existing "no-undercut" framework.

Without the "no-undercut" policy, we will in all likelihood see a new accelerated arms race, with negative consequences for U.S. and NATO security. Among other harmful effects, a major expansion of Soviet ICBM warheads could pose important survivability problems for the entire triad and would multiply the challenge to your Strategic Defense Initiative.

The U.S. has legitimate concerns about Soviet compliance with some provisions of existing strategic arms agreements, and these concerns should be vigorously pursued. In order to maintain the integrity of those agreements and facilitate reaching a new agreement, the Soviets should be pressed to take positive steps to resolve our concerns.

We look forward to working with you in the coming months to ensure that the United States continues to implement military and diplomatic policies that are in our national interest.

Sincerely,

Senators signing the letter to the President:

REPUBLICANS

John Heinz, John Chafee, Arlen Specter, Bill Cohen, Robert Stafford, John Danforth, Charles McC. Mathias, Mark Andrews, Daniel Evans, Mark Hatfield, Lowell Weicker, Slade Gorton, Nancy Landon Kassebaum, and Bob Packwood.

DEMOCRATS

Pat Leahy, Dale Bumpers, Claiborne Pell, Joseph Biden, Albert Gore, Jr., Donald Riegle, Bill Bradley, Jeff Bingaman, Tom Harkin, Bill Proxmire, Paul Simon, Howard Metzenbaum, Spark Matsunaga, Max Baucus, James Exon, Lawton Chiles, Alan J. Dixon, Patrick Moynihan, Christopher Dodd, Edward Kennedy, George Mitchell, Gary Hart, Carl Levin, Paul Sarbanes, Alan Cranston, Wendell Ford, Tom Eagleton, David Pryor, Daniel Inouye, John Glenn, John Kerry, Quentin Burdick, Frank Lautenberg, Jim Sasser, Jay Rockefeller, Lloyd Bentsen, John Melcher, and Dennis DeConcini.

Mr. CHAFEE. Mr. President, yesterday President Reagan received a letter signed by 52 Senators, expressing our support for a continuation of the no undercut policy with regard to the unratified SALT treaty. I was pleased to join with Senators BUMPERS, HEINZ, and LEAHY in writing this letter, which is based on the belief that mutual Soviet and United States adherence to the SALT limitations has served the national interests of this Nation, and will continue to do so.

Today we find ourselves approaching a crucial juncture in arms control and United States-Soviet relations, as the administration considers whether to maintain its commitment to existing SALT arms limits. The immediate question is: Should the President order the dismantling of two Poseidon submarines carrying multiple-warhead missile launchers, in order to offset the launchers on the new *Trident*—the U.S.S. *Nevada*—which begins sea trials next month? The larger question, however, is whether the so-called no undercut policy we have followed since 1979 has been worth it, and will continue to be worth it, as we work for new arms control agreements and better United States-Soviet relations.

I believe that mutual adherence to SALT arms limits has worked in favor of U.S. security. It has prevented the arms race from escalating out of control, and forced the Soviets to dismantle more than 500 operational missile launchers. In comparison, the United States has had to dismantle only 16 launchers, which—as you know—we did last June. More importantly, the SALT limitations have kept the two superpowers on course in their pursuit of new, formal arms control agreements. In the past 6 years, United States-Soviet relations have crossed some rough terrain, but I am convinced that the road would have been a good deal rougher without the restraints imposed by the SALT framework.

We are not here today to claim that the no-undercut policy has been perfect. Significant questions of compliance have arisen over Soviet encryption of missile test data and the U.S.S.R.'s possible deployment of two new types of ICBM's—the SS-24 and SS-25. But these concerns, which we should attempt to resolve through diplomatic channels and the Standing Consultative Commission, do not justify scrapping the entire arrangement. If we abandon SALT because of these violations, we will move away from prudent arms control policy and almost definitely unleash an arms race of unprecedented proportions.

All the evidence indicates that without the SALT limits the Soviets will be able to build up their arsenal at a much greater rate than the United States. One recent study indicates that Soviet strategic weapons could increase by 65 percent by the end of 1989, compared with only 45 percent for the United States. Soviet missiles, especially the SS-18, are capable of carrying a greater payload than they currently have. Thus, without SALT they could add more warheads to missiles already deployed. In fact, by 1990 the Soviets could deploy twice as many warheads as the United States.

We believe that it is in the best interests of this Nation to maintain the no-undercut approach. In view of yesterday's good news that a Reagan-Gorbachev summit is likely to take place in the United States some time this year, let us continue with the policy that has brought restraint to nuclear arms buildup, and that holds out the promise for future fruitful arms control reductions.

I wish to thank Senators BUMPERS, HEINZ, and LEAHY for working with me on the letter, and on Senate Concurrent Resolution 112, the resolution we introduced last month expressing our support for the SALT limits, as long as the Soviets also continue to abide by them. I urge my colleagues to take a close look at this vital issue, and hope they will join us in working for continued effective arms control.

Mr. HEINZ. Mr. President, President Reagan faces a crucial choice between standing by his policy of preserving the SALT limit on MIRV'd missiles or abandoning it. If the President changes course and scraps SALT restraints, I see three possible consequences: First, a new arms race in warheads which the United States cannot win, second, a setback in achieving a future agreement to reduce nuclear weapons, and third, an enormous increase in military spending without a corresponding increase in American security.

Soviet violations of SALT require an American response. The President, however, has many better options for proportionate response than scrapping key limits that both sides have never broken, limits that serve our security interests.

If we do not dismantle enough missile launchers to stay within the SALT limits when the next Trident submarine goes to sea in May, we give the Soviets the green light to race ahead in an expansion of their nuclear arsenal. Even if the Soviets do not respond with an all-out effort to build their forces, they can raise the stakes at the arms negotiating table. With the unraveling of the most important limit we have on offensive weapons, the United States arms control objective of reductions in nuclear weapons would be more distant than ever.

All of these consequences could follow a decision to keep two of our Poseidon submarines instead of dismantling their missile launchers. Ironically, these two submarines and their 32 missiles will be out of service for major overhaul for 3 years in any case. It is pointless to start an arms race and torpedo arms control in order to add 300 obsolete warheads back to our huge arsenal some 3 years from now. A decision to take the submarines out of service without dismantling the launchers in 6 months would be a violation of SALT as both sides have been observing it.

Today the United States and the Soviet Union each have roughly 10,000 strategic nuclear warheads, but the Soviets are in a much better position to add quickly to their forces. In the first 4 years of a mutual buildup, the Soviets could add at least 7,000 war-

heads to their arsenal, and the United States only 3,700. The United States could eventually catch up, but only at great cost. By the mid-1990's both sides could have amassed some 27,000 warheads apiece. The result would be an enormous outlay of taxpayer dollars, a huge addition to both sides' nuclear overkill, and no improvement in our security.

The Soviets have two ICBM production lines in action, two missile-launching submarine lines, two strategic bomber lines, and vigorous missile development programs. They could expand their production of delivery vehicles faster than the United States. Even without increasing production of missiles, the Soviets could use their 3-to-1 advantage in missile throw weight to add thousands of warheads to existing systems. They could use the lifting capacity of their giant SS-18 missiles to add 6,000 warheads to their forces, and add another 4,000 more simply by replacing older single warhead missiles with their new SS-X-24.

The two Poseidon submarines which some have proposed not dismantling to comply with the SALT ceiling will have to undergo 3 years of overhaul in any event. So we could give the Soviets the go-ahead to add thousands of weapons to their inventory by doing something that will only add about 300 warheads to our forces, and that 3 years down the road.

The Soviets might not race ahead at maximum speed without SALT limits. They might simply stop retiring older missiles as new ones are deployed. They might just keep their submarines in service longer. By doing this, they would raise the ante for the next round of arms talks. When the United States tries to strike a deal on weapon reductions, which is the President's goal in arms negotiations, the Soviets would be starting from a much higher baseline. We could have to pay dearly at the negotiating table to get back just to where our balance of forces is today.

Last spring President Reagan made the right decision to stay within the SALT limits on multiple warhead missiles. At the time he acknowledged that the Soviets are much better positioned to break out of the limits on offensive weapons. That United States disadvantage has not changed. We cannot give the Soviets a chance to exploit it.

Abandoning the MIRV limit that both sides have observed would discard the most important offensive weapon limit we have and would greatly complicate the already difficult task of negotiating reductions in United States and Soviet nuclear forces. Whether the Soviets responded by building up a little, or a lot, an end to the MIRV ceiling would be a giant step backward for United States arms control objectives. Leverage at the negotiating table is crucial. And the Soviets are best positioned to increase their leverage in the short run if we junk the limit on the most destabilizing weapons, multiple warhead missiles.

Soviet violations are a serious issue that threaten to undermine any potential for arms control progress. The problems posed by the SS-25 missile and the Krasnoyarsk radar should be raised by the United States, in the Standing Consultative Commission or directly in summit discussions. But we must recognize that the military balance is not affected by these two Soviet programs. These Soviet activities undermine political support for arms control, but abandoning the MIRV limits would destroy the single most important bilateral restraint on offensive nuclear weapons. And discarding our interim restraint policy would not bring the Soviets into compliance either with the SS-25 or the radar in Siberia.

The President has a variety of proportionate responses he could take to Soviet violations without undermining the SALT limits both sides observe. The Midgetman missile will be a violation of the SALT limits when it is flight tested in 1988 or 1989, but that would be a direct response to the SS-25. Scrapping the MIRV limits does not enhance U.S. security, but other options that would not undermine useful arms restraints could contribute to our military strength.

SENATOR CHILES HONORED FOR HELPING ELDERLY

Mr. GLENN. Mr. President, I would like to call to the attention of my colleagues an event occurring this week which deserves our recognition—the 14th Annual Spring Conference of the American Association of Homes for the Aging [AAHA].

AAHA is the national representative of over 2,700 nonprofit facilities which provide health care, housing, and community services to more than a half million older persons throughout our Nation. Administrators, other key staff, and trustees of AAHA member facilities have come to the Nation's Capital to participate in a comprehensive educational program, to visit with many of their elected officials, and to gain a Washington perspective on significant Federal initiatives affecting the delivery of supportive services to older Americans.

On Thursday, April 10, Senator LAWTON CHILES—my distinguished colleague on the Aging Committee—is being honored as the recipient of AAHA's Distinguished Services Award in recognition of his leadership and efforts on behalf of America's elderly. As ranking minority member of the Senate Budget Committee and member of the Appropriations and Special Aging Committees, Senator CHILES has been a leader in the battle to preserve the Federal Government's commitment to programs which provide vitally needed services to America's older citizens.

The Senator's leadership was readily apparent last month when he worked with Budget Committee Chairman PETE DOMENICI in shaping an unprecedented bipartisan 1987 budget proposal that achieves the deficit targets required under Gramm-Rudman, distributes spending reductions throughout the budget, and rejects major cuts in health care and housing programs. Senator CHILES also initiated the effort last year which protected the Medicare and Medicaid programs for the elderly and poor from the automatic, potentially devastating, spending cuts in Gramm-Rudman.

Additionally, last year, Senator CHILES joined with Senator HEINZ, myself, and other Members of this body to promote legislation which protects elderly residents of continuing care retirement communities from unreasonable personal income tax liability.

In recognition of his numerous endeavors to promote the well-being of elderly Americans, AAHA conferred upon LAWTON CHILES its Distinguished Services Award. I join the association in commending our dedicated colleague.

THE MURDER RATE IS HIGHER IN STATES WITH CAPITAL PUNISHMENT

Mr. LEVIN. Mr. President, legislation to reinstitute capital punishment at the Federal level, S. 239, has been approved by the Senate Judiciary Committee. In anticipation of floor action of the bill, I asked the Library of Congress to check the latest statistics on the correlation between capital punishment and murder rates. The deterrent value of the death penalty is raised by proponents of S. 239 as a principal reason why the Congress should support reinstituting a Federal death penalty. However, a comparison of murder rates in those States with the death penalty and those without the death penalty reveals that the death penalty does not deter murder.

According to the Library of Congress, in 1984, death penalty States had an average murder rate of 8.31 per 100,000 population, while the average murder rate in nondeath penalty States was only 6.41 per 100,000 population.

Mr. President, I join the proponents of S. 239 in their expression of disgust with those who commit violent crimes against innocent victims. I agree that the Senate should consider further measures designed to ensure that those who do commit such crimes

remain in prison for a period of time which is commensurate with their crime. However, in the absence of clear evidence to support the view that the death penalty will protect us from violent crime, the negative aspects of capital punishment outweigh its benefits to society.

The death penalty is irreversible and our mistakes cannot be corrected. Additionally, the death penalty continues to be unfairly applied on the basis of the victim's race against those who are poor and uneducated, and against those who are without the most experienced attorneys. Implementation of a sentence of death also requires the expenditure of enormous resources which could be devoted to better uses.

On balance, reinstituting the death penalty is more harmful than beneficial to our citizenry. I hope the Senate will reject it in favor of more effective law enforcement measures.

Mr. President, I want to confess at this point in my remarks that I had some help in their preparation. Since the very beginning of my service in the Senate over 7 years ago, I have had the great pleasure of working with Ms. Judy Parker Jenkins of my staff. She began as a legislative correspondent, one of those scarcely seen staff members for a Senator, scarcely seen because they are usually buried under mountains of letters from people back home. But Judy couldn't be buried for long. She dug her way through those letters and so impressed me with her intelligence and hard work that within a year I had promoted her to be one of my legislative assistants. That was a decision I have never regretted. The subject of my remarks today—the death penalty—is one of many crucially important areas of public policy which Judy and I have labored on together for many, many hours. I'll never forget Judy stacking up the 20-foot high pile of books I used during extended debate of the last death penalty statute this body was about to consider. The next stack of books for the next extended debate will be compiled by someone else. But we shall not forget Judy's extraordinary commitment. And I'll also never forget her constant professionalism, dedication and loyalty. Tomorrow she leaves my staff, and enters the private practice of law, using the credential she labored many nights after leaving our office to obtain. She leaves with my deepest appreciation and respect.

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

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

S. 2280—TO SUSPEND APPLICATION OF MILK PRODUCTION TERMINATION PROGRAM

Mr. WILSON. Mr. President, I send a bill to the desk for introduction.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

BILL TO SUSPEND DAIRY BUYOUT PROGRAM

Mr. WILSON. Mr. President, today I am introducing legislation to suspend temporarily the milk production termination program—known as the whole-herd buyout—in order to minimize the adverse effect which the program is having on our Nation's beef, pork, and lamb producers. I am joined in this effort by Senators HAWKINS, MCCLURE, and HEFLIN who have cosponsored the legislation.

The bill would suspend the whole-herd buyout program effective today and would require the Secretary of Agriculture to reestablish the program in order to achieve—to the maximum extent possible—orderly marketing of the 1.5 million dairy cows, heifers, and calves which are scheduled for slaughter over the next 18 months under the terms of the program.

Once the Agriculture Secretary has reestablished an orderly marketing plan, this legislation would direct him to submit it to the Senate and House Committees on Agriculture for review and comment. Under the bill, this "reconstituted" dairy termination program would become effective 30 days after its submission to the Agriculture Committees.

Mr. President, it is regrettable—but very, very clear—that such legislation is necessary. During just the first 10 days of the 18-month dairy buyout program, our Nation's cattle industry has seen their prices decline more sharply than any time in the past 10 years.

According to the National Cattlemen's Association, fed cattle prices dropped by nearly $30 per head during the first week of the whole-herd buyout. Cow prices fell by $35 per head, while the value of feeder cattle dropped $15 per head. The cumulative effect of these lower prices on cattle actually sold last week resulted in an estimated loss of more than $25 million.

In addition to these immediate losses, the industry has experienced a staggering reduction in the value of its inventory. Last week, the commodity futures prices on fed cattle for April were down 550 points which represents a decline of $5.50 per hundredweight, or $60 per head. According to industry estimations, the resulting loss of inventory value exceeds $2 billion. In my State, alone, California cattlemen have told me their losses last week totaled more than $250 million.

Mr. President, I do not believe that I overstate the case by saying that last week's developments are of tragic proportions. While some may attempt to minimize the seriousness of the situation by suggesting that much of the loss to the cattle industry is a paper loss, let me remind them that that paper represents collateral which is essential in order for our Nation's cattlemen to receive credit to finance their operations. And this body has considered more than once in recent months—and will debate again in the near future—measures designed to assist our farmers seeking adequate credit.

The whole-herd buyout provision contained in the 1985 farm bill was intended to provide a gracious out for dairymen willing to leave the business. It was the intent of Congress that the cost of this program—estimated to be $1.8 billion—would be borne by the dairy industry and the Government. I do not believe that any one of us intended that the cost of the dairy program should be extracted from the sales and inventory value of our Nation's cattle, pork, and lamb industries.

The red meat market has tumbled because more than 1 million dairy cows, heifers and calves—representing nearly 70 percent of the program's total participation—will go to market between now and August. As a result of this front loading of this 18-month program, the dairymen who have signed up have been injured, too, because the value of their animals has plummeted.

Indeed, in my view, the only one benefiting from the current situation is not the American consumer. There may be a very short-term gain there, but certainly nothing in the long term. No. The only beneficiary is the Office of Management and Budget which prefers a large, early buyout, in order to reduce long-term support payments to purchase surplus dairy commodities. I fully understand their desire to minimize what they put out in order to purchase these dairy commodities. Certainly I applaud the goal if not the means that has been chosen in the whole dairy buyout program. And I have often appreciated and cooperated with OMB in their effort to control Federal expenditures. I have frequently applauded their efforts. But I cannot condone this method by which they have chosen to distort the marketplace in a way that will not have any long-term benefit to the American consumer, and in a way that threatens dire consequences for beef, pork, and lamb producers.

Indeed, the 1985 farm bill attempted to mitigate the damage that our Nation's red meat industry is presently experiencing and explicitly instructed the Secretary of Agriculture to "take into account any adverse effect"—that is the exact language of the bill—

which this dairy program may have on these producers and to "take all feasible steps to minimize such effect."

While the Secretary has implemented an extremely difficult and complex program in a commendably short period of time, I believe that the events over the past 2 weeks clearly reveal that we can do a better job of designing this program. Indeed, we must do a better job. It is for that reason, Mr. President, that I am introducing this legislation today. By temporarily suspending the buyout program, we can immediately restore some stability to red meat prices, while allowing the Department of Agriculture time to develop an orderly marketing scheme—one that would more evenly distribute over 18 months the number of cows going to market and one that would effectively target the Secretary's authority to acquire and distribute 400 million pounds of red meat.

I urge its prompt and favorable consideration.

I thank the Chair.

I ask unanimous consent to have the bill printed in the RECORD.

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

S. 2280

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

SECTION 1. SUSPENSION OF MILK PRODUCTION TERMINATION PROGRAM.

(a) IN GENERAL.—Section 201(d)(3)(A) of the Agricultural Act of 1949 (7 U.S.C. 1946(d)(3)(A)) is amended by adding at the end thereof the following new clause:

"(viii)(I) The Secretary shall reestablish the milk production termination program required by this subparagraph in a manner that minimizes, to the maximum extent practicable, the adverse effect of the program on beef, pork, and lamb producers in the United States.

"(II) The Secretary shall submit a report describing the program required under subclause (I) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"(III) Notwithstanding any other provision of law, the milk production termination program established under this subparagraph shall not be effective during the period beginning on December 23, 1985, and ending 30 days after the Secretary submits the report required under subclause (II).".

(b) APPLICATION.—The amendment made by this section shall not apply to contracts entered into by producers before April 10, 1986, to participate in the milk production termination program established under section 201(d)(3) of the Agricultural Act of 1949 (as in effect before the date of enactment of this Act) with respect to cattle slaughtered or exported under the program before April 10, 1986.

Mr. McCLURE. Mr. President, I rise in support of Senators WILSON, HAWKINS, and HEFLIN in introduction of this bill which will put a stop to the destruction of the beef, pork, and lamb markets which has been caused by the implementation of the Dairy Termination Program. This problem needs immediate attention and swift action.

The implementation of the Dairy Termination Program included in the Food Security Act of 1985 is causing disastrous distortions in U.S. cattle markets. The problem facing America's beef cattle industry has been made worse by a governmental program designed to benefit a relatively small number of already subsidized farmers—dairy farmers. The Federal Government plans to pay 14,000 dairy farmers to go out of business by buying up their herds and sending the cows to slaughter. Congress enacted this program to reduce the purchases of mountains of federally subsidized cheese, butter, and nonfat dried milk in Federal warehouses.

During the debate on the 1985 farm bill, the national cattle industry expressed their concern about sending an expected 930,000 additional cows, dairy cows, to market on an already depressed beef market. Their concerns were recognized, and language was inserted into the farm bill which would have the Federal Government purchase 400 million pounds of red meat to mitigate the damages done to the red meat markets. The cattle industry was also given assurances that USDA would schedule Federal purchases with slaughter dates and spread the slaughter of dairy animals over the full 18 months of the termination program.

But on March 18, Agriculture Secretary Lyng put the number of dairy cows to be diverted under the program at 1.5 million. The USDA stacked the majority of these purchases in the first period, severely distorting the markets. He also said that the Government had immediate plans to buy only about 100 million pounds without a firm schedule. From the view of the cattle industry, this program is a disaster and must be changed.

The USDA announcement has sent the beef futures markets into a tailspin, with contracts dropping down to the limit of $1.50 per 100 pounds for 3 out of 5 days and nearly to the limit on the fourth day last week. Prices paid by the packinghouses follow the futures market down, dropping $5 to about $55 per hundredweight. A 1,000-pound steer, a typical weight, going to slaughter this week was suddenly worth about $50 less than in the last week in March, before the announcement of the dairy buyout.

In addition to the drops in price, the Dairy Termination Program has caused a jamming of the slaughter markets. The untimely and disorderly flow of dairy cattle to slaughter resulting from the Dairy Termination Program has resulted in both lower prices and lost markets for beef cattle sold for slaughter. As slaughterhouses across the Nation buy up relatively cheap dairy cows, cattlemen who traditionally bring cull cows to market at this time are faced with unreasonably low prices or worse—no market at all.

In sum, the beef cattle producers are suffering both price declines and long-term market damages from the Federal Government's attempt to fix a problem created by Government. The market distortions may be lasting; resulting in personal losses which may be enormous. Congress must address this problem. It must address it immediately and forcefully.

We propose an immediate suspension of the Dairy Termination Program and implementation of procedures to ensure an orderly and timely flow of cattle to reduce the adverse effects of this program on U.S. red meat markets. The Secretary of Agriculture has the authority under the Food Security Act to "take into account any adverse effect of such program * * * on beef, pork, or poultry producers in the United States and * * * take all feasible steps to minimize such effect." I encourage the Secretary to take such steps immediately.

After immediate suspension of the program, the Secretary of Agriculture should take two steps to ensure an orderly and timely flow of dairy cattle into the markets. Before resumption of the DTP, the USDA should move more than 200,000 dairy cows which are presently scheduled for the first disposal period to the second and third disposal period. The allocation of bids of the same value to new disposal periods could perhaps be best implemented by distributing 376,500 dairy cows during the first disposal period, 200,000 dairy cows during the second disposal period, and 375,000 cows during the third disposal period. These same proportionate numbers should be placed on the other classifications of dairy cattle under this program. Such a reallocation would reflect the provisions of the law that require the DTP to reflect historical marketing patterns.

In addition, the USDA should establish a schedule for dairy cow slaughter and implement regulations that provide for proportionate spacing of dairy cattle within each disposal period. Bimonthly targets should be established by specifying targets for each dairy producer during each of the disposal periods. Such a schedule would offset the adverse effects suffered by the beef cattle industry due to the large numbers of dairy cattle now being sold for slaughter.

I recognize the difficulty in setting up and running a program such as the Dairy Termination Program. It is a complex program and has many far reaching side effects. The USDA must be more sensitive to the side effects of programs that are set up to help one

section of agriculture. The USDA must be aware that the actions taken in pursuit of one program must be carefully weighed against other areas of agriculture. The beef cattle industry is one area of agriculture which has never had a full fledged Government program to help them survive. However it will not be long before they do if the Government, in its efforts to help one section damages another.

I urge swift and decisive action on this bill and ask my colleagues to lend their support to pass this quickly.

Mr. SYMMS. Mr. President, I am an original cosponsor of the legislation introduced by my respected colleague, Senator WILSON and I rise to support it. I'm extremely sorry that this action is necessary, but it is imperative that we take action to repair, to some extent, the damage that has been done inadvertently to the cattle industry.

The farm bill would not have been allowed to become law if many of us had not believed that it was written to protect the cattle industry from adverse impacts resulting from the Dairy Termination Program. However, the disaster we've witnessed in the past 10 days makes it clear that the bill failed in that part of its mission. The law has specific requirements designed to avoid the effects of a massive increase in cattle on the market. Basically, the law requires orderly marketing. This hasn't happened.

Since the Dairy Termination Program began on April 1 cattle slaughter rates have increased by more than 10 percent over last year's rates and markets have plummeted. In the process some good, longtime cattle operators have been wiped out, as have some feed producers and other intermediate businessmen.

In the last day or two there has been some indication that the crash might be bottoming out. However, I don't think we can depend solely on that. This intolerable situation is directly traceable to the failure of the Department of Agriculture to plan and execute an orderly marketing strategy. Apparently they didn't anticipate the surge of cattle that hit the slaughterhouses nor did they have an active purchasing plan in place.

In order to partially rectify this situation Senator WILSON's bill will impose a moratorium on the Dairy Termination Program until the Department has a program in place that will work. The DPT Program won't resume until the Agricultural Committees of both Houses are convinced that it will work right.

Normally, I'm inclined to avoid legislative fixes. However, in this case, I think we have no choice. I urge you to support this bill.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

METROPOLITAN WASHINGTON AIRPORTS TRANSFER ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1017, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1017), to provide for the transfer of the Metropolitan Washington Airports to an independent airport authority.

The Senate resumed consideration of the bill.

Pending:

Sarbanes-Mathias Amendment No. 1744, to provide that nighttime noise limitations shall remain unchanged or shall be made more restrictive.

The PRESIDING OFFICER. The pending amendment, offered by the distinguished Senator from Maryland [Mr. SARBANES], is limited to 40 minutes equally divided between the Senator from Maryland and the Senator from Virginia [Mr. TRIBLE], with the vote on or in relation thereto to occur no earlier than 10:40 a.m. and with no amendments thereto in order.

Who yields time?

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER (Mr. WILSON). The Senator from Maryland, Mr. SARBANES.

Mr. SARBANES. I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. SARBANES. Mr. President, this amendment which was laid down yesterday evening deals with the nighttime noise issue at National Airport, and is designed to assure the local communities and the area residents that the current limitations and restrictions which have been placed on nighttime noise, limitations, and restrictions that were very hard to come by—by which I mean there was a very long, hard fight in order to obtain them—would be maintained, and that in fact if changed would be changed in a more restrictive direction in order to give the residents a greater freedom from this imposition upon them.

Area residents have been very sharply impacted by the activities at National and the limitations that were placed were a response to that concern. I think, as Members know, planes flying into National are required to use generally flight patterns over the Potomac River to try to diminish the noise problem, but as they approach and leave they obviously move over the surrounding territory. The way the patterns work a disproportionate amount of that noise falls on the Maryland side but Virginia and the District of Columbia are also heavily impacted under certain circumstances.

Area residents and their respresentatives over the years have fought long and hard to try to have some restraint placed on this. The original bill, as introduced, on page 14 of the legislation, in fact provides: "Froze the nighttime limitation standards that currently exists." Unfortunately, an amendment offered by my colleague, the junior Senator from Virginia, removed this restriction in the committee and gave the authority the power to change the limitations that are currently in the law.

It has been argued they could make them tighter. That is true. But they could also make them looser. It is my own view that the pressure on the authority will in fact be to make them looser, and that is the genesis behind the amendment, and that is what I am fearful will happen to the amendment that was made in the committee.

So the amendment that I have offered with my colleague puts the current limitation standards in, and says they cannot be amended unless such standards are made more restrictive of nighttime noise. So they could be amended to become more restrictive, but not amended to be less restrictive as the current provision in the legislation, as a consequence of the amendment introduced by my colleague from Virginia, does.

The minority report in the committee by Senators HOLLINGS and EXON on this nighttime noise restriction amendment at National Airport notes:

The provision giving the new airport commission power to revise the nighttime noise restrictions at National was added by the committee as an amendment to S. 1017, a full 2 months after the bill was originally ordered reported.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. SARBANES. I yield myself an additional 2 minutes.

It will most certainly result in the eventual easing of those restrictions and an increase in late-night flights into Washington's principal airport.

Why is this amendment needed in the first place? Current FAA regulations specify that all flights in and out of National after 10 pm and before 7 am are restricted by noise levels. The original approach endorsed by supporters of S. 1017 was to freeze these rules in place for the 35-year duration of the lease. Then the same people who claimed that the Holton Commission had worked out every detail of the bill, turned around and wanted to amend it. Since no one has proposed an earlier curfew at National, we can only conclude that the reason for giving the local authority this power is to pave the way for more late night flights.

Originally, the Committee agreed to try to resolve this issue on the Senate floor. However, supporters of the bill panicked at the thought of 100 Senators, many of whom live in National's flight path, having the opportunity to debate this issue and discovering the truth about it. That's why the decision

was made to schedule a second markup and add the amendment at the Committee level, thereby hoping to bury it from view.

This amendment is simply another reason why this bill should be defeated. And it should alert others in the Senate, who are suspicious about the effect this legislation will have on air service in Washington.

Mr. President, I could not agree more with the views which have been expressed by Senators HOLLINGS and EXON with respect to this amendment. Clearly, no one is proposing an earlier curfew. I would conclude, as they did, that the reason for giving the local authority this power is to pave the way for more late night flights.

The PRESIDING OFFICER. The Senator's additional 2 minutes have expired.

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

The PRESIDING OFFICER. Who yields time?

Mr. TRIBLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. TRIBLE. Mr. President, I yield myself such time as I may require. I rise in opposition to the amendment.

This subject matter was added by committee amendment. It was fully discussed by the Commerce Committee on 2 separate days. The committee amendment sought to eliminate a provision in the original draft of this legislation which froze existing FAA nighttime noise rules at National Airport.

The administration had tried to address the issue by maintaining the status quo at Washington National. Unfortunately, the status quo is not acceptable to either side. Both community groups and airlines objected. Community groups desired the standard to be changed to prohibit all nighttime jet air carrier operations. The airlines, on the other hand, urged that the rule should be changed to allow certain new quiet aircraft to operate after 10 p.m. Both community groups and the airlines argued to us that the new authority should have the power to change the nighttime rule as it could change all other airport proprietary rules.

This, then, is the genesis of the language in the bill that is now subject to this amendment.

The purpose of the committee was to give a measure of flexibility to this new airport authority, to give it the same kinds of latitude of management that other airports enjoy, but mindful of the concerns that we all have about noise in this greater metropolitan region.

The language was very clear and the committee's intent was very clear. Let me read from the committee report.

The Committee notes that noise at National, and particularly noise between 10 p.m. and 7 a.m., has been a controversial and divisive issue. In transferring responsibility for the nighttime noise standards at National to the Authority, the Committee expects that the Authority would waive the existing standard to allow aircraft operations above the standard only in limited circumstances and only when proposed operations exceed the existing standard by a minimal amount. In such cases, the Committee expects the Authority to seek compensating reductions in noise created by other operations of the carrier seeking a waiver, so that the overall impact of noise is not increased.

What we are doing here is providing a measure of flexibility to the airport authority, but we are also making it very clear there is an overriding concern about noise in this community.

I would go on to point out that an authority commission composed essentially of men and women who reside in this metropolitan region, who live under these flight paths, who share our concerns about noise, are going to be responsive to those concerns. Indeed, that is why community groups have argued for this right, because they know they will be able to maximize their arguments. Indeed, they feel confident that if changes are made they will benefit the community in terms of reduced noise.

The existing standards in this bill transfers to the new authority the same kinds of responsibility regarding nighttime noise as all other airports in the Nation presently exercise. To tie the hands of this new airport authority to prevent it from adjusting the noise rule suggests, as Senator INOUYE pointed out in our committee markup, that we do not trust this new authority.

I would suggest to my colleagues that this language, crafted carefully by the Commerce Committee after 2 days of discussions, after a thorough give and take between Members, after much discussion about all of our concerns about noise, gives this airport the kind of operational flexibility that is essential. Moreover, it provides the kind of protection in the community in terms of noise that we all require.

The PRESIDING OFFICER (Mr. HATFIELD). Who yields time?

Mr. SARBANES. Mr. President, I yield myself 2 minutes.

Mr. President, I want to address very directly the argument just put forward by my colleague from Virginia.

The amendment which is now pending which Senator MATHIAS and I have offered leaves with the authority the discretion to make the nighttime noise limitations more restrictive. It says either the current standard or a more restrictive standard will apply.

The only thing it precludes in terms of the discretion to which my colleague has made reference is the discretion to make these restrictions looser.

That must be very clearly understood. If this thing ever comes into play and the airport authority puts in limitations less restrictive than we have now—in other words, imposes more noise on the community and the area residents—the responsibility for that is directly attributable to the Trible amendment. There is no doubt about that.

The bill, as submitted, would have frozen the current standard.

One can make the argument, "Well, the authority may want to tighten it up." That is what our amendment permits.

The Trible amendment permits the authority not only to tighten it up but to loosen it.

As the minority have stated in their dissent, clearly the pressure is going to be to pave the way for more late night flights. So the consequence of the amendment of the Senator from Virginia is to open up the possibility that, in fact, the authority will amend the current regulations to have a looser standard, thereby subjecting area residents to greater noise, more of a nighttime problem, breach of the curfew.

I do not accept the proposition that this is to give the authority discretion to tighten it. Our amendment does that. Our amendment, in effect, takes the current standard and says, "That shall be the standard unless the authority amends it in a more restrictive direction with respect to nighttime noise." So there is the discretion to become more restrictive.

The Trible amendment adopted in the committee 2 months after the bill was reported out permits the authority——

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. SARBANES. I yield myself another minute—permits the authority to in effect have a looser standard, so that the area residents will be impacted by greater noise. That would not have been possible under the bill as originally submitted. It would not be possible under the amendment which Senator MATHIAS and I have sent to the desk, and it is only possible, only possible, because of the amendment of the Senator from Virginia in the committee, which gives to the authority the discretion, total discretion, in terms of which way to move the nighttime noise limitation standards.

Those who are acquainted with this problem know that the most likely result of providing this discretion will be an easing of the restrictions and an increase in late night flights into Washington's principal airport.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. SARBANES. The pressure will be to pave the way for more late night flights. I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SARBANES. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Maryland has 9 minutes and 50 seconds remaining. The Senator from Virginia has 15 minutes and 27 seconds remaining. The time will be equally charged.

Is someone suggesting the absence of a quorum?

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

The PRESIDING OFFICER. To be equally divided, to be charged to both sides. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TRIBLE. 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. TRIBLE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Virginia has 5 minutes remaining and all the time has expired on behalf of the Senator from Maryland.

Mr. TRIBLE. I say to the Senator from Maryland if he would like me to yield to him at this point some additional time I would be happy to do so. It would be my intention to speak for another minute or two and then move to table his amendment.

Mr. SARBANES. Mr. President, I made the arguments earlier and used most of my time. I was hoping that the Senator from Virginia would respond because I think a heavy burden on this amendment which, as I have argued, is going to allow for an increase in nighttime noise at National, much to the disadvantage of people that both he and I represent.

Mr. TRIBLE. I thank the Senator for his contribution.

I will reclaim my time and will complete this debate.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. TRIBLE. I yielded such time as my colleague and friend from Maryland required for an additional statement.

The PRESIDING OFFICER. If the Senator from Maryland wishes to request time from the Senator from Virginia he may do so.

Mr. TRIBLE. Mr. President, Senator WARNER and I are concerned about airport noise just like the Senators from Maryland. Our constituents, no less than theirs, line the flight path from National Airport and we hear from them with the same regularity.

Neither they, Senator WARNER, nor I want to act in a way that would increase the noise in the region. At the same time, it is important that we do not place this new airport authority in a straitjacket, but rather give this airport authority essentially the same kind of operational freedom that all other commercial airports have.

That is done by the language of this bill. It is done within certain very real parameters, as set forth very clearly in the committee report, which says that changes can be made only in limited circumstances and if changes are made they cannot be made in such a way that the overall impact of noise is increased on the citizens of this metropolitan area.

The amendment adopted by the Commerce Committee is realy a rare political phenomenon. Both the community groups concerned about airport noise and the airlines favored the amendment giving regulatory power over noise to the authority.

The airlines believe the authority will be reasonable in its assessment of new technology and will be willing to make appropriate adjustments. The community groups know, and apparently the Senators from Maryland have difficulty fully appreciating this reality, that the local authority will be responsive to local concerns and local demands to prevent the possibility of too much nighttime traffic.

Both sides and the full Commerce Committee agree that the reliance on the authority to balance these competing interests is preferable to a freeze.

That is the genesis, the rationale, and the purpose of this language.

I would suggest that it balances the interests of all in a proper fashion.

I would suggest that the amendment of the Senator from Maryland ought to be rejected.

Mr. President, I move to table the amendment offered by the Senator from Maryland [Mr. SARBANES].

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Virginia to lay on the table the amendment of the Senator from Maryland.

Mr. TRIBLE. Mr. President, I ask for the yeas and nays on that motion.

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 Virginia to lay on the table the amendment of the Senator from Maryland. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Florida [Mrs. HAWKINS] and the Senator from Vermont [Mr. STAFFORD] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Mississippi [Mr. STENNIS] is necessarily absent.

The PRESIDING OFFICER (Mr. PRESSLER.) Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—60

Abdnor	Gore	Packwood
Andrews	Gorton	Pressler
Armstrong	Gramm	Pryor
Bentsen	Grassley	Quayle
Boschwitz	Hatch	Riegle
Bradley	Hatfield	Rockefeller
Chafee	Hecht	Roth
Chiles	Heflin	Rudman
Cochran	Helms	Simon
D'Amato	Humphrey	Simpson
Danforth	Inouye	Specter
Denton	Kassebaum	Stevens
Dodd	Kasten	Symms
Dole	Laxalt	Thurmond
Domenici	Lugar	Trible
Durenberger	Mattingly	Wallop
East	McClure	Warner
Evans	McConnell	Weicker
Exon	Murkowski	Wilson
Garn	Nickles	Zorinsky

NAYS—37

Baucus	Glenn	Mathias
Biden	Goldwater	Matsunaga
Bingaman	Harkin	Melcher
Boren	Hart	Metzenbaum
Bumpers	Heinz	Mitchell
Burdick	Hollings	Moynihan
Byrd	Johnston	Nunn
Cohen	Kennedy	Pell
Cranston	Kerry	Proxmire
DeConcini	Lautenberg	Sarbanes
Dixon	Leahy	Sasser
Eagleton	Levin	
Ford	Long	

NOT VOTING—3

Hawkins	Stafford	Stennis

So the motion to lay on the table amendment No. 1744 was agreed to.

Mr. TRIBLE. Mr. President, I move to reconsider the vote by which the amendment was laid on the table.

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

The motion to lay on the table was agreed to.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 1754

(Purpose: To preserve the collective bargaining rights of certain airport employees)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES], for himself and Mr. MATHIAS, proposes an amendment numbered 1754.

On page 40, insert after line 25, the following new subparagraph:

(D) Before the date of transfer, the Secretary shall assure that the Airports Authority has agreed to a continuation of all collective bargaining rights enjoyed before the date of transfer by employees of the Metropolitan Washington Airports.

On page 43, line 24, insert "(1)" after "(b)".

On page 44, insert betwen lines 9 and 10 the following new paragraph:

(2) The arrangements made pursuant to this section shall assure, during the 35-year lease term, the continuation of all collective

bargaining rights enjoyed by transferred employees retained by the Airports Authority.

Mr. SARBANES. Mr. President, earlier in the debate, I spoke about the so-called labor protection provisions that are in this legislation, and made the point then that it was my very deep concern that these provisions, which are on pages 42 and following of the bill, did not provide adequate protection for the Federal employees currently working at National and Dulles Airports.

This problem is further complicated by the fact that this authority is being set up under the laws of the State of Virginia, which we do not have before us. There is very serious questions whether, under those laws, public employees would be able to engage in collective bargaining. In fact, the Supreme Court of Virginia has ruled fairly recently that the clear public policy of the Virginia Legislature is against the concept of public employee collective bargaining. The court then reviewed legislative action taken by the Virginia Legislature over the years designed to lay out that public policy.

In fact, the court stated that it was contrary to the public policy of Virginia for any State, county, or municipal officer or agent to be vested with or possess any authority to recognize any labor union as a representative of any public officers or employees or to negotiate with any such union or its agents with respect to any matter relating to them or their employment or service.

In light of that, this transfer of Federal workers to the new airport authority may have dire and unpredictable consequences for a labor work force which, for years, has enjoyed the benefits of collective bargaining under Federal law.

It is very important to understand these workers now have certain collective bargaining rights. This amendment does not seek to expand those rights. It only seeks to assure them. In other words, it is saying to the Federal employees at National and Dulles that this transfer to an authority, and their transfer to its employ, will not diminish the collective bargaining rights which they enjoyed before the date of transfer, and that those rights should continue through the period of their employment by the airport authority. Clearly, it seems to me an assurance of this sort is essential if the employees are not to find themselves in a totally unacceptable employment situation. In other words, you have longstanding Federal employees who have done, as I have said on previous occasions, an outstanding job at both of these airports. They are now going to be dramatically shifted into a new working environment.

The bill in fact creates a new public body, the airport authority, having the powers and jurisdiction as are conferred upon it jointly by the legislative authority of the Commonwealth of Virginia and the District of Columbia. That is in section 7 of this bill.

Most of the labor protection provisions in this bill in fact are limited to only 2 years, so my first contention is they are not protected on the collective bargaining rights. And if in fact it is asserted that they are through some language or other, it is clear that it is limited only to a 2-year period.

I do not think that we can take employees who have in effect developed a favorable labor environment, who have given of themselves over the years, and then shift them into an entirely different context.

Now, this issue does not relate to the Maryland-Virginia-District of Columbia-Federal issue. It does not relate to the sale price, the bargain basement sale price that is being put forward here. What this issue relates to is the employees and their protection. This amendment seeks to assure them that there will be a continuation of the collective bargaining rights they have enjoyed before the date of transfer.

I am frank to say that I see no basis on which the amendment could be opposed unless one takes the position that the employees ought not to have the collective-bargaining rights they have enjoyed before the date of transfer.

This amendment is designed to make crystal clear that they will continue to enjoy those rights and that they will have them over this 35-year term so that the transferred employees will not find themselves in a totally unexpected labor context and discover that the collective-bargaining rights which were won at a much earlier time and on which they have depended over the years are now being denied to them.

I would think, frankly, that the manager of the bill would want to accept the amendment in order to put this particular issue to rest and provide a tight assurance to these Federal employees that in fact they will have collective-bargaining rights of the nature that they currently have after being transferred to the Airport Authority. It seems to me an amendment of elemental fairness as far as the work force at National and Dulles is concerned, and I look forward to the comments of the manager with respect to this proposal.

Mr. TRIBLE. Mr. President, let me speak to the amendment before the Senate.

It is the intention of this bill to extend to Federal employees the same protections they now enjoy under the Federal Government. The status quo seems to be the only reasonable course of action, recognizing that the District of Columbia enthusiastically endorses collective bargaining and Virginia is a staunch right-to-work State.

I have reviewed the amendment of the Senator from Maryland. It appears that his amendment intends to extend to Federal employees the same collective-bargaining protections they now enjoy. It is fully consistent with the bill before us, the intention of the Commerce Committee, and therefore I have no opposition to the amendment.

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

The amendment (No. 1754) was agreed to.

AMENDMENT NO. 1755

(Purpose: To provide protection for Federal employees at National and Dulles Airports for a 5-year period)

Mr. SARBANES. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes an amendment numbered 1755.

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

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

The amendment is as follows:

On page 42, line 20, strike out "2-year" and insert in lieu thereof "5 year".

On page 43, line 1, strike out "2-year" and insert in lieu thereof "5 year".

On page 43, line 7, strike out "2-years" and insert in lieu thereof "5 year".

On page 43, line 10, strike out "2-year" and insert in lieu thereof "5 year".

On page 43, line 19, strike out "2-year" and insert in lieu thereof "5 year".

On page 44, line 1, strike out "2-year" and insert in lieu thereof "5 year".

On page 44, line 4, strike out "2-year" and insert in lieu thereof "5 year".

On page 44, line 5, strike out "2-year" and insert in lieu thereof "5 year".

On page 44, line 11, strike out "2-year" and insert in lieu thereof "5 year".

On page 44, line 24, strike out "2-year" and insert in lieu thereof "5 year".

Mr. SARBANES. Mr. President, this amendment is also directed at the question of labor protection for the employees. The bill as drafted limits the protections to a 2-year period commencing on the date of transfer. I am very frank to say that my own view is that a number, if not all, of the protections ought to extend throughout the period covered by the bill; but I am sensitive to the argument that someone will say, "You are trying to freeze a 35-year period."

So what this amendment does is to change the 2-year period contained in section 9, with respect to protection for Federal employees, to a 5-year period.

Mr. President, I ask unanimous consent that it be in order to move to reconsider the vote on the previous

amendment (No. 1754) that was adopted.

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

Mr. SARBANES. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, the legislation before the Senate talks about protection the employment interests of employees during the 2-year period commencing on the date of transfer. It also makes similar provisions with respect to pay rates, annual and sick leave, seniority rights, life insurance and health insurance, termination of an employee, the rights and benefits that the employee would enjoy if terminated, lump-sum payments as they relate to transfer and annual and sick leave. But in each instance, these protections are limited to 2 years. I do not think that is adequate.

It seems to me that in those areas, when you are talking about employees who have really given a lifetime of service to the Federal Government, many of whom are approaching retirement age and now are being shifted into a different environment, a 5-year period of protection is reasonable.

The protections talked about in the legislation speak of protecting the employment interests of an employee during the 2-year period commencing on the date of transfer. It then provides, for example, transfer and retention of employees in their same positions for the 2-year period commencing on the date of transfer; for payment of basic and premium pay, except in cases of separation for cause, resignation or retirement, for 2 years commencing on the date of transfer; for credit for accrued and annual and sick leave, and seniority rights.

What is going to happen is that if this authority comes about—and, of course, many of us think it should not come about—the employees are going to be shifted into a different work context. I do not think that all the problems of the transfer are going to be worked out within a 2-year period, and yet we have the real possibility that at the end of that 2-year period, the employees could be thrown into a total state of changed circumstances, because all these provisions then could be changed on them. I do not think they should be asked to simultaneously accomplish the adjustment of the transfer to the authority, with all the turmoil that in and of itself will bring, and also, within a very short time, adjust to the fact that the protections no longer exist, since they were provided only for a 2-year period.

This amendment would extend those protections for at least 5 years. I must say that I considered making the period even longer. I think they ought to enjoy these protections. Their entire work career has been in the Federal service and has been related to Federal law and Federal benefits, and they are going to lose that, once they go into this authority. Clearly, they will lose it after the 2-year period.

Not only does this cover the items I mentioned with respect to labor agreements, basic and premium pay, accrued annual and sick leave, seniority rights, life insurance and health insurance programs, and termination provisions, but also, once the 2-year period is over, as I read this legislation, these employees are fair game, so far as the employing authority is concerned.

They no longer have the protections provided in the legislation because they terminate after the 2-year period commencing on the date of transfer.

I do not think this is dealing adequately with men and women who have devoted a lot of their career and effort to the Federal service.

Therefore, I put forward this amendment.

Mr. TRIBLE. Mr. President, I must oppose this amendment. I believe that this legislation provides substantial protection to the good men and women who have served at these airports.

I shall read from the report of the committee that discusses the various provisions of this measure. I quote from section 9, page 15, of the committee report:

> This section assures that the permanent Federal employees at the airports who would transfer to the new Authority will retain for 2 years the important existing aspects of their employment relationship with the Federal Government. The Committee adopted the same approach in legislation in 1983 transferring the Alaska Railroad to an entity of the State of Alaska, and believes that this arrangement proved satisfactory.
>
> Employees would be guaranteed retention in their current positions, at current salaries, for 2 years following transfer. Premium as well as basic pay rates would be protected. Annual and sick leave balances would transfer, and leave accrual in these accounts would be guaranteed for 2 years at the same rates as apply to Federal employees. Life and health insurance comparable to Federal programs would be available to the employees for the 2-year period as well. Labor agreements would be honored for up to 2 years while renegotiation occurs. An employee with retirement rights under Federal civil service law would be assured continuation of those rights (not just for the 2-year transition period, but upon retirement, including early retirement). Non-transferring employees would be entitled to the rights and benefits available under Federal law for separated employees, other than severance pay, as all employees are guaranteed a job with the new Authority.

This language, I think, makes clear that the legislation goes the extra mile in providing a host of protections to those Federal employees who work at National and Dulles Airports.

It seems to me that 2 years is a reasonable period of time. To go beyond that simply ties the hands of the new authority.

The whole purpose of this legislation is to free these airports from the shackles of the Federal Government, to turn them over to a regional airport authority that can more efficiently and effectively operate these airports, that can go about the important job of expanding, modernizing and enhancing their operations.

I understand the Senator from Maryland opposes this legislation but again the thrust of this legislation is to turn these airports over to the regional authority that can better manage them and can improve service for all of our citizens.

It seems to me that by extending this period of time, we may very well compromise that ability.

Let me at this point, Mr. President, suggest the absence of a quorum.

Mr. SARBANES. Mr. President, will the Senator defer? I will be happy to speak for a minute.

Mr. TRIBLE. I will defer that request so my colleague can speak.

Mr. SARBANES. Mr. President, I think the Senator's comments have only underscored the concern that I expressed. The employees ought to realize that after 2 years it is fair game as far as they are concerned. Even my amendment only protects them for 5 years' time, but the retention in their current positions, the pay rates, annual and sick leave balances, leave accrual, life and health insurance, comparable to what they now have, labor agreements, termination rights, after 2 years all bets off. And they would be open then, as my friend from Virginia said, to the authority's exercise of "flexibility" which it was seeking.

I do not think that is adequate protection for people who devoted their career to the Federal service who I think have done a good job of it. The difficulty at the airports has been on the question of capital improvements. I do not think it is on the question of the work performance of the employees as that has invariably drawn high praise and commendation and been perceived as being extremely effective.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. SARBANES. 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. TRIBLE. 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. TRIBLE. Mr. President, I have listened to the statements of my colleague from Maryland. I have shared with my colleagues the substantial protections that are a part of this measure. I believe the protections are adequate. But I also recognize the hard work and substantial contribution of these Federal employees through the years. Perhaps we should go an extra mile in affording them the fullest possible protection.

Erring on the side of the employees and recognizing their hard work and contribution through the years, I will not oppose the Senator's amendment and would support its adoption at this time.

The PRESIDING OFFICER. Is there further debate on the amendment? The Chair hears none.

The question is on agreeing to the amendment.

The amendment (No. 1755) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. TRIBLE. Mr. President, I wonder if I might now take the opportunity to engage my colleague from Maryland in a colloquy in order to find out precisely what his thoughts are about where we go from here. Senator SARBANES tells me he has a number of amendments and that there are amendments that will be offered by Senator HOLLINGS and Senator MATHIAS. I am anxious that the Senate has an opportunity to work its will on these amendments. I would anticipate a recorded vote in the near term, but I am anxious for us to proceed apace. I would, therefore, ask my colleague what his intentions are at this noonday hour.

Mr. SARBANES. As the manager of the bill knows, I am not the only one interested in offering amendments to this legislation, although I do have a number of amendments to offer. One of my colleagues, as I understand it, is on his way now to the floor in order to offer a major amendment, which he has earlier talked about and filed. It would be my anticipation, upon his arrival, that he would then have the opportunity to present his amendment. As I understand it, he is on his way here, and that would work with his schedule and, I assume, the schedule of the manager of the bill.

Mr. TRIBLE. Well, the manager of the bill expects to remain on the floor prepared to respond to amendments. I would encourage the handful of opponents of this legislation to come forward with their substantive amendments.

Moreover, I would once again ask my colleague from Maryland to share with me, if he could, the amendments that he proposes to offer before they are offered. That will expedite the proceedings. So far, two of his amendments have been accepted, others opposed and defeated. But if our intention is to stengthen this measure, then it seems to me that there will be opportunities for us to agree and work together. So to the extent that it is possible, recognizing the dynamic nature of this legislative process, for my colleague to share his amendments before they are introduced. In that way we can move along expeditiously and hopefully resolve this matter today and permit the Senate to move on to other affairs.

Mr. SARBANES. I would say to the distinguished Senator from Virginia that the areas that I think will need to be covered to one degree or another in the course of the day are the areas of deficiencies that I talked about yesterday. Some of those have already been addressed here this morning. The noise question was dealt with. Whether another amendment on noise might be offered later remains to be seen. We have now discussed airport employees for a considerable amount of time. There is the continuing problem of the representation on the authority board and the very pressing cross-subsidization problem which can be addressed, of course, in a number of ways. And I would say to the Senator that that is a very fluid and dynamic situation because what one does or how you follow on depends on what happens previously. So it is a highly interrelated area but one that is very important.

There is the price question, which others have had, as it were, lead amendments. Then there is the use of property and then I have a few miscellaneous amendments. I touched on them in the debate, I would say to the Senator, one about charging the Federal Government for use of these facilities which seems almost shameful, I guess, in light of the giveaway price at which these airports are being transferred. It is really adding insult to injury. And I have a few other amendments of that sort. But that is generally the lay of the land as I see it with respect to amendments. We would expect to be offering them as we move through the afternoon and debating them for a reasonable period of time and going to a vote on them.

Mr. TRIBLE. Bring them on, I would tell my colleague from Maryland. We are ready to go. We are ready to address your concerns and resolve your amendments.

Mr. President, I see the Senator from South Carolina. I understand it is his intention to offer one or more amendments, and I hope that he could proceed at this time.

AMENDMENT NO. 1745

(Purpose: Add provision relating to transfer price)

Mr. HOLLINGS. Mr. President, I call up my amendment to S. 1017 relative to the price of transferring the Metropolitan Washington Airports to the independent authority, on behalf of myself and the distinguished Senator from Maryland, Senator MATHIAS, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. MATHIAS, proposes an amendment numbered 1745.

Mr. HOLLINGS. 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 29, strike all from line 21 through line 6 on page 30, and insert in lieu thereof the following:

(2)(A) Basic lease payments shall be sufficient to repay to the United States an amount equal to the fair market value of Washington Dulles International Airport and Washington National Airport, at an imputed interest rate for such repayment, within thirty-five years after the date of transfer.

(B) In order to assist in determining such fair market value, the Secretary shall solicit three independent appraisals of the value of the Metropolitan Washington Airports, and any such appraisal shall be conducted within six months after the date of enactment of this Act. The Secretary shall determine the fair market value of the Metropolitan Washington Airports by calculating the average of the values specified in such appraisals, except that in no event shall such amount be fixed at less than $111,400,000.

Mr. HOLLINGS. Mr. President, in presenting this amendment, perhaps it would be good for the author himself, by way of emphasis, to read the amendment, that the basic lease payments—this is under section 2—"shall be sufficient to repay the United States an amount equal to the fair market value of Washington Dulles International Airport and the Washington National Airport at an imputed interest rate for such repayment within 35 years after the date of transfer."

The effect of this amendment which I offer for myself and Senator MATHIAS would be to change the transfer price of the two airports from the estimated Department of Transportation price of $47 million to the fair market value of those particular facilities. Section B. In order to assist in determining such fair market value, the Secretary shall solicit three independent appraisals of the value of Metropolitan Washington airports, and such appraisal shall be conducted within 6

months after the date of the enactment of the act. The Secretary shall determine the fair market value of the Metropolitan Washington airports by calculating the average of the value specified in such appraisals except in no event shall such amounts be fixed at less than $111,400,000.

The reason for the $111,400,000 Mr. President, is the book value. We know from the GAO and the Department of Transportation exactly what the value of the airports are, less depreciation. Mind you me, on that book value, it is not necessarily market value by any manner or means. The thousands of acres for example at Dulles, in my opinion, this particular Senator having dealt a little in real estate, would double that amount. Just the plain acreage would be worth several hundred million dollars.

I want to go, before emphasizing these particular features of the bill, to the bottom line argument with respect to this approach. The argument against it is the fact that, look, if you go in, and acquire the fair market value price for the U.S. Government, then all of the users, Senators, and Congressmen are going to have to pay through the nose because when the only way the airport authority can pay for that higher cost is to increase the different fees, the ticket prices, and everything else.

Of course, we like what we have there now. So why vote, and on the one hand make it very difficult for the new authority to manage the airport at a high cost, or otherwise run the price up for you and me, and you, you, you, and everybody else around here. Proponents of this bill will not argue that publicly but that will be the sub rosa mentality in the approach here.

My counter to that as the practical fact of life is that the Metropolitan Washington airports under this particular bill, if and when enacted, shall be designated for the first time as a public airport. One of the big points of resentment to me, this Senator, is that having paid in my 8 percent ticket tax—mind you me, I travel a good many weekends, for example, to my home State or to other commitments. And I can tell you coming in during a Presidential race in 1982, 1983, and 1984 that I have flown in and out of those airports, I would take it, as much as almost anyone.

So I am pretty well familiar with all three airports. I use Baltimore Washington International and National. I use the National Airport here in Washington and Dulles regularly. So you will understand the genuineness of that statement. On a Friday afternoon, for example, if I can get out just about 40 minutes ahead of the 3:20 flight, if I can get away around 2:30 rather than try to go to the National to catch an air flight that connects me through Charlotte to go down to Charleston, it is smarter for me if I can get that break from the floor of the U.S. Senate to go over to BWI. I can get over there in the 40 minutes, catch a 4 o'clock flight that goes directly to Charleston, SC, and not have to stop over in Charlotte. It is a better service.

So we play that game of trying to get back and forth. As we play it, we put 8 percent of that ticket amount—incidentally, the ticket amount makes me, along with the service, a born-again regulator. Having been on the Commerce Committee when we deregulated, and having been told how moderate-size airports were going to receive the benefits and the protection, we were going to get lower costs and increased services, certainly it was not going to diminish—the point in fact of life is that the rights to three regularly scheduled flights from Charleston, SC, to Washington National have been sold off intermittently through National Airlines to Pan Am, to Air Florida, to whoever. I do not know. They got the millions of dollars.

That is why I am so strong in support of and sponsored the Kassebaum-Hollings amendment, so they could not sell off airport slots. Those particular landing rights were given there for the public convenience and necessity of the traveling public from Charleston, SC, to Washington, DC, not to an airline to make money and sell off the service to some other particular community. They were established after appropriate hearings.

Having seen those slots sold off, I now have diminished service. No longer are there three flights into Washington, or three flights out of Washington National back home, but instead I must go through Charlotte or through Atlanta, GA. It costs you $180. You do not get any combined round-trip cut on that. It costs you $360-some round trip this minute to go there.

I happened to have occasion to run across a friend who flew from Washington to San Francisco, to San Diego, and back to Washington DC this last week, and it cost him $278. He went all the way across the continent, all the way down to San Francisco, to San Diego, and came all the way back. I know that this happens regularly all too well, because next to the counter where I usually board the plane is a flight to Miami. You can fly directly down to Miami, some 500 miles further, for $90-some, or one-half the cost, and get there an hour earlier.

So you can understand my experiences. You learn through hard experience about this so-called deregulation, how wonderful it is, about the cheaper price, and the increase of service that you are to receive. The truth is, and it will be a matter of national concern in this Congress in the next year or two, perhaps not this year, where we will understand and appreciate that 85 percent of the travelers of this country are subsidizing some 15 percent of the people—those that travel between the centers of Washington and New York, Los Angeles, San Francisco, Seattle, or to Las Vegas, and what have you.

So we have been subsidizing those, and we are getting diminished service. Yet, we must now come back to the point of Washington National and Dulles under the interpretations, of what is a "public" airport. Really the "public's airport," the one that belonged to the Federal Government of all the citizens of the United States, not under an authority, but belonging under the Constitution, for all the people, we the people of the United States, is an airport that has been designated by the FAA as not public.

Isn't that wonderful?

What they did, under their interpretation, was to say that they could not give any money out of the Airport and Airway Trust Fund to either National or Dulles. They can collect the 8-percent ticket tax there which is deposited into that trust fund, but they could not give any of those moneys to either airport.

Well, that is unconstitutional. If we do not succeed here, we will succeed otherwise. We can bring a case under due process where I am paying my taxes for a stated purpose under the act with the congressional finding and not being able to appreciate and enjoy those things. I just have not had time to practice law as well as being a Senator, but the fact is that that is now being clarified in the substantive bill that has reached the floor, S. 1017.

On page 46, line 18 of the bill it says, "The Metropolitan Washington airports shall qualify as a "public airport" under the terms of the Airport and Airway Improvement Act of 1982."

It is very interesting that the Secretary of Transportation supports that for the authority but not for herself. I asked if she would support that if I put in just a separate bill. Oh, no, she did not want the airports to be declared public airports, Washington National and Dulles, for her own responsibility. She does not want this responsibility. She is trying to get rid of it. There is no doubt about it, that the majority leader is helping her because he has to go home at night.

So we have the full court press to get this thing up, up and away.

The point is to those users, Senators and Congressmen, who are wisely thinking their costs are going up, it is not so. For the Government to get the fair market value, now Washington National and Dulles Airport both should get the $250 million or $500 million, making whatever estimation

you want. As public airports they deserve it. The users have been paying in and not receiving any of the moneys for the past 16 years. Having paid in and participated, now comes the time for Washington National and Dulles to get their moneys without the issuance of bonds.

We have been running around talking about how they could issue the bonds. This Senator has taken the position that in order to get the $250 million they have to spend some $712 million in order to receive the bonds.

The truth of the matter is that under this particular provision they will qualify. I have a list of airports here, just the top 10 recipients, which qualified in the past, fiscal year, for money from the trust fund.

Under the authorization act passed by the Congress in, 1982, a certain amount is authorized to come from the Airports and Airways Trust Fund. One billion dollars was given to that trust fund last year. There is more than $7 billion in the fund today.

Kahilui, HI, got $24.3 million; Miami, $28.8 million; Houston, $23.3 million; Atlanta, $18.5 million; Los Angeles, $16.5 million; JFK, $16.3 million; Newark, $12.6 million; Fort Lauderdale, $11.7 million; St. Louis, $11.1 million; Phoenix, AZ, $11.1 million.

Just that quick listing total $171 million that was given out at the discretion of the Airports and Airways Trust Fund managers. In all, some $939.6 million was given out.

So these two airports will qualify. We are not running up a price for the members and we are not running up a burden for the authorities. In fact, if they ever appointed me on that authority I would wait a long time before I issued all of those bonds and go to all of those extra expenses. Rather, I would wait until I got equal treatment out of that trust fund for both Dulles and Washington National.

That being the case, we know now that $47 million, which the Department of Transportation calls now the transfer price, does not reflect the Federal investment in these two very valuable properties. More importantly, at a time of mounting Federal deficits, the national interest is served really by maximizing the return on our investment at those airports.

Gosh knows, here the Congress sits around day in and day out and tells Secretary Weinberger how to run the Defense Department. They really come up here to a point of exhaustion trying to answer every little picky-picky question that every Member, Senator or Congressman, can think of. One of the big ones is alternative bidding. "Why don't you lower the price? It costs too much. That is too high." Do this and that and everything else, that is in order to get the market value. They would not think of giving away as trustees, as we are, Federal public properties, giving it away to an authority or to anyone, really. But it is pell-mell now because the Secretary of Transportation has never asked the administration for the moneys. She has never asked to qualify the public airport as being a public airport. She has never moved to try to make the improvements. She just says:

> This is one of the responsibilities that I can offload with a sweetheart deal to the former Governor of Virginia and giving him a controlling membership on the new authority and he will come around and smile convincingly what a wonderful businesslike situation this is.

I will have to find that editorial they put out a few days ago. It dovetails right in with the Washington Post. They write what they want the Members to read. They argue more effectively and certainly more extensively in the Washington Post than a Senator is allowed for time and attention on the floor of the Senate itself.

Let us read it.

It says: "Why the Airports Bill Makes Sense.

"Before the Easter break, the Senate managed to survive and short-circuit the filibustering of Senator Paul Sarbanes against a sound bipartisan bill to get the Federal Government out of the expensive business of operating two airports."

That is all fallacious. Start with sentence one. Anybody who writes that is an ignoramus.

The Senator from Maryland is doing his business here to bring to the attention of his colleagues, hopefully, past and direct pressures brought on by the Secretary of Transportation and the majority leader for the giveaway. I have joined him. We have extended debate on this particular measure with very sound amendments, very sound proposals and very sound arguments. Please stop, look, and listen.

So it is not a filibuster by any manner or means.

To get the Federal Government out of the expensive business? Those ignoramuses ought to understand what is making money and what is not making money.

Right to the point, this is a money-making proposition. They made $17 million in 1984. They are making money out there now. They are charging fees. They are getting parking facility charges and all these other things. So that is not an expense to the Federal Government. We are making money out of the two airports. So let us correct sentence No. 1. I never read these things carefully but you do not have to study them because they are really nonsense when they write these editorials. They are authors who obscure the truth and highlight, as they will. Any kind of fanciful nonsense that they can put together and hope you will read and run in Pavlovian fashion, pell-mell, and "Whoppee, I voted for something that made sense," as the Washington Post headline makes sense. We live in the age of headlines rather than headway.

Then they say:

> Now the challenge will be to endure a series of equally shortsighted and long-winded efforts by the Senator to destroy the airport transfer bill that makes so much practical and financial sense for the Federal budget and for regional responsibility.

Where do they get regional responsibility for the National Zoo? Where do they get regional responsibility for the Capitol Building that we are in? Where do they get regional responsibility for the Botanic Gardens? Where do they get regional responsibility for the Library of Congress? These are national facilities and national Federal endeavors built both these airports. They belong to all the people—the people not just of Virginia, but of South Carolina and everyplace else.

Regional responsibility. Those are the people that built up everything around us. The truth is we had the airports and then Crystal City developed thereafter. Then they want to close the airport. They said do not land or take off after a certain time of day because we have built up all the buildings around you.

Regional responsibility. This is regional irresponsibility. Who is the ignoramus that wrote this editorial? I never heard of such nonsense.

The responsibility belonged to the people of the United States to provide facilities. We spent a lot of money building National, a lot of money building Dulles Airport, and we are spending money trying to get transportation out there and highways—millions and millions of dollars' worth in extra highways for access and everything else.

What we have, in essense, done is given a veritable industrial park to the State of Virginia going out to Dulles. It is just booming, going, and growing. I wish I had it in South Carolina. It is better than any kind of thing on the west coast of high technology or any other kind of development of that kind up in Boston, MA, and Lowell and New Hampshire, any kind of high technology park or whatever it is. They will be getting the best of brains, the best of talent, the best of research facilities, the best of corporate headquarters—all because we put, at the expense of all the people of the United States, the facilities out there at Dulles and we have turned farm land into the nicest developmental land that you can find in the United States today.

Last year, Dulles experienced a 47-percent growth in airline traffic. No one else can compare to that. We have the facts to show the Transportation

Secretary, because she furnished them to us on that particular score.

The Senator is not trying to destroy anything. He is trying to bring sobriety and sense to the Congress itself—finanical sense for the Federal budget.

Where is the burden on the Federal budget? I can tell you where the burden is going to come. What we have now that is making money is going to cost 366 million extra dollars in tax expenditures. I say that categorically as a former chairman of the Budget Committee and a present senior member on that particular committee. When I go look at the budget, I look not only at expenses, I look not only at taxes or revenues; I look at the fastest growing item, even faster than interest costs, even faster than national defense. That is the matter of tax expenditures.

The "loophole committee" is what I call the Finance Committee. Senator LONG, and I have said this before most respectfully, did a way better job than Senator STENNIS on defense. The loophole committee expanded the loopholes way, way beyond any expenses, way better than President Reagan right now.

Senator PACKWOOD on the loophole committee, Senator DOLE preceding him, did way better with the loophole committee than Secretary Weinberger and President Reagan did on national defense.

Look at the loopholes, the tax expenditures, and find out where we are losing the money and the sea of red ink is rising.

That is what we are trying to stop. They said we are going to grow out of it. They tell us in this bill to dive in it. We are not going to grow out of a sea of red ink.

"Practical and financial sense." This demeans a supposedly literate and intelligent medium, the Washington Post, to talk about financial sense when they have to know otherwise because they have a good budget section. They have written some splendid articles that are relevant to the Federal budget. Although they really do not understand Gramm-Rudman-Hollings. In any event, they do the nicety of calling it Gramm-Rudman-Hollings. Whether that is a blessing or not is another question.

Reading now from the editorial: "The bill as it represents the carefully considered work of a commission."

If you want to see a ragtag commission, look at that crowd. They did not study anything. I have a copy of the report.

The commission report is on a sheet of paper. Anybody who knows about a commission has sense enough to get the thing bound and published. This is just a letter.

Do not give me that part of it. Where is any kind of commission report?

What they did was put together a conspiracy. It was not a commission. They said, "Politically fix this. Take care of Maryland if you can, take care of Mayor Barry downtown if you can, but do your best to keep control. You know what the idea is. We are trying to give you a billion dollar facility. You are going to get it and you are going to get that money from the airport trust fund. You will all get rich."

So the carefully considered report has five pages to it. It says, "The valuation of the airport property is a difficult business." Ha. So that is all we get out of them. Where is their valuation? Do we have valuation? No.

That carefully considered report. They would not dare put a valuation on it. They were not going to find out what the thing was worth. That would expose the conspiracy, I say to the Senator from Virginia. It would be a terrible thing for this giveaway for "Ferdinand" Holton.

Every fellow wants to get money, whether it is Baby Doc Duvalier from Haiti or the Shah of Iran who wants to get his nose in the Federal till, or Somoza down there with his dictatorship that we got in Nicaragua, or Ferdinand Marcos. Now comes Linwood Holton to get his nose in the Federal till.

What a wonderful sweet deal this is. Millions of bucks for nothing. Pure profit; you pay $47 million. You get that much from the airport and airways trust fund or you ought to resign your job, or at least get $70 million. Jimmy Carter took $100 million back to Atlanta, Lyndon Johnson took $150 million down to Dallas-Fort Worth. Some of these folks that want a suntan in the wintertime and get into St. Thomas, they felt we ought to have $90 million. That was the figure under the airports and airways trust fund, so we could build the runway out in the ocean. That cost $90 million there. They could pick up all these moneys there.

So in essence, they are getting the thing just about free of charge. Yet, they talk about the "careful" commission report.

I had not yet read this editorial. I would have been on the floor a lot earlier and been more helpful to the distinguished Senator from Maryland on this score had I done so. But as it says, it represents "the carefully considered work."

They did not work at all. They conspired and wheeled and dealed, "a commission appointed by Transportation Secretary Elizabeth Dole, headed by former Virginia Gov. Linwood Holton and supported by Gov. Gerald Baliles, former Gov. Charles Robb, Senators PAUL TRIBLE and JOHN WARNER." You do not need your name in the Virginia conspiracy. You ought to have better commonsense than to put your name in a conspiracy. I would have better sense than that, at least as I say, writing this stuff in black and white. Just say they have distinguished Americans. Linwood and Gerry Baliles and PAUL TRIBLE and JOHN WARNER are distinguished, and the Secretary herself. Just say distinguished Americans, If you want to find out anything further, you would have to research.

They have children down there writing editorials now. They just list the conspiracy "and just about anybody else who has given thought to the folly of the U.S. Government's continuing to run and repair National and Dulles Airports."

The folly. That is one of the sensible things they have done. What has been folly about it? No one has been really complaining too much about the whole system. We do need improvements, but you cannot have everything. We have been kind of constrictive. Very few of the Members realize there is a trust fund that the taxpayers, airport users, are paying in those taxes, paid in to embellish and enlarge the fund to the point where it has a $7.7 billion balance.

I was asked just the other day, "With all the problems of the Gulf of Sidra, with all the problems of Libyan terrorism, and Nicaragua, and Contra aid, and the budget and tax reform, why are you folks on the floor of the U.S. Senate taking up all this time?" I said, "Because the majority leader has got to go home at night." That is why. I understand that. Everybody should understand that. He is the leader. You have to be a leader and if he cannot get this bill out of the way, then he is in deep trouble. And so I understand that and I agree with him. But Heavens above, let us not write editorials about giving thought to it, because we have given thought to it. It just did not hit us cold. We have asked everyone around and no one can give a logical argument why we ought to spinoff $1 billion of property for $47 million. In fact, if they did that over in the Pentagon they would just about disband. They would have spasms on the floor around here for months.

Now talking about spasms, here it says "In one breath, that took hours, Mr. SARBANES"—well, they want to demean the Senate, the child who wrote this—"In one breath, that took hours, Mr. SARBANES argued that the bill would permit unfair competition against Baltimore-Washington International Airport and that BWI has been a stunning success, an efficient and convenient airport." Well, we agree with that. "There is no reason BWI's success can't continue—and indications are that this excellent Maryland airport will flourish as part of this region's air transportation system."

Well, you can take the profits. Whoever wrote this ought to understand you take these profits plus the extra moneys and not only put in the facilities, but subsidize the operation out there at Dulles. You could also start putting in extra transportation service to get you from the District of Columbia. They might have a little congressional bus down there. I have got influence with Senator TRIBLE. I am convinced if this bill passes I could go to Senator TRIBLE and he would have a little airport bus, and they could easily afford 25 cents for a ride to Dulles. That would be a pretty good deal for me and a pretty good deal for him because then I would feel a little obligated to him, a little bit more supportive of this. But I am sure we will get the Trible transport that will take you out to Dulles for 25 cents if we pass this thing. And if I can get that, Baltimore-Washington International, which has been paid for by the taxpayers of Maryland, could not possibly afford it. In fact, they would run the Governor and the operation out of Maryland if they tried to do that. But we can do that and take care of each other.

I hope the Senator from Virginia would remember that idea. Please help me get out there and subsidize anything else that he can find for me, because we like each other and we want to show that this thing can really be a success. We would be using the public's money all around, with the taxpayers giving even further subsidization not only from the Airport and Airways Trust Fund but through tax expenditures. We are going to sue the taxpayers of Maryland, South Carolina, including Virginia and California and the several States under tax expenditures to take care of this thing further, which is absolutely fiscally stupid. There is no question about that.

(Mr. GORTON assumed the Chair.)

Mr. SARBANES. Will the Senator yield?

Mr. HOLLINGS. Yes. You are going to give me a little ride out to Maryland?

Mr. SARBANES. The Secretary is transferring as part of this sweetheart deal the Dulles access road over to this authority which cost $60 million to build.

Mr. HOLLINGS. They are giving them a highway, too?

Mr. SARBANES. Yes, they are giving them a highway, too.

Mr. HOLLINGS. Good gosh. We have the Trible bus. This must be the Warner Highway. Golly, this thing gets worse, it really gets worse when you stop and listen to what those who have given a $60 million highway are going to give away here. This is a wonderful deal. Reading further from the Post editorial, "Dulles and National, already linked as Government properties, would be leased to a regional authority that could relieve the Federal Government"—relieve the Federal Government—"of an estimated $500 million in necessary improvements."

Well, the Government was relieved of $1 billion, without this bill, of necessary improvements. That is the policy of this National Government, to take the moneys from the users, put them into a fund and relieve the Government by issuing the moneys from the fund. So we do not need this bill to relieve the Government of $500 million. We have the money down there. We are in a deserved position. We deserve it.

We, who use National and Dulles have been paying for 16 years into the fund and, yet those airports have been barred from getting 1 red cent. So it is now our turn to come to the till and relieve the Government of any kind of expenditures because they cannot expend it save on airports and not necessarily the regional and State airports of the particular States. But, rather, we do have two national facilities that belong to the Federal Government and we are the people of the United States, so we are ready to relieve the Government of that $500 million in necessary improvements without this bill.

The next paragraph: "That should be fiscal incentive enough for the Federal Government to place responsibility for Dulles and National where it belongs, in a public authority"—as if it is in a private authority now. We have a public authority now—"that includes the representatives of Virginia, the District, and—yes—Maryland."

Well, we already have a public authority that includes Virginia, the District, Maryland, and all the other 48 States. We have that now. If the individual who wrote this is trying to look for breadth of authority, we have the breadth of authority, and now we are giving it up, confusing particular regional concerns with national concerns.

Next sentence: "But Mr. SARBANES has tried to raise all sorts of scares"—they are not scares; they are facts. We live in the real world—"contending that the transfer could lead to flights in the night over National"—they could. They could lead to flights in the night over National—"and nonaviation use of Dulles some day." They could do it. You get momentary pressures. You get States in deficit positions.

I am glad this is not down in Texas or Louisiana. Down there by Baton Rouge, where there is a shortfall, they are looking for millions. They are looking for $260 million or more down in one little State of Louisiana. Suppose that happened in Richmond, VA, and you were the Governor and you saw all of these people up here on the public till, making all of this money, coming back and forth, flying in and out, with all of these big high-priced lobbyists and everything else like that coming in and out of this place. They would say, well, we could put on a little fee, charge some more for the parking, take that $60 million highway and put a little toll booth on it and say we have not paid for the highway yet and let us get some more moneys. I can tell you, as the Governor, you can get reelected on that. You can get reelected on relieving your State of a fiscal burden. We are putting ourselves in the lion's den here in order to understand and appreciate it and know what is going on.

Next: "What it will lead to is the operation of two airports with improved facilities"—which can easily be had now—"under a 35-year lease, not a sale"—we will have an amendment to make sure it is a lease. We are not guaranteed that. The measure does not say that. I do not see why they do not put that in the particular bill. It would require an amendment. But this thing has gotten up and obscures the facts just as they write a scare editorial, if you want to talk about scare—"that will better serve the Congress, the airlines, this region and the traveling public. That is incentive enough for Senators to support the bill as submitted."

So you have the message from the Washington Post that dovetails in. That says: "Let's, by gosh, make sense. Act like business people and fix authority there with respect to Virginia and the District and Maryland and everything else of that kind." They will understand, as Alice in Wonderland. Before we decide where we are headed, we had better decide where we are. We are into a fine situation.

There has been no problem. The problem has been political. The problem has been indecision. The problem has been inaction. The problem has been inattention. We in Congress have been guilty of inattention, and those in the Department of Transportation have been guilty of inattention. They have no request of the Office of Management and Budget in the past 5 years to make these particular improvements. The money has been sitting there. They know how to get the money.

They know how to put in a bill to get rid of the responsibility, but they have not been answering to their own responsibility.

If you think that is a fair price, let me refer to the National Taxpayers Union, a letter dated March 18:

DEAR SENATOR: Soon you may be asked to vote on S. 1017, the Metropolitan Washington Airports Transfer Act. This bill would transfer ownership of Dulles and National Airports to an independent authority dominated by the Commonwealth of Virginia. We urge you to vote "No" on this sale.

Although, we agree that the federal government should get out of the business of owning and managing airports, we are ap-

palled at the ridiculously low sale price placed on these valuable properties. The combined market value of the properties is conservatively estimated at $1.5 to $2 billion. Yet, the two airports are to be sold for only $47 million—about 1/35 their actual worth.

In addition, the transfer and future improvements are to be financed with tax-exempt bonds over a 30-year period. This adds up to a double soaking of the taxpayer.

Given the nation's tremendous budget deficits and $2 trillion national debt, it is fiscally irresponsible for the federal government to do anything but seek fair market value for the airports. Sound policy demands that the price tag on Dulles and National be raised to reflect their true worth. Otherwise, the sale should be rejected.

It is signed by Jill Lancelot, Director of Congressional Affairs.

Mr. President, there are two things on which I stand corrected. I was using a price of $1 billion because I knew of the offer made for that amount. But the National Taxpayers Union, which has made an equally in-depth study as the commission did—let us put it that way—has come up with $1.5 to $2 billion. So I stand corrected on that. But I can correct them in the next paragraph, when they talk about a double soaking of the taxpayer. The double soaking of the taxpayer is really a triple soaking of the taxpayer.

The taxpayer comes soaked. All of them, as airport users, have been paying that 8 percent. That is the first soaking. The giveaway price is the second soaking, and the tax-exempt bonds is the third soaking. So we have a triple soaking of the taxpayer.

That is why our amendment would require the Secretary of Transportation to have three independent appraisals made of the airports' fair market value, with the transfer price thereafter to be determined by an average of the three appraisers. The appraisals are to be made as airports and not commercial real estate.

To ensure the realization of the Federal investment, this amendment would require that the airport authority pay at least the book value of the two airports should the fair market value fall below that amount.

The Holton Commission claims to have made such a thorough study and could not find any price, they are coming up in the Department of Transportation with the giveaway price of $47 million, and you get very fearful. So that is why we put a caveat in there that at least the airport authority pay an amount equal to the book value.

As of May 31, 1985, the FAA accounting records indicated that the book value of the two airports was $111.4 million—$29.4 million for National, $81.8 million for Dulles, with the difference being shared accounting and personnel activities.

I strongly believe that asking the proposed authority to pay a mere $47 million over 35 years is simply bad public policy. If this body must agree to this legislation, the Senate must not send a signal to the people throughout this Nation that in spite of trillion dollar deficits, we are willing to give away valuable Federal assets for nothing.

I believe that, at a minimum, the Senate must approve this amendment. It would be irresponsible to do otherwise. No Senator could come back hereafter with face and talk about waste, fraud,, and abuse. No one from the other studies—whether the Grace Commission, or the General Accounting Office—could come with any face and say: "Here is the Golden Fleece Award for you this week, because you have wasted $10 million, you have wasted $20 million, you have wasted $30 million."

On the contrary, you are wasting $1 billion. That is the round figure. You are wasting 1 billion bucks, $1 billion worth of $600 toilet seats.

We could buy how many toilet seats for that? We ought to find out how many coffeepots, because they get on the 7 o'clock news and they preempt the whole news hour, going along with what a terrible thing it is to have a coffeepot and a toilet seat. We last estimated that the cost of issuing bonds for improving these airports, some $712 million would buy 60,000 toilet seats, I think. I do not know how many coffeepots or how many pairs of shoes. They are very good on Madam Marcos' shoes now—size 8½—and how many dresses and whatever else.

We can fix in very dramatic way a coffeepot or a toilet seat and get reelected on waste, fraud, and abuse because "I'm getting the Golden Fleece Award, and I'm for fiscal responsibility, and I'm for a balance budget, and I'm for a dollar's worth of work and a dollar's worth of pay, and every dollar spent comes from the pocket of a taxpayer in America."

We know all that. But do not come around here because you want to do a favor for the Department of Transportation and your colleagues in Virginia and say: "Well, you know how it is. The people back home in South Carolina or the people back in California or New York do not even know this is going on. It is just a little Washington argument and fight, and I can help out my Senator friends interested in this thing and just give the property away. But when it comes to Cap Weinberger and national defense, let's organize a lynching party and talk about nothing but toilet seats and coffeepots, thousands and thousands of them."

Do not vote for this and ever raise your voice, keep it sealed and at least maintain your dignity about waste, fraud, and abuse, if you cannot support this particular amendment, because this amendment goes with the support of the National Taxpayers Union and the common sense of the Senate itself.

I would like at this particular point to perhaps get ready to yield the floor to my colleague from Maryland, Senator MATHIAS, if he wishes to join in on this presentation, because the distinguished senior Senator has been assiduous and very helpful in this particular presentation we have tried to make. It is not a Maryland presentation but one fairer for the people of Maryland, Virginia, the District of Columbia, and all other States combined as well as the leadership, of course, of the distinguished junior Senator, Senator SARBANES, who has been leading the fight for common sense on this score.

So 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. TRIBLE. 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. TRIBLE. Mr. President, as my colleagues may have determined by this time, Senator HOLLINGS opposes this measure. He has spoken now on several occasions at some length. His opposition, I am sure, is multifaceted.

But I want to respond to the provisions of his amendment that are now before us and will reserve further comment on his other thoughts and concerns as amendments are advanced by our colleagues.

Let me, then, speak to the central argument of this amendment and of an amendment that will be offered by Senator MATHIAS following the disposition of this matter. That involves the price.

It is alleged by some that this transfer is, in the words of my colleague from South Carolina, a giveaway, that the Government should obtain much more, indeed huge sums of money, for these properties.

First of all, I point out that under the terms of this legislation the regional airport authority will be required to pay $117 million, not an insubstantial sum, by any means. But why not more?

It is true the properties at Washington National and Dulles would be priceless if, and I repeat, if they could be put to the highest commercial use, but they cannot.

These lands must be used as airports. They must be operated on a nonprofit basis. The purpose of these airports will be not profit but service to the people. Let me repeat, these properties must be used as airports. They cannot be operated for profit.

Indeed, this is the way all carrier airports in our country operate.

How then do we go about evaluating their value? It is a difficult task, I will tell you. There are no easy answers, but I am convinced, after having studied this for some time, I am convinced, after having talked to a whole host of financial experts, that the value as embodied in this legislation is fair and reasonable. It is fair to the Federal Government and to the taxpayers; it is fair to the people who will use these airports, the people who will have to pay the surcharge.

How do you go about establishing value, or, as the Hollings amendment proposes, fair market value? It is difficult. Again, these properties cannot be put to their highest commercial use. Therefore, they will not fetch these astronomical sums of money about which some have talked. You cannot build highrises; you cannot develop them. You have to use them for airports and those airports, by definition, must be operated for the public purpose and not for profit.

Market value is often based on analysis of income. Here income-stream analysis would give the airports the value of zero—zero—because there can be no income derived from these activities. That is not realistic.

Senator HOLLINGS would suggest book value, and it is the book value computation that is employed in his amendment of $111 million. That incudes a number of considerations, but it includes, in part, properties the airlines bought and paid for and gave to the airports, terminals built by Northwestern, TWA, American, all at National Airport.

It is certainly not reasonable to ask that the Federal Government be compensated for these airports, airport facilities that were not paid for by the taxpayers. They were paid for by the airlines. They were given as a gift to the Federal Government.

There are many ways, I guess, one could go about trying to establish the value of these properties. But after everything is said and done, really the only fair way, the only realistic way is to go about making the taxpayers whole.

It is important to determine here how much moneys have been invested in these properties through the years. And then we should go about reimbursing the taxpayers for those expenditures, making them whole. And that is precisely what this legislation would do.

This legislation would require the authority to reimburse the Government for its hypothetical debt of $44 million. It means the Federal Government has invested in these airports through the years moneys that have not been repaid to date, plus interest at market levels. That is fair. That is reasonable. We are making the taxpayers whole.

To require more would require not Virginia, not Maryland, not the District of Columbia, not some creation of law, namely, an airport authority, but rather the users of this airport to pay not once but more than once for these facilities. That is simply not fair.

Moreover, this bill requires the authority to assume a $37 million shortfall in the Federal pension fund for the airport employees and it requires the authority to pay $36 million to Maryland.

You add all this up and you get over $100 million, $117 million to be exact. That exceeds the bottom figure presented in the Hollings amendment which is $111 million.

Be mindful, moveover, this transfer relieves us, the United States, the Federal taxpayers, of a potential $1 billion liability. Everyone agrees it is essential for us to expand, modernize, and enhance these airports. It is my judgment that we will not do that as a Congress, given the fiscal restraints of the time; therefore, this legislation is essential.

But that has to be done by someone because these airports are falling down around us. Those are Senator HOLLINGS' words, not mine. Indeed, they relate rather graphically the reality of these airports. They have to be upgraded. They have to be expanded. They have to be modernized so the citizens of this region and the citizens of our country, be they from South Carolina or South Dakota or California, can be well served.

After all, these are the gateways to our Nation's Capital.

Finally, in regard to price, a higher sales price might bring more to the Treasury but it would make it difficult, indeed impossible, for the authority to make the kinds of dramatic improvements that are central and it would simply amount to a tax on the Washington travelers who will pay the airport cost through fares and through users fees.

We are not socking it to Virginia by requiring a larger price. We are not laying that burden on some kind of airport authority. We are imposing that heavy burden on the people who will use these airports.

And as much satisfaction as it might give us to impose some huge sum of responsibility, it may well make it difficult, indeed impossible, for these airports to be improved, for services to be improved, and that ought not to be our purpose.

Again, the purchase price is not going to be extracted from Virginia or the airlines. It is going to come out of the pockets of our constituents, yours and mine, the travelers who use these airports.

I would say that this amendment is a clear attempt to destroy this measure. It does not speak with any degree of precision to what the value of this property would be or the cost that would be imposed on the traveling public.

By its terms, it suggests that this property should fetch some market value, the highest commercial value to which it could be placed, which is clearly not appropriate to this situation. Because, again by the terms of this legislation, these properties, priceless as they would be if put to their highest commercial use, must be used for airport purposes, must be used to serve the public. And the bottom line of those operations is not profit, but service.

So for these and for other good reasons, I oppose the Hollings amendment and it would be my intention to move to table that amendment, but not at this point if my colleagues would wish to debate the matter further.

I see Senator HOLLINGS rising.

Mr. HOLLINGS. Mr. President, I thought the distinguished Senator from Virginia would accept it. He accepted an amendment with respect to the employees. This is another one making good sense that says use your Secretary of Transportation, let her get three impartial evaluations and take the mean average and say that is the transfer price. In essence, by moving to table, you are afraid to have it appraised. I noticed that in the Holton Commission. You cannot get there from here. You just do not know how to find it out or whatever it is.

I can tell you, if you go to issue bonds—and that is what you are talking about is an authority and they are going to issue bonds—when you go to the bond market, you are going to have an appraised value. You can dance around the fire and you cannot get there from here and there is no way to really find it out, and just to get the money back, let us not do anything about finding out the fair market value.

I would think the Senator from Virginia would show his good spirit in this particular measure, if he would come forward and say, "That is a pretty good amendment. Why do we object to that? What is sanctified about $47 million? Why not?"

I know about these other things with respect to the $36 million in there for Maryland and the unfunded civil service retirement liability. But the $47 million is in there arbitarily in the light of all the other estimates made by the Taxapayers Union. The Republican administration of President Nixon, they had a higher price of over a hundred million dollars back 15 years ago; the Grace Commission report, far more responsible than the Holton Commission that says we cannot get there from here.

It seems like the Senator from Virginia would want to accept this amendment rather than announce now that he wants to table it. What is wrong with three impartial, responsible bodies making evaluations and then taking that and setting the price? That is the way to go, it seems to me, in light of all the other, the commonsensical part of the thousands of acres, 10,000 acres of commercial property that we see. Like I said, there is a silicon valley out there developing around Dulles. And this Senator knows, as I land in my own airport down at home, that our particular authority has every Porsche automobile flown from Europe into the Charleston International Airport. They have constructed a facility, the authority there, that is a commercial venture connected with the airport. Under your bill, this particular new authority could do the same thing. So they have constructed a building and a parking lot and all of the Porsches, ritzy automobiles, that come into the United States of America, come in through my home authority, the Charleston International Airport.

Now you have got literally thousands of acres out there for that kind of development. That is worth more than any $47 million. I say it is a giveaway price, it is a disgraceful price. So we say, "Well, you know."

"No, I'm not an authority."

"No, you are."

No, you are not an authority, but we can find the best persons around not just on the sale but it will have to be determined by way of return for the market, reliability, land worth, building worth, and otherwise, than if you just closed it down for the issuance of the bonds. That will have to be represented in the bond instrument that we sell these bonds for.

So you cannot evade and avoid much longer. Your authority is going to have to do it. What is the matter with the Secretary of Transportation doing it now? Let her pick whoever she wants and then pick the mean average and she will not have to listen to the argument any more about the giveaway price or whatever else you want to call it, because we all know it is absolutely minimum. The Governor of Maryland walked into our hearings last year and he said, "I will double the price." I just happened to talk to the distinguished senior Senator, the conservative from Arizona, the distinguished Senator GOLDWATER. He said, "I would like to get it for that price."

Everybody here knows that this is a matter of embarrassment to come in here at a $47 million price on these properties with all their accoutrements and say that that is sound, good business sense or whatever it is, as the Washington Post says. In addition to waste, fraud, and abuse, that is what we have this day and time, those running for public office say what we need is more business in Government, need business leadership and business practices. And here we come to get a business practice, a market value, and then, as politicians, we want to stand up and say, "No, you can't get there from here. We just won't find out what it is and I am going to have to move to table."

Let me yield the floor at this particular time.

Mr. SARBANES. Will the Senator yield for a question?

Mr. HOLLINGS. Yes.

Mr. SARBANES. The Senator from Virginia made the point, in response to the Senator's amendment, that these properties had to be used for airports. Now, there is some language in here that some of this property can be used for, in a sense, other purposes if they related back, but the other point is what happens after the 35-year period. This Washington Post editorial says, "Under a 35-year lease, not a sale." They talked about this being a 35-year lease, not a sale. But if you read the bill, at the end of the 35 years, the title to the real property passes to the airport authority and the requirement that they use these properties for an airport ceases.

First of all, would you say that if you paid $47 million over 35 years, with tax-free revenue bonds, for properties worth hundreds of millions and then at the end of the 35 years you got the title to the property, would you call that a sale eventually?

Mr. HOLLINGS. You used the harsh word "steal," but that is what you and I could call it in common business parlance. If I had a client and I was practicing law, my reaction would be: "You got a steal there. Get that thing and get it quick. Get them to sign it up. Let them put their names on that thing and don't ask them any further questions. That is wonderful. Go out and celebrate."

That is a steal of the Government's property. That is why I characterized it with all of these others, charlatans, potentates, Baby Doc's, and whatever. Everybody else is stealing the public's money. This is nothing more than a dignified steal. We are going to pass a bill to authorize a steal. That is what it is.

You have to look at it in the cold light of day and understand that we have a steal on our hands. That is what has been going on. It is a sweetheart deal and you have the press—the only ones covering this, the Charleston newspapers; nobody else would have a story about this thing. They would not even know it, would not even understand it.

So it just goes merrily through unless we pique the conscience and common sense of our colleagues here in the Senate.

Now, let me ask for the yeas and nays to my amendment, at least.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. MCCONNELL). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. I thank the distinguished Chair.

I hope the distinguished Senator from Virginia will not move to table the amendment. I hate to have that motion in the record because the Senator is a most responsible Senator, and one of our leaders on the Commerce Committee. I am privileged to serve with him there. He would not want to table an amendment that says, look, Secretary of Transportation, they have brought in the issue on this matter of the value, and they brought it in in several ways, not only embellishing with the commercial properties the $60 million for the Dulles access road and after the 35-year lease the continued uses thereof, willy-nilly for whatever. But people have come around, the Grace Commission, President Nixon's administration, National Taxpayers Union, Governor of Maryland, a British entity that came and made offers—you have had all kind of offers made, all of them just showing whether or not the value is $100 or $500 million or a billion dollars. We all know it is far in excess of the $47 million.

So why table the Secretary of Transportation coming in and getting three estimates, taking the mean and saying that is the price of the authority? What is wrong with that? I would be glad to amend the amendment if the Senator from Virginia wished me to amend it. I take it he is not responding. So he would rather kill it. He nods in the affirmative.

Well, let me yield the floor at this particular time.

Mr. SARBANES. Mr. President, I want to address a couple of points that have been made in this debate. First of all, at the end of the 35-year period, the authority will acquire these properties free and clear. They will be able to do whatever they want with them. You can have another Crystal City at National Airport if they chose to do that at the end of the 35-year period. So there is no guarantee that these facilities will go on being used as an airport.

Second, no one is arguing that they should necessarily pay a price that is going to burden their ability to function as an airport. But that is not what is happening here. With $47 million paid over 35 years, and financed by tax-exempt bonds, this thing is going to have an enormous cost to the Federal Treasury. It has the cost of the interest on the bonds which would be avoided if they used directly the

money in the Airport Trust Fund. So you have that cost, the interest on the bonds.

Second, you have the cost from the loss of revenues to the Treasury because the bonds are tax exempt. So you have to add that in as well.

Third, you have the cost because you are giving these facilities over at $47 million. The Dulles access road alone—leave out the two airports, just the highway, as the Senator from South Carolina said earlier, there is a highway in here as well as these two airports, the highway alone—is $60 million. That is just being turned over to this authority.

So this is not a bargain basement sale. This is a sub- sub- sub- subbargain basement sale. This is the original fire sale if there ever was one. Of course, it enables the authority to acquire these capital assets at a ridiculously low cost, and then structure its fees in an unfair competitive way. So that is another complication that comes from the fact that this sale is being made on such a ridiculously low price.

There is no wonder that the National Taxpayer Union has taken strong exception to this bill, and this provision for a sale. There is an opportunity here to realize a contribution. The Senator from South Carolina deals with these budget questions in the Budget Committee all the time. He is very much aware of the fiscal constraints in which we find ourselves. Here we are now in effect giving away these facilities when there is an opportunity to recoup at least part of the very significant investment in the range of hundreds of millions of dollars which have been made in these facilities over the years.

As I understand the Senator's amendment, it would provide for obtaining independent appraisals which seems to me to be a very sensible thing. I can tell you, I was on the Holton Commission. There was no independent appraisal of what ought to be paid here. All they did was try to figure some way to find the lowest figure they possibly could. So they took this figure, that supposedly represented what had not been recouped at the airports over the years. They give it an imputed interests rate at 4.9 percent. Then they say that ought to be the sale price.

The question of the sales price was never carefully examined in an objective way. It was only considered in terms of, well, in a sense what is the minimum we can do and legitimatize this transfer. That is exactly what happened. The Senator from South Carolina has put his finger on it.

I strongly support his amendment.

Mr. TRIBLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. TRIBLE. Let me bring this debate on the Hollings amendment to a close. Let me point out simply that the suggestion that these airport propertils can be put to some other use is simply mistaken. That is what is known as a red-herring argument. I would point my colleagues to the bill now before us on page 34. It says that this corporation is constituted solely to operate both Metropolitan Washington airports as primary airports serving the Washington metropolitan area. That is their sole purpose for being.

This is in the document that creates them.

Mr. President, I would now move to table the Hollings amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Virginia to lay on the table the amendment of the Senator from South Carolina. 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 New Mexico [Mr. DOMENICI], the Senator from Florida [Mrs. HAWKINS], and the Senator from Vermont [Mr. STAFFORD], are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. HART], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—49

Abdnor	Grassley	Pressler
Armstrong	Hatch	Quayle
Boschwitz	Hatfield	Rockefeller
Chafee	Hecht	Roth
Cochran	Helms	Rudman
Cohen	Inouye	Simpson
D'Amato	Johnston	Specter
Danforth	Kassebaum	Stevens
Denton	Kasten	Symms
Dodd	Laxalt	Thurmond
Dole	Long	Trible
Durenberger	Lugar	Wallop
East	McClure	Warner
Evans	McConnell	Weicker
Garn	Murkowski	Wilson
Gore	Nickles	
Gorton	Packwood	

NAYS—47

Andrews	Ford	Mattingly
Baucus	Glenn	Melcher
Bentsen	Goldwater	Metzenbaum
Biden	Gramm	Mitchell
Bingaman	Harkin	Moynihan
Boren	Heflin	Nunn
Bradley	Heinz	Pell
Bumpers	Hollings	Proxmire
Burdick	Humphrey	Pryor
Byrd	Kennedy	Riegle
Chiles	Kerry	Sarbanes
Cranston	Lautenberg	Sasser
DeConcini	Leahy	Simon
Dixon	Levin	Stennis
Eagleton	Mathias	Zorinsky
Exon	Matsunaga	

NOT VOTING—4

Domenici	Hawkins
Hart	Stafford

So the motion was agreed to.

Mr. TRIBLE. I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 1764

(Purpose: Expressing the sense of the Senate that actions to control the deficit should take precedence over tax reform legislation during the Second Session of the Ninety-Ninth Congress.

Mr. SYMMS. Mr. President, I have an amendment I send to the desk on behalf of myself, Senators BOSCHWITZ, HELMS, WEICKER, NICKLES, and MATTINGLY, in the form of a sense-of-the-Senate resolution.

The PRESIDING OFFICER. The clerk will report.

The legislataive clerk read as follows:

The Senator from Idaho [Mr. SYMMS], for himself and others, proposes an amendment numbered 1764:

At the appropriate place, add the following:

As recently as February 4, the Office of Management and Budget projected that deficits for Fiscal Years 1986 through 1990 would increase the federal debt by $697,289,000,000;

Congress sought to remedy this problem of escalating debt by enacting the Gramm-Rudman-Hollings deficit reduction program, which was passed by both Houses of Congress and signed into law by the President on December 12, 1985;

Even under Gramm-Rudman-Hollings, the federal debt is projected to grow to $2,323,100,000,000 in fiscal year 1987, $2,523,000,000,000 in fiscal year, 1988, and $2,697,700,000,000 in fiscal year 1989;

As a result, even Gramm-Rudman-Hollings will produce a federal debt which, by fiscal year 1989, will represent well over $10,000 for every man, woman, and child in the United States;

The financial markets of the United States and the other industrialized nations of the world look to the government of the United States for leadership in the resolution of its deficit crisis; and

The consideration of tax reform by the Senate of the United States without first making serious efforts to control the deficit will only succeed in enhancing the uncertainty in financial markets which those deficits create: Now, therefore,

It is the sense of the Senate that tax reform should not be considered or debated by the United States Senate until a firm, definite budget agreement has been reached between the President and the Congress of the United States.

Mr. SYMMS. Mr. President, I think the text of the sense of the Senate resolution is self-explanatory. From my experience in this and the other body there simply is not time to address the

major issue of tax reform while we still have the budget question in the air. In my view the Senate should send a message of predictability to the Americans who are risking capital daily and those who are working to make our economy productive. I think this is the best signal we could send them at this point in time—to set aside this issue of tax reform until we have resolved the question of the budget.

Mr. President, I ask unanimous consent that Senator MATTINGLY be added as an original cosponsor.

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

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, this sense of the Senate resolution is not unlike a letter that was signed by 50 Senators and sent some time ago to the President saying that we should not consider tax reform prior to moving in a manner that would prevent the sequester under the Gramm-Rudman bill later this year.

This sense-of-the-Senate resolution says that the budget is the first order of business before the Congress of the United States and that the tax bill should be laid aside until the budget deficit and the Gramm-Rudman sequester is resolved. That letter was signed by 50 Senators. However, there were at least two dozen or more who said they would like to vote for a resolution similar to this but that they did not want to sign the letter at that time. We believe this sense-of-the-Senate resolution states the overwhelming desire of the Senate with respect to national priority. There is no question in my mind, Mr. President, that the foremost national priority is the budget and that in the event we go forward with the tax bill we will probably preempt the ability to use additional revenues should they be necessary to balance the budget. I hope that additional revenues are not necessary. I hope that by skillfully cutting or preventing programs from growing too rapidly we will be able to balance the budget in that way and not have to resort to revenues.

Certainly, my friend and colleague from Idaho, Senator SYMMS, feels very strongly that way—that no additional revenues should be sought for the purpose of balancing the budget. But there is no question that the idea of moving forward with the budget is the necessary priority.

In the event we do that, in the event we scale down the deficit each year, in the event it goes from $182 billion, as it is now predicted, to $144 billion, that is a cut of $38 billion. Clearly, if the Government spends that much less money, there will be less economic activity.

It is hoped that by moving toward a balanced budget, you also lower interest rates. That, in turn, stimulates economic activity to replace economic activity that is lost through deficit spending. But we must balance the budget, or there are some other aspects of deficit spending a little more difficult to cope with, and those are inflation and high interest rates.

If at the same time we scale down the spending of the Federal Government we also undertake major tax legislation that changes the taxation and savings; that changes, as the House of Representatives would, the rates of capital gains; that changes the rules applying to depreciation of investment tax credit, all those things can have a very negative impact on the economy as well. To do that simultaneously with slowing the growth in Government spending is indeed risky to the economy.

So I join my friend and colleague. Senator SYMMS and I offer this together with the other Senators whom Senator SYMMS has noted. We hope we get a favorable and overwhelming vote that the budget must go first, that the budget and the balancing of that budget is a matter that has been on our agenda for some time, and that now must be taken care of; because, if not now, it will just go on from year to year and continue to exacerbate the problem.

Mr. President, 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.

Mr. RIEGLE. Mr. President, I want to comment on this amendment. I am in opposition to it. I want to ask a question about it as we go along.

I am reluctant to see the Senate vote on this particular amendment, for several reasons.

First of all, we have already acted on the budget in the Senate Budget Committee, and that package is waiting to come to the Senate floor. For reasons that are unclear, we cannot seem to get it on the Senate floor to act on it. It could be brought up this afternoon. It should be brought up this afternoon. So the notion that anything else—tax reform or any other issue—is holding up consideration of the budget is nonsense. We have an affirmative package put together, on a bipartisan basis, in the Budget Committee. That should be on the floor and is not. So, to say that anything is blocking it is not the case at all.

Second, the Finance Committee is acting on the President's tax reform proposals this very day. I do not know what they will eventually do in the committee in terms of what they will propose. But when they finally reach a judgment, if they do, and if they report out of the Finance Committee a tax reform proposal, it will come to the Senate floor in due course, and we will have a chance to act on it. If it is not sound, it can be defeated by the Senate, or it can be changed in whatever ways we might think are necessary. That is properly the course of action open to us. But I do not think we should try to judge now what we may be seeing in the way of a tax reform package out of the Finance Committee.

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

Mr. RIEGLE. Not at this point. I will yield when I complete my remarks, I say to the Senator from Minnesota.

Third, the President of the United States has indicated that he feels very strongly that the tax reform issue needs to be addressed this year. If that is going to be done in an orderly fashion, we cannot stop work on it now. We have to continue to work on it. The House acted last year, and the President has said that in his view it is very important that these issues be raised. There are some things in his proposal I agree with and some I disagree with, and that is probably true of every Senator. But there are some very constructive elements in the President's proposal.

For one thing, he proposes closing some loopholes in the tax laws which prevent people from contributing what is thought of as a fair share of income to support the overall costs of Government, in behalf of all the people of the country. He has proposals in there for a minimum tax on corporation and individuals who otherwise may end up not paying anything at all. So there are some constructive elements.

I think reducing the number of tax brackets is a direction of simplication that makes some sense. Whether it should go from 14 to 3 or 14 to 4, whatever the number, we can debate that on the floor.

There are a number of things that I think have been properly raised in terms of fairness. I think the President is proper in raising those issues, and we ought properly to deal with them. It does not mean we have to agree with him. It does not mean we cannot change the proposal in whatever ways a majority of the Senate should desire. But, in the end, we are free to act.

The fourth point is that in the budget document reported from the Budget Committee, with a majority of votes on both sides of the aisle, there is a revenue component. The revenue component contains one part that the President has asked for of roughly $5.9 billion new revenues in 1987, in his own budget proposals, and we have augmented that with this bipartisan package out of the Budget Committee.

I believe the added figure is roughly $12.5 billion, bringing it up to about $18.7 billion for 1987. We do not have the power to indicate how those revenues should be raised. The Finance Committee would have to take a look at how that is to be done.

The point is that in the whole tax reform process—in the closing of loopholes and the establishment of a minimum tax—there is the generation of new revenue that will be brought into the Government, and the Budget Committee thought is that part of that, a small part, should be retained and used for deficit reduction.

So these two issues connect to one another. To try to pretend that they do not, to say that we have to do one and cannot do work on the other until we finish the first, does not face the reality that is upon us. We have to be dealing with these problems simultaneously, which is what we are attempting to do.

There is no reason why we cannot bring the budget to the floor this afternoon and get started on it. We have a package. It is all ready to go. The only reason it has not been brought up is that apparently there is some reluctance on the other side to do it because, I guess, of differences of opinion with the White House or among Members on the other side, or whatever it is. I do not want to get into the reasons for blocking it. There is no good reason for not bringing it up.

We are up against the Gramm-Rudman deadline of April 15 to adopt a budget, so we should bring it up now. So I think this sense-of-the Senate resolution is misleading. I do not think this is a helpful step to take. I believe that, in a sense, it is a sort of gratuitous embarrassment to the President and to his people who are working to try to produce a tax reform proposal. In a sense, it becomes an odd instruction to the Finance Committee to stop work, when we are in the midst of trying to deal with the proposals the President has sent up here, which have come from the House, and which Senator PACKWOOD, on behalf of the Finance Committee and on his own behalf, has developed in the Senate.

I think that work has to continue. In a sense to say all that needs to be set down or to be shunted aside until we deal with the budget, when, in fact, we are not even dealing with the budget, I think that adds almost a comic element to it.

Having said all that, I have great regard for the Senator from Minnesota. He and I talked privately about this matter. I recall the weeks that he spent circulating his letter and obviously with very serious intent to want to make an important point, and it is a point that I think can properly be made and someone who has that view should make it. But to take and ask the Senate today to go on record with a yes-or-no vote on this kind of a sense-of-the-Senate document, as I said before, I think ends up unintentionally having sort of a comic element to it but, more than that, I think it almost is an embarrassing step to take.

I think it needlessly embarrasses the President, who said it is a very high national priority, in his view, to move ahead with tax reform. I think it needlessly embarrasses our colleagues on the Finance Committee who are today under that instruction trying to work and come to some kind of a proposal that they can send to the Senate, and also it is almost a bad joke when you think about holding off on any kind of tax considerations until we get the budget done when we have a budget document that has already been produced by the Budget Committee waiting to come to the floor and we cannot again get it called up to act upon it.

We are here fooling around with giving away two national airports because somehow or other that is thought to be more important than dealing with the budget.

For those reasons and with due respect to my colleagues who hold this view, I think this is the wrong action to take at this time. I hope that this could be tabled without prejudice one way or the other but that we not end up embarrassing outselves here in this fashion.

Mr. PACKWOOD and Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. PRESSLER). The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I tried to move along in a timely fashion with the Finance Committee since we have received the tax bill from the House of Representatives.

We are moving along in a timely manner. We are meeting this morning. We met every morning. We met most afternoons. We will get a tax bill done, which I think will be a credible bill.

There is nothing, however, stopping this Senate from going ahead and producing a budget, at least voting on a budget—I do not know we can produce one—but at least we can vote on it.

There may or may not be tax increases in it. I do not know what the will of Congress will be by the time it goes through the House of Representatives and Senate.

It is my intention at this time to produce a tax reform bill. But as we are all aware, a sense-of-the-Senate resolution is not binding on the President, or not binding on the Senate.

If the President wants to bring a tax bill, he can.

It is a nullity. There are some who do not want a tax bill at all, not a House bill, not the President's bill, not Treasury I, not any bill coming of the Finance Committee.

They are willing to use every dilatory tactic they can find to avoid considering a tax bill, although I regard this resolution as the most insane and arcane approach. It is not binding, and it is saying to the Senate "Take up a major item of the President. It is something of great concern to the country—tax reform—until we do a budget," which we can do today, if we want, which we are supposed to do by next Tuesday, and we will not.

To hold the tax reform bill hostage to some specious sense-of-the-Senate resolution, which is not binding, because the Senate and Congress have not taken up the budget, I think I find demeaning to the committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I believe this resolution is misdirected.

My colleague from Michigan had indicated that there is a comic element in the resolution. The only problem is that the joke will be on the American people and it will not be a very good joke.

If there is an issue in the country that calls for action, it has to do with tax reform, and it just does not make sense to let the American people continue bearing the tax burden while day in and day out special interests in this country pay no taxes and in too many instances even receive a tax refund.

I was upset to learn that the Finance Committee has already concluded that they are not going to make the necessary changes so that the timber industry pays its fair share of the tax burden. Why on Earth should the timber industry be able to treat their profits as capital gains? Everybody else who grows products in this country has to pay their taxes on the same basis as the rest of the Nation. It is a profit. You pay tax on it. That is their business.

But some years ago the timber industry came forward and they were able to get Congress to say that timber was to be treated as a capital gain, meaning they would pay only on half of the profits, and how it appears that that is going to remain in the law if the Finance Committee has its way.

Yesterday, the Finance Committee dealt with the issue of oil company profits. What a sad day it is that only three members of that committee were able to stand up to the oil industry. What is there about the oil industry that makes them so all powerful around here—their political action committees? It was 18 to 3 in the committee not to eliminate some of the special breaks that the oil industry gets.

I know the oil industry is hurting this week or this month. But the oil industry was not paying a fair share of

their taxes when they were not hurting and there is no question in any one's mind that oil prices are going to go back up.

But, no, we are not going to do anything about oil industry tax breaks and we do not even want to touch the issue until we get done with the budget? Why? What logic says that we cannot touch tax reform until such time as we deal with the budget? We are having enough trouble getting the budget to the floor.

I am one of those who has spoken about the need to bring it to the floor promptly. We brought it out of committee. It is not a perfect budget, but it is better than no budget at all and it conforms to the Gramm-Rudman Act. Even though I did not vote for Gramm-Rudman, it is the law.

The banks would not want tax reform. They would like to postpone that as long as they possibly can. If you look at the kinds of taxes that the banks pay, not the taxes they do pay, the kinds of taxes they do not pay, you will understand why they do not want tax reform. It is the only industry in the country that has the right to set up an artificial debt reserve that has no relationship to the facts. It just sits out there and it is an artificial debt reserve, and the banks are permitted to invest in municipal and tax frees, while they go out and borrow money or pay money to their depositors.

So, as a consequence, they pay almost no taxes and in some instances get tax refunds.

There are tax shelters in this country that make it possible if you want to make an investment this year and receive more in tax reduction this year and next year than the total amount that you put into the investment, and in some instances you can work it out so that you get more of a reduction this year than the actual amount that you invest.

So what logical reason is there for 50 Members of the Senate to say, "We don't want to deal with tax reform until we deal with the budgets"? It is a non sequitur. It does not follow. It is illogical. It is ducking the issue.

It is again saying to the American people you are second on the list. We will get on to something that we are more interested in getting on to, although it is only fair to point out that we are not getting on to that issue either.

We may not be able to have a budget resolution here if the matters keep up as they are and the President continues to stonewall.

I heard him last night on the television tube blaming Congress. "Mr. President, I will say to you the buck stops at the White House. You have a responsibility to be a part of this budget process."

And so he is telling us we are not doing our job; we are saying he is not doing his job and now we are having a proposal before us to say, yes, but let us do not get into tax reform until such time as we deal with the budget matter.

The President is saying to us when you have budget reform, whatever you do, see to it that it is tax revenue neutral.

Why should it be revenue neutral? For what reason should it be revenue neutral? Is there some reason that the corporations of this country are not called upon to pay a minimum tax? Some corporations are making billions and billions of dollars and receiving billions of dollars in tax refunds. Is there any reason why we cannot start to tax them and see to it that those dollars are used in order to help us balance the budget?

What is so sacred about those special tax breaks and special refunds that some of the corporations of this country are receiving?

What is holding us up in coming out for a minimum tax both for corporations as well as for individuals who are making substantial profits?

We are ducking the issue. This is a resolution making it possible for us to take a big duck, to not deal with the real issue of tax reform, not see to it that the American people get a fair break.

Tax reform need not and should not be revenue neutral. The moneys that we can pick up fairly, rightly should and could be used to help us balance the budget. And I say to my friend from Minnesota, for whom I have tremendous respect and who I consider a good friend, that you are right about a lot of things but in this instance you are dead wrong. This matter does not make good, logical sense. And I do hope that the chairman of the Finance Committee or someone on that side of the aisle will see fit at an appropriate time to move to lay this ill-founded and ill-thought-out proposal on the table.

Mr. BOSCHWITZ. Mr. President, I have listened to the remarks of my friend from Ohio. I find it unusual that he and the Senator from Michigan are defending the President's priorities in this matter. But, nevertheless, so be it.

It is not a joke on the American people that we are seeking to propagate here. We have no interest in preserving tax breaks for the timber industry, which, as the Senator from Ohio points out, apparently are going to be preserved—I am not a member of that committee so I have not had a vote on that—or oil or banks or the loopholes for special breaks that he speaks about.

There is no more skillful legislator, there is no more skillful negotiator here in the Senate than the Senator from Ohio. And he knows that indeed sometimes one has to be balanced against the other in order to get an important goal achieved. I think that the most important goal that we can achieve—and, as he points out, we can do it rapidly—is indeed the budget. There is indeed an April 15 deadline. We can meet that deadline. Then we should go on and reform the tax bill in many of the ways that the Senator from Ohio is suggesting it be done.

But, those who say, "well, let both go forward at one time," as the Senator from Ohio has said, it is only fair to point out, that the budget is not moving forward. And it is not moving forward and it will not move forward, and it is not a non sequitur to say that there should be some priorities around here and that the priorities can often be established and often be enforced by taking some action that lays something aside. Nobody has done that more often in this body than the Senator from Ohio. Nobody understands legislative tactics, maneuvers, or how to get things done than the Senator from Ohio.

And, indeed, that is our objective, that we can move quickly and that we can move expeditiously and effectively with respect to the budget.

I heard the Senator from Ohio and indeed the Senator from Michigan speak yesterday morning of the necessity of moving and moving rapdily. So I say to him he should support this because if he really does want to move rapidly on the budget, then this sense-of-the-Senate resolution, not binding but a sense-of-the-Senate resolution, should move forward, should move to conclusion. The expression of the Senate should be made clear, otherwise we are going to see that there are revenues used in the tax bill that will be preempted from use in the business of balancing the budget and we will not be able to achieve that end.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1765

(Purpose: To express the sense of the Congress with respect to the milk production termination program)

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 assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 1765 To amendment No. 1764.

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.

The amendment reads as follows:

At the end of the amendment add the following:

The Food Security Act of 1985 established a milk production termination program intended to reduce the current oversupply of milk products, and

The Food Security Act of 1985 also provided that the Secretary of Agriculture should make purchases of specified amounts of red meat in order to offset the effects of the milk production termination program on the red meat market, and

The implementation of the milk production termination program has resulted in substantial declines in both current prices of red meat and future prices for red meat, and

Both cattle and dairy farmers would benefit from more stable red meat prices, and

Immediate action is necessary to counteract the adverse effects of the dairy diversion program; Now, therefore, it is the sense of the Senate that the Secretary of Agriculture shall immediately take the following steps to address the current instability in the red meat market.

(1) The Department shall increase the present purchase of red meat and defense distributions during the first bid period, which has been announced by the Department to be from April 1, 1986 to August 31, 1986. The purchases should proportionately reflect the presently scheduled 633,176 cows; 216,970 heifers; and 165,900 calves, which are to be slaughtered during each disposal period in the program. The red meat purchases should reflect the number of cattle that are slaughtered during each disposal period in the program.

Specifically, the Department should immediately begin purchasing more of the 200 million pounds of red meat that are to be purchased during the milk production termination program during the first disposal period. This purchase amount is in contrast to the 130 million pounds that the Department is presently scheduled to purchase during the first disposal period. Further, the Senate expresses it concern that the Department has not scheduled the present purchase of 130 million pounds until April 14, 1986 for canned meat and April 21 for frozen ground beef. These purchases do not correspond to the April 1 starting date of the first disposal period.

The Department should accomplish this purchase goal by expediting school lunch purchases and domestic feeding program purchases to begin in April rather than the traditional month of July. Toward the same end, the Department should act immediately on the provision of the law that requires that the meat be channeled through the Department of Defense.

(2) The Department should move approximately 200,000 dairy cows and corresponding heifers and calves, which are presently scheduled during the first disposal period, to later periods by moving those producers who submitted multiple bids at the same price. The move should be conducted on a voluntary basis. Any changes in the disposal period should be consistent with the existing contracts with dairy producers who are participating in the program.

(3) The Department immediately should take additional steps as necessary to alleviate the concerns in the red meat industry regarding the adverse impact on total red meat supplies due to the additional dairy cattle that are being slaughtered. The Department should implement a plan to encourage proportional spacing of dairy cattle slaugther within each disposal period for producers in the program. This could include monthly and weekly targets for dairy cattle slaughter during the disposal periods to minimize jamming of slaughter house facilities occurring in some parts of the country. The Department should also include the actual count of all dairy cattle which are marketed as a result of this program in the published weekly slaughter reports.

(4) The Department also should take further steps that would offset any further damage to the red meat industry. Producers must be assured that the Federal Government will purchase a pound of red meat to offset every pound of red meat which enters the market as a result of the milk production termination program, and that the Department is taking other steps to provide for the orderly marketing of dairy cattle slaughtered under the program.

SEC. (a) the Senate also finds and declares that:

(1) the Food Security Act of 1985 established the Dairy Termination Program intended to reduce the current oversupply of dairy products, and

(2) the Food Security Act of 1985 directs the Secretary of Agriculture to minimize the adverse price effect of the Dairy Termination Program on red meat producers through the use of timely and judicious administrative actions, and

(3) the implementation of the Dairy Termination Program has resulted in substantial declines in both the current and future prices for meat, and

(4) immediate corrective action by the Secretary of Agriculture, utilizing the broad discretionary authority available to the Secretary under the Food Security Act of 1985, is necessary to abate the precipitous decline in meat prices:

(b) it is therefore the sense of the Senate that the Secretary of Agriculture should immediately significantly modify the Department of Agriculture's policies relating to the Dairy Termination Program, report to the Congress not later than April 15, 1986, what corrective actions have been taken, and what legislative changes, if any, are necessary to further modify this program to abate the decline in meat prices in a reasonable and judicious manner.

Mr. BAUCUS. Mr. President, this amendment is being offered at this time because it addresses a very imminent problem that our cattle country in America presently faces, and that is the dramatic drop in cattle prices due to the Department of Agriculture's administration of the dairy buyout program.

I do not need to restate the facts as to what happened, except to say that the cattle market is plunging. The equity of cattle producers in our country has fallen at least $5 per 100 in just a matter of a few days because the Department of Agriculture has not followed the provisions in the farm bill with respect to the dairy buyout program. The Department has not followed the orderly market provisions in that bill. As a consequence, because of the Department's buying the cattle early, dairy cows early, putting that red meat on the market, the beef cattle industry is finding that its cattle prices have plummeted.

The buyout program under the farm bill is to be about $1.8 billion. The fact is the equity of cattle producers of the livestock industry has fallen $5 billion, more than the $1.8 billion buyout allocated in this bill.

The point of this resolution is to direct the USDA to follow the law, to have a very orderly market procedure in the buyout program so that more stability and more confidence is restored to the cattle industry.

If I might, Mr. President, let me just briefly outline the provisions of the amendment. Essentially, the amendment will require the Department to increase the present purchase of red meat in DOD distributions during the first bid period, which has been announced by the Department to be from April 1 of this year to August 31 of this year. The purchases should proportionately reflect the presently scheduled approximately 600,000 cows, 200,000 heifers, and 165,000 calves, which are to be slaughtered during each disposal period in the program. The red meat purchases should reflect the number of cattle that are slaughtered during each disposal period in the program.

Specifically, the Department should immediately begin purchasing more of the 200-million pounds of red meat that are to be purchased during the milk production termination program during the first disposal period. This purchase amount is in contrast to the 130-million pounds that the Department is presently scheduled to purchase during the first disposal period.

That is a key point, Mr. President. The purchase program, where the Department is purchasing red meat, has to be moved up in the earlier period in order to provide for stability for the market. That is what the law provides.

Further, the Senate expresses its concern that the Department has not scheduled the present purchase of 130 million pounds until April 14 for canned meat and April 21 for frozen ground beef. These purchases do not correspond to the April 1 starting date of the first disposal period.

Moreover, the Department should move approximately 200,000 dairy cows and corresponding heifers and calves to later periods by moving those producers who submitted multiple bids at the same price.

In addition to that, the Department should take additional steps, as necessary, to alleviate the concerns in the red meat industry concerning the adverse impact on total red meat supplies due to the additional dairy cattle that are being slaughtered.

Mr. President, one final point. We also believe that the Department should take further steps that would offset any further damage to the red

meat industry, and the resolution makes appropriate recommendations.

I would like to at this point, Mr. President, add the cosponsors of this amendment. They are Senator EXON, Senator HEFLIN, Senator ANDREWS, Senator ZORINSKY, Senator GORE, Senator MELCHER, Senator BOSCHWITZ, Senator HARKIN, and Senator SYMMS.

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

Mr. BAUCUS. Mr. President, the long and the short of this is the Department has not followed the law. The Department has not purchased red meat in earlier periods as it should. That is in the law.

Second, the Department has not, as it said it would, persuaded DOD and required DOD, when it purchases beef, to purchase American beef instead of beef from foreign countries. Presently the Department of Defense, in its commissaries around the world, is buying about 48 million pounds of beef overseas in order to supply American defense personnel. DOD must buy American beef to help solve this problem to alleviate the dairy surplus, as well as to prevent the kind of bottoming out of the cattle market, the beef cattle market. DOD is not doing that.

In addition, the Department of Agriculture should be placing more of its sales overseas not in the American market. The Department has to do a much better job of doing that. The bottom line is that the Department of Agriculture has to take actions that are necessary to restore confidence and restore more security in the beef cattle market.

Most of the damage has already been done. With the passage of this resolution, Mr. President, more confidence will begin to be restored, and the Department would then be treating the cattle industry, the livestock industry, and the dairy industry as well as the pork industry on a more even footing.

I might add, Mr. President, that this resolution has the support of the various groups of the dairymen, of the pork industry, as well as the cattle industry. It has been worked out, and bases have been touched.

I strongly encourage the Senate to support this resolution. I am very happy, too, to have with me helping draft this resolution the able Senator from Nebraska, Senator EXON. We have worked closely on this with other Senators.

Mr. President, at this time I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank the Chair.

I thank my friend and colleague from Montana. The measure before us is extremely self-explanatory. I would simply say in further explanation that we have a sizable number of cosponsors to the amendment. We have discussed this amendment with the majority leader, and it would appear to me that he is also concerned about the situation that this sense-of-the-Senate resolution addresses.

It may well be that we can move forward in a fairly expeditious fashion to accept this amendment, or if necessary, get it voted on because I believe it will carry.

The Senator from Montana has very well pointed out the new crisis situation that we have in agriculture today. Unfortunately, it seems we move from crisis to crisis to crisis to crisis, almost every other day, not even every other week or month as has been customary.

It is very clear that the situation that confronts us today is a dramatic drop in the cattle market. Last week it went down by the highest amount in the history of markets. Certainly, I would agree that some of that may have been over concern on the part of some of the traders, or speculators as they are commonly termed.

I simply say, Mr. President, the way the program was handled by the Department of Agriculture, they did everything but guarantee that we were going to have a dramatic drop in the cattle market. Certainly, the way the account was enacted, and certainly it was clear what the intention of the Congress was, to give the Department of Agriculture the authority to purchase these herds on an orderly fashion. The problem was that the Department of Agriculture did not proceed with rules, regulations, and other means at their disposal to go about this task in an orderly fashion.

We had chaos in the markets. At the present time, I guess it should be well known, a major portion of the cattle industry is in court today suing the director of agriculture trying to get him to undertake the steps that we are spelling out in this sense-of-the-Senate resolution.

All that we are saying with this is let us use commonsense. Let us use the great ingenuity of the American entrepreneur. Let us use the bureaucracy of the Federal Government, in this case the Department of Agriculture, in a fair and prompt manner to correct the injustice that has been done to still another sector of agriculture.

Mr. President, I suspect that we have little opposition to this matter. We have a substantial number of cosponsors. I hope that we can dispose of this in a reasonable fashion. But I do know there are several Senators who are extremely concerned about this matter, and wish to at least make some brief remarks before we go to a vote, voice or otherwise.

Mr. ANDREWS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. ANDREWS. Mr. President, I am happy to join with my colleague, the distinguished Senator from Nebraska, and a number of other Senators, in supporting the sense-of-the-Senate resolution.

Let me point out that in this dairy cattle buyout there was an awareness when it was first brought before the conference committee—not too many of us on the floor of the Senate at this time were a part of that—it could have an adverse impact on the beef industry. Because of that, an amendment to purchase 400 million pounds of beef and dispose of it through additions to the school lunch programs, overseas sales, and the rest was arranged.

There was a relatively market-neutral impact for the 3 or 4 months after that bill was passed and signed by the President.

Suddenly, when the bids came in to retire some 12,300,000,000 pounds of milk, the markets hit the skids and beef producers who were here, Mr. President, selling their cattle below the cost of production found $4.50 to $5 a pound per hundredweight taken off the price that was already depressed.

I do not know whether it was some emaciation in the Board of Trade, or whether it was some supersensitivity, or whatever. But, Mr. President, the reason I am joining with my colleague from Nebraska today, and the other individuals who are cosponsoring this sense-of-the-Senate resolution, just as nervousness and concern, and perhaps wrongheaded concepts have produced this sudden drop, is perhaps the sense-of-the-Senate resolution pointing out to the trade in general, and to the Nation as a whole that we are determined that this was not the intent of that bill, and we are determined to do what we can to make sure that a relatively stable price is returned to the beef industry which might send a strong message to the trading pits, to the auction sales, and the rest that we have to turn this around.

I have had the assurance, Mr. President, of the Secretary of Agriculture just this week when I returned from 10 days out in my State talking to concerned livestock producers that they would find ways as quickly as possible to make sure this impact was not indeed and in fact the impact we have seen registered, and hopefully that prices will begin to move back. It already has, but hopefully it can be back to where it ought to be, and perhaps even a little bit higher to get closer to the cost of production.

But I am happy to join my colleague, Mr. President, and my other colleagues in what we are doing today to give a strong push to the proper direction in livestock pricing. I want to salute the Senator from Nebraska for

his leadership in bringing this to the floor.

Mr. BOSCHWITZ and Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Thank you very much, Mr. President.

I rise to speak in opposition to the resolution offered by Senators SYMMS, BOSCHWITZ, HELMS, NICKLES, and MATTINGLY.

Mr. President, I know there are many Members of the U.S. Senate that do not support tax reform. I know there are many Members of the U.S. Senate who like the tax system the way it is.

Mr. President, I do not intend to get into a long explanation of the way the tax system is today except to point out that the tax expenditures in 1967 were worth $37 billion. Today they are worth over $400 billion.

We lose as much money through tax expenditures as we collect through the corporate and individual income tax combined.

What tax reform is attempting to do is to reduce the tax rates on middle- and low-income people, indeed for everyone, and to make the tax system fairer so that families that are out there can provide greater security for their families, so that as a result of the lower tax rates they will be able to keep more of the money they earn.

Mr. President, I know that there are Members of this body who do not agree with that direction for tax policy. As I said, I know there are Members of this body who like the present tax system. But the resolution offered by the Senator from Minnesota I do not think would be successful. It is another one of the attempts to delay and ultimately to kill tax reform efforts.

Mr. President, I know that there is a strong argument from my perspective for moving with tax reform first, before we do budget deficit reduction. If the Republican Budget Committee's deficit reduction package is adopted, that means we will have to raise revenues.

Mr. President, if we raise revenues under the current income tax system, who will be paying those taxes? It will be those same middle-income taxpayers who are paying rates that are too high today. It will be those same individual American taxpayers who cannot utilize the loopholes to avoid paying taxes.

So, Mr. President, a strong argument can be made to do tax reform first. Eliminate the loopholes, drop the rates, and then decide, if you have to raise revenue, to do it in a fair manner in which everyone would be affected, not just middle-income people being forced to pay higher taxes to close the budget deficit.

Mr. President, that is not the argument today, though. The argument is not, "Let us do tax reform first and then get to the budget."

In fact, we are doing what we do always, and that is to do several things simultaneously: to do tax reform, and indeed at this very minute the Senate Finance Committee is marking up the tax reform bill, and we are also working on the budget bill. It has been passed out of the Budget Committee.

The Senator's resolution says that it is the sense of the Senate that tax reform should not be considered or even debated by the U.S. Senate until a definite budget agreement has been reached between the President of the United States and the Congress.

Mr. President, I understand what this is. This is a part of the negotiations now going on between the Republican majority in the Senate, that wants a tax increase, and the White House, which does not want a tax increase. That is what this resolution is all about. This resolution is an attempt by the Senators who have offered it to say, "Mr. President, you have to agree to a tax increase."

Let me say to Senators I appreciate their support. It is similar to the one that the distinguished Senator from Minnesota made not so long ago when he got almost 50 Senators in the U.S. Senate to say, "Let us do the budget first and tax reform second."

But, Mr. President, make no mistake. This is a vote in which those who vote for this resolution will be saying, "Look, we would like to kill tax reform. This resolution will not do it because it is a nonbinding resolution. But this resolution is a declaration of intention that we would like to kill tax reform."

So, Mr. President, I strongly oppose the resolution. I recognize it is part of the negotiations with the White House, but I hope the Senate will pause.

When you think of it, Mr. President, there is a Republican President of the United States who is way out on the limb for tax reform, who wants to give middle-income people in this country lower tax rates.

There is a Democratic House that has passed a tax reform bill that cuts rates dramatically. It takes 6 million taxpayers off the rolls at the low-income level, and it does many other important tax reforms.

So we have a Republican President and a Democratic House saying, "We want to cut tax rates for the American people, for the middle income, for the low income, and we are prepared to bite the bullet and eliminate some loopholes in order to do that."

It is surprising to me that a Republican Senate will be saying to its own President, "Mr. President, we want to kill tax reform. We do not want to do it. Let us delay it. Let us delay it, knowing the further it is delayed, the less likely it will be to be accomplished this year. We want to delay it."

The Republican Senate is saying that.

Mr. President, it is surprising to me that that would be the case. It is surprising to me that with this vote many Members will be essentially saying to the President, "Forget tax reform. We are going to try every effort to try to kill it."

My only hope and my only consolation is that this resolution is totally nonbinding.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, it is surprising for me to hear my friend from New Jersey say that Senator SYMMS, who offered this resolution, is indeed for higher taxes, that he is indeed wanting to increase taxes. Certainly, there is no Senator who has spoken out more often exactly in opposition to that view.

This is not an effort to scuttle tax reform.

I do support the idea of lower tax rates. I always have. I have spoken on the floor about it. I have written about it. I think it has many, many beneficial aspects for economy.

We do not like the present tax system.

Perhaps the Senator from New Jersey was not here when I responded to the Senator from Ohio that it is not that at all. It is not a matter of seeking to prevent tax expenditures, it is not for disallowing continuance. That is not the purpose. I might say to my friend that if indeed tax expenditures were $37 billion in 1967, and now it is $400 billion, 10 times as large, that the budget is now about 10 times higher now than in 1967, as I recall the first time we reached $100 billion being shortly before that.

So this is not an effort to kill tax reform. This is an effort to put our priorities in order. This is an effort to meet the April 15 deadline, the first deadline of the Gramm-Rudman bill; that we push the budget resolution and push all those involved to do so.

Let me say a word about the amendment of the Senator from Montana to the amendment that Senator SYMMS and I have offered.

I support it. I have asked the Senator if I may be added as a cosponsor to the amendment.

It came, I might say, as a surprise to me that the Agriculture Department would act in such manner as to bring about lower feed prices, lower meat prices. It was not the intention of the Senate to pass legislation to help one element of agriculture at the expense of another. As a matter of fact, we just passed the dairy portion of the farm bill to prevent this kind of an occur-

rence. Now it is with great disappointment that we see the action of the Department of Agriculture take place that would effectively negate some of our best efforts.

I say to my friend from New Jersey that indeed I have a plan for tax reform that brings about lower rates, that reduces some of the tax expenditures or tax preferences, as they are often called. I do not want to delay until tax reform. I want to speed up the business of balancing the budget, which I think is the first order of business for this body.

Mr. SYMMS. Mr. President, I want to join with some of the things that my colleague from Minnesota just said and then make a comment or two about some of the things my friend from New Jersey said.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that my name be added as a cosponsor of Senator BAUCUS' amendment.

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

Mr. SYMMS. I ask unanimous consent that my name be added also, Mr. President.

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

Mr. SYMMS. Mr. President, I want to correct the misunderstanding—in my view—that the Senator from New Jersey has about the intentions of this Senator with respect to this amendment which Senator BOSCHWITZ and I have tendered here for our colleagues' consideration.

First, as one Member of the Republican part of the Senate, I am not in favor of any tax increases. That is not the intent of this amendment.

Second, true tax reform I would favor. However, I would say that when the President gave his first address on tax reform, he did capture the imagination of the American people with respect to fairness, reducing the rates, equity, and simplicity in the Tax Code. However, the tax reform process, as it has worked inside the beltway in Washington, has been preempted by the bureaucrats in the bowels of the Treasury, I would say, Mr. President. What we are dealing with in the Senate Finance Committee, what passed the House, could hardly be called tax reform. And certainly, it is no progrowth, procompetition, profree enterprise, procapitalist type reform that is going to create jobs, enhance the standard of living and make for a more productive society. My idea of tax reform is to have all income taxed closest to the source, give 100 percent expensing for capital investment and do away with all deductions in the Tax Code and get the rates down to 20 percent.

We have gotten so far away from that, I say to any of my colleagues who are in the Chamber or listening on the speaker boxes, I invite them to come and examine the material we are discussing in the Finance Committee. It is going to make our Tax Code, if this kind of bill passes or the one that passed in the House, much more complicated. It would be pure fraudulence to call it simplicity, Mr. President. Congress does not have to go by truth-in-labeling laws that we pass for the rest of the country. Anytime you get a bill on taxes you can call it tax reform, you can call it simplicity or anything you want.

The fact is it is a transfer within the internal house of the Tax Code to transfer taxes from one group of taxpayers to another group of taxpayers and cause all kinds of unmitigated chaos in the private sector that is going on right today because of business decisions that are not being made, decisions to invest in work and so forth that are not being made.

I think we should get our priorities in order here, in the Nation's Capital, and straighten out the Federal budget as every household in America has to do, as every business has to do. Leave things alone, get some predictability, then straighten out the Tax Code in an area where we do not have a big deficit staring us in the face.

If tax reform moves under the budget deficit we are facing, that is what I am against.

I compliment my colleague from Montana for his amendment. I share what he said. This situation has caused absolutely unnecessary pain and suffering to the cattle industry in this country. There has never been anything in farm programs for the cowboys of America. They are the one group that never asked for any Government help or any Government support and they always end up on the short end of the stick. The people who get the subsidies either get higher prices of grain forced on the cattlemen, or the dairy people get higher dairy prices, then they get their cattle pushed off on America.

I think the Senator from Montana is right on target. We in Congress have to do everything to expedite turning around the bad economy in the cattle market today because much of this is a perception that there is a big oversupply. It is probably not as bad as it appears, but if you are the person out there selling the cattle, it is an unmitigated disaster. I hope both of these amendments will be accepted readily by our colleagues.

I yield the floor.

Mr. BRADLEY. Mr. President, I should like to respond briefly to the distinguished Senator from Idaho and the Senator from Minnesota.

The distinguished Senator from Idaho said that he wanted to set the record straight that he is not for a tax increase; he is an opponent of a tax increase. I take that.

The Senator is also a self-avowed opponent of tax reform, tax reform in particular as we have defined it through the deliberations in the House and now in the Senate Finance Committee. He has confirmed that by his comments on the floor today.

Senator BOSCHWITZ has, indeed, written a letter saying, let us do the budget first, then get to tax reform. We all know that, as we delay longer in the year, it becomes less and less probable that we shall be able to give middle-income people lower tax rates because by the time the tax reform bill comes to the floor of the Senate, it can be delayed almost indefinitely.

So I think it would be wrong to ignore the fact that this vote is a declaration of intention by those who vote for the Boschwitz-Symms resolution. They are saying, "We will try at every opportunity to kill tax reform." This is one of the small tactics in a much larger battle.

Mr. SYMMS. Would the Senator yield on that?

Mr. BRADLEY. I yield the floor, Mr. President. I have made my statement.

Mr. SYMMS. I thank the Senator.

Mr. President, let me just respond to my colleague from New Jersey by saying that any time the Members of the Senate are ready to move forward with tax reform that would get the tax rates below 20 percent or at least to 20 percent—in that range—for working middle-income people and give up all the tax preferences in the Code, this Senator has already cosponsored the legislation with the distinguished Senator from Arizona [Mr. DECONCINI] that would do that.

We have tax reform, the true, simple, flat tax, pending before the Senate. However, when we start talking of tax reform, it always gets clouded and we end up just wanting to shift the burden of taxation from one group of taxpayers to another and call it revenue-neutral.

I say if you are the taxpayer who gets his or her taxes raised, it is not very revenue-neutral. That is the problem we have with this process where we are trying very valiantly to get the budget balanced.

I compliment my colleagues on both sides of the aisle who have worked so hard to bring about a budget process that will bring about a balanced budget. We should accomplish that first. Once we have accomplished that, then we shall be in an arena where tax reform could take place. But to have true tax reform, we must have spending control and reform, I think, first in order to be able to go into a tax reform proposition without killing the patient in order to fix the hospital room, so to speak.

I think that is the problem this Senator sees with the whole process and I

hope we can move to a vote right away.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator from South Dakota [Mr. PRESSLER] be added as a cosponsor to the amendment.

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

Mr. BAUCUS. Mr President, I also ask unanimous consent that the bill be left at the desk so further Senators may be added as cosponsors.

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

Mr. BAUCUS. Mr. President, I also ask unanimous consent that the amendment be modified according to the modification at the desk.

The PRESIDING OFFICER. The Senator will send the modification to the desk.

The amendment (No. 1765) was so modified.

The amendment, as modified, is as follows:

At the end of the amendment, add the following:

The Food Security Act of 1985 established a milk production termination program intended to reduce the current oversupply of milk products, and

The Food Security Act of 1985 also provided that the Secretary of Agriculture should make purchases of specified amounts of red meat in order to offset the effects of the milk production termination program on the red meat market, and

The implementation of the milk production termination program has resulted in substantial declines in both current prices of red meat and futures prices for red meat, and

Both cattle and dairy farmers would benefit from more stable red meat prices, and

Immediate action is necessary to counteract the adverse effects of the dairy diversion program; Now, therefore,

It is the sense of the Senate that the Secretary of Agriculture should immediately take the following steps to address the current instability in the red meat market:

(1) The Department should increase the present purchase of red meat and defense distributions during the first bid period, which has been announced by the Department to be from April 1, 1986 to August 31, 1986. The purchases should proportionately reflect the presently scheduled 633,176 cows; 216,970 heifers; and 165,900 calves, which are to be slaughtered during each disposal period in the program. The red meat purchases should reflect the number of cattle that are slaughtered during each disposal period in the program.

Specifically, the Department should immediately begin purchasing more of the 200 million pounds of red meat that are to be purchased during the milk production termination program during the first disposal period. This purchase amount is in contrast to the 130 million pounds that the Department is presently scheduled to purchase during the first disposal period. Further, the Senate expresses it concern that the Department has not scheduled the present purchase of 130 million pounds until April 14, 1986 for canned meat and April 21 for frozen ground beef. These purchases do not correspond to the April 1 starting date of the first disposal period.

The Department should accomplish this purchase goal by expediting school lunch purchases and domestic feeding program purchases to begin in April rather than the traditional month of July. Toward the same end, the Department should act immediately on the provision of the law that requires that the meat be channeled through the Department of Defense.

(2) The Department should move approximately 200,000 dairy cows and corresponding heifers and calves, which are presently scheduled during the first disposal period, to later periods by moving those producers who submitted multiple bids at the same price. The move should be conducted on a voluntary basis. Any changes in the disposal period should be consistent with the existing contracts with dairy producers who are participating in the program.

(3) The Department immediately should take additional steps as necessary to alleviate the concerns in the red meat industry regarding the adverse impact on total red meat supplies due to the additional dairy cattle that are being slaughtered. The Department should implement a plan to encourage proportional spacing of dairy cattle slaughter within each disposal period for producers in the program. This could include monthly and weekly targets for dairy cattle slaughter during the disposal periods to minimize jamming of slaughter house facilities occurring in some parts of the country.

(4) The Department also should take further steps that would offset any further damage to the red meat industry. Producers should be assured that the Federal Government will purchase a pound of red meat to offset every pound of red meat which enters the market as a result of the milk production termination program, and that the Department is taking other steps to provide for the orderly marketing of dairy cattle slaughtered under the program.

SEC.— (a) the Senate also finds and declares that:

(1) the Food Security Act of 1985 established the Dairy Termination Program intended to reduce the current oversupply of dairy products, and

(2) the Food Security Act of 1985 directs the Secretary of Agriculture to minimize the adverse price effect of the Dairy Termination Program on red meat producers through the use of timely and judicious administrative actions, and

(3) the implementation of the Dairy Termination Program has resulted in substantial declines in both the current and future prices for meat, and

(4) immediate corrective action by the Secretary of Agriculture, utilizing the broad discretionary authority available to the Secretary under the Food Security Act of 1985, is necessary to abate the precipitous decline in meat prices:

(b) it is therefore the sense of the Senate that the Secretary of Agriculture should immediately significantly modify the Department of Agriculture's policies relating to the Dairy Termination Program, report to the Congress not later than April 15, 1986, what corrective actions have been taken, and what legislative changes, if any, are necessary to further modify this program to abate the decline in meat prices in a reasonable and judicious manner.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays on the Baucus resolution.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. Mr. President, just one final point. The Senator from Idaho made a good point. If there is any industry in America that has nobly not asked for a handout, it is the beef cattle industry. Lots of organizations, lots of industries come to the U.S. Congress and ask for some privilege, some favor, some accommodation, some qualification—whether it is in the tax law or other laws—to help themselves out. The beef cattle industry is the one industry that does not ask for a handout. They are to be very, very much congratulated for that. In fact, they are a model. It is too bad that more Americans do not follow the model of the beef cattle industry and not ask so much for Government help.

The beef cattle industry, ironically, Mr. President, is the one industry that listened to Jack Kennedy's admonition to ask not what your country can do for you, but ask what you can do for your country.

It is the one industry that generally does not ask the Government to do something for it. They take care of themselves. They do not bother people. They do not want to be bothered by people. It is a very noble way of life. It is a very noble way to conduct one's self.

Mr. President, one final point. It is clear, no one denies that the USDA did not follow the law with respect to the dairy buy-out program. They did not follow the orderly marketing procedures as prescribed in the farm bill. For whatever reason I do not know, but the fact is they did not do that. This resolution directs them to do that. It outlines various procedures that were in the farm bill to force the USDA to have a more orderly marketing procedure so we can restore more confidence in the beef cattle industry. I ask Senators to roundly and soundly support the resolution so that USDA is forced to straighten itself out.

Mr. President, I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I rise in support of the amendment to the underlying amendment offered by the Senator from Montana (Mr. BAUCUS). I compliment the distinguished Senator from Montana and also the distinguished Senator from Nebraska for their work on this and for bringing this to the attention of the Senate at this time.

Mr. President, I thought I had seen, up until this time, the grossest mismanagement of agriculture in the history of our country under the previous Secretary of Agriculture. Well, he is

now gone and we have a new Secretary of Agriculture, and evidently there must be a contest going on downtown, down at the Department of Agriculture, to see which Secretary of Agriculture can mess up the farm program the worst. If the present Secretary, Secretary Lyng, for whom I have a great deal of personal respect—I have known him for a long period of time—continues in the same vein with the buyout of the dairy herds, he is going to put the previous Secretary to shame in terms of mismanagement.

To date the implementation by the Department of Agriculture of this whole herd buyout program has been a textbook example of how not to manage or how not to implement a program and how not to follow the law, how not to take into account what the clear intent of the Congress was in passing the law.

Mr. President, I want to make it clear at the outset that this Senator was not a supporter of the whole herd buyout program. That scheme originated in the other body. But it was left in conference and eventually was signed into law by the President. I still think it is a cockamamy scheme and not one that is going to be conducive either to keeping our dairy farmers in business in the upper Midwest or is it going to be conducive to keeping our beef producers in business.

Now, it is odd, Mr. President, that we had a working dairy program which was started in 1983 called the Dairy Diversion Program, on which the distinguished Senator from Minnesota [Mr. BOSCHWITZ] and I worked when I was a Member of the other body. It was a 15-month program. At the end of the 15-month period of time it was obvious that the Dairy Diversion Program was working. We cut down the amount of milk being purchased by the Government. We saved the taxpayers $1 billion. We were reducing over a longer period of time the number of dairy cows that were producing milk. Everything was working. It did not cause a tremendous disruption in the red meat market. It kept our dairy farmers in business in the upper Midwest. So here was a program that by every yardstick of measurement was working and succeeding, the Dairy Diversion Program. And yet when the 15-month period was up, rather than getting it renewed for another 15-month period of time—I think had we had the Dairy Diversion Program for about 30 months we would have been out of this problem regarding dairy surpluses—the administration let it die on the vine and so we do not have the Dairy Diversion Program. Now what we have is the so-called whole herd buyout, which is causing massive disruption in the red meat market.

Mr. President, the administration took a program that was working and rather than extending it, let it die and now we have this whole herd buyout scheme.

The Congress did put into the bill some measures to protect our cattle producers from being inundated by all these cows coming on the market. There were definite guidelines put into the bill for the Secretary to follow to minimize the impact on our cattlemen, our cow-calf producers, and also our cattle feeders. But this Secretary and this Department have not followed the guidelines of the law.

Mr. President, on March 28 the USDA announced that three-fourths of the 1.6 million head of dairy cattle targeted for slaughter could be slaughtered in 1986, completely ignoring the farm bill intent to have an orderly marketing plan so as to minimize the market impact.

Now, the farm bill mandated that the Secretary of Agriculture limit the number of dairy cattle coming to market to no more than 7 percent of the national dairy herd. Well, the Secretary followed the requirement but then he rigged the game in such a way as to allow most of them to come to the market before the end of the year, and the reaction has been what we have heard from the Senator from Montana and the Senator from Nebraska and I think other Senators who have spoken. The reaction of the cattle market was immediate and dramatic with cattle dropping on the cash and futures market anywhere from $2 to $6 per hundredweight.

So again let me repeat what happened. The bill mandates that no more than 7 percent can come on the market during this period of time. Well, what the Secretary did was he frontloaded it. He put the 7 percent up to now, during this first buyout period, when it should have been spread out over a longer period of time.

Now, I wonder why the Secretary would permit this kind of thing to happen. Well, it is clear to this Senator that the budget considerations outweighed the congressional mandate to have an orderly marketing program. Someone at USDA or at OMB realized that by frontloading the slaughter of these dairy cows, that is, the sooner these cows were sent to market, the quicker milk production would drop, it would save the Government a few bucks. No one at USDA or at OMB seemed to care that this kind of action would cause market chaos and result in the bankruptcy of thousands of cattle feeders. And so what we have to do is get the Secretary to develop a fair marketing plan which will bring these cows to market in an orderly fashion. That, I understand, is what the amendment offered by the distinguished Senator from Montana, as modified by the Senator from Nebraska, does. What it does is it expedites the purchase of 400 million pounds of red meat that are mandated under the program.

Again, Mr. President, I point out that the Secretary is, as he says, moving ahead to purchase this 400 million pounds of red meat but the fact remains the farm bill was signed in December. They could have anticipated the slaughter of these dairy cows and they could have gone into the market at that time, January, February, and March, and begun buying up the red meat that they needed for this 400 million pounds, but they did not do it. But now he says they are going to do it. Well, I am glad they are going to do it because the law specifies they have to do it. But they could have started doing it in January. That is what I mean by mismanagement. They could have started buying this meat in January, February, and March, and we would not have this problem now, but they did not. Again, I have to ask why.

Two hundred million pounds of this red meat was to be used for export. I would anticipate that USDA would probably say that if they bought all this meat and put it on the world market, it would disrupt the world market, countries like New Zealand and Australia. It seems to me that USDA has shown more concern for producers in other countries than for our own. I hope they would move ahead expeditiously to purchase this 400 million pounds of red meat. They could have done that in January, February, and March, and did not do it.

The second thing the resolution says is that the Secretary can move these animals scheduled for the first 6-month period to later periods by voluntarily moving those producers who submitted the same bid for all three bidding periods. In other words, if you had a person who bid in his dairy herd at the same price for all three periods, rather than taking that herd now, they could take it in the second or third 6 months. That would lessen the impact on the red meat market right now. They could develop a plan to proportionately space the slaughter of cattle within each 6-month period, rather than all in the first or second month.

Mr. President, there is no doubt that this is having an effect on the red-meat market. Let me read a UPI wire story that has just come across the wires, at 12:53 today, April 10.

It says:

> Beef producers told Agriculture Secretary Richard Lyng Thursday that his steps to counteract a plunge in cattle prices accompanying mass slaughter of surplus dairy cows fall far short of what is needed.
>
> "It's about 25 percent of what we were requesting in the orderly marketing," Don Butler, president of the National Cattlemens Association, told Lyng, who met with a large group of cattle producers.

Mr. President, listen to what Secretary Lyng said:

Lyng replied that he was pleased to hear his limited actions has satisfied 25 percent of beef producers concerns.

Satisfied that he took care of 25 percent of their concerns.

"It's not intended to be the total answer to what you requested," Lyng said. "Weve got a lot of things were working on."

Again, that is really thumbing your nose at a very big problem confronting our cattle producers, who, as others have said, have never been in the forefront of those asking for Federal assistance. Yet, all they are asking is for the Secretary to abide by the law—both the letter of the law and the spirit of the law. I suppose that the Secretary, with his attorneys down there, could say they are abiding by the letter of the law, but certainly not by the spirit.

I will quote from the Food Security Act of 1985, the pertinent paragraph, which says:

In setting the terms and conditions of any milk diversion or milk production termination under this paragraph and of each contract made under this subsection—

That is for the whole herd buyout—

the Secretary shall—

It does not say "should"—

take into account any adverse effect of such program or contracts on beef, pork, and poultry producers in the United States, and shall take all feasible steps to minimize such effect.

The law is clear. It says that he shall take into account adverse effects on the red meat market. It says he shall take all feasible steps to minimize such effect. It does not say he shall take 25 percent of the steps or 50 percent. It says he shall take all feasible steps to minimize such effect on the cattle markets.

So I submit that not only is the Secretary not following the spirit of the law, he also is not following the letter of the law in this case.

Mr. President, I know that many Senators who may be listening on their squawk boxes may say, "What is this all about?" What it is really about more than anything else is the mismanagement by the Department of Agriculture which is unnecessarily costing cattle producers millions of dollars in lost profits. It is a mismanagement that is causing thousands of cattlemen to literally go out of business. It is happening in my State of Iowa, and I am sure it is happening in other States, too.

Cattlemen have not been making a lot of money. They have been on the brink. They are ready to go to market with their cattle and are suddenly having the market pulled out from beneath them.

I do not want to suggest that there is any malevolent mind-set on the part of the Secretary. But I do believe there is an attitude at the Department of Agriculture that says the fewer farmers we have, the better off we are going to be. I think that was evident in the farm bill we passed. I think it is evident in the dairy program that was signed into law, and I think it is evident here.

I really believe that there are those at the Department of Agriculture and OMB who believe that by taking these actions, you are going to drive some cattlemen out of business, and the fewer of them, the better off we will be.

So it is mismanagement, but I do not think it is mismanagement with a blind eye. I think it is mismanagement knowing full well what the end result of this mismanagement is going to be. What it is going to be is a lot of hardship on our cattle producers and a lot of cattle producers probably being forced out of business and fewer cattleman in business in this country.

So I hope we will have a resounding vote in favor of the amendment by the distinguished Senator from Montana to the underlying amendment on this airport bill.

This is probably not a wise place to bring it up, on an airport bill. The fact is that there is more need right now to address this problem than the airport problem—right now. We have to address this problem that is confronting our cattle people. So, lacking any other vehicle, we had to go this route, which the distinguished Senator from Montana has done.

I hope the Secretary of Agriculture would reexamine what he is doing in this program, would follow the letter of the law, and would not be content to say that he is satisfied that his limited actions will take care of 25 percent of the concerns. I hope the Secretary would not be satisfied until he implemented the program in such a way as to minimize the effect on the cattle market in this country, according to the letter of the law.

I yield the floor.

Mr. GORE. Mr. President, as a cosponsor of the pending amendment, I rise to urge my colleagues on both sides of the aisle to support it in overwhelming numbers.

I communicated with the Secretary of Agriculture at the beginning of this week. I joined with others on joint letters that went to the Secretary of Agriculture on Wednesday. I cosponsored legislative remedies proposed by some of my colleagues, and I have cosponsored this amendment.

During the last several days at open meetings in the State of Tennessee I heard from a great many cattle farmers who are justifiably outraged over the lack of action on the part of the Secretary of Agriculture.

The past week saw the largest drop in red meat prices of any week in modern history. Why? Simply because the number of cattle to be slaughtered as a result of the dairy program was in the news and the actions that were supposed to be taken by the Secretary of Agriculture to mitigate the impact of that slaughter on red meat prices were not in the news, because the Secretary of Agriculture has apparently failed to formulate the plan that he was required by law to put into effect when the whole dairy herd buyout program was implemented.

This problem was clearly anticipated by Congress when the whole herd buyout program was put into law. It was for that reason that the Secretary of Agriculture was instructed, not allowed, but instructed, in the law to implement these mitigating purchases.

The Secretary of Agriculture has failed to do so and as a result cattle farmers are being hurt very badly. It is interesting to note that dairy farmers are also being hurt badly because the prices they expected to receive when they made the decision to participate in the whole herd buyout program they are not in fact receiving.

The decisions which they made at that time were made in good faith, based upon an understanding of the law that passed this Senate and passed in the other body and was signed by the President. But due to a failure on the part of the Secretary of Agriculture the prices have fallen dramatically.

Mr. President, my colleagues have elaborated on the reasons why this amendment should pass. I wish to congratulate its principal sponsor, the Senator from Montana.

I urge my colleagues to support it overwhelmingly because it is a sad fact that the Department of Agriculture has failed in its duty to implement the law. As a result, we have no recourse but to take this action and if this action proves to be insufficient when we will have to take other action immediately afterwards.

I hope that this amendment passes. I support it strongly and I urge my colleagues to do so once more.

I yield the floor.

Mr. McCLURE. Mr. President, I ask unanimous consent that I may be listed as an original cosponsor of the pending amendment.

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

Mr. SIMPSON. Mr. President, I wish to join others of my colleagues to express my fullest and strongest concern over the effect that USDA's Dairy Termination Program announcement has had on cash beef cattle prices. This ill-advised termination program has been divided into three disposal periods—and yet nearly two-thirds of the total number of cattle to be slaughtered under the program will be disposed of prior to August 31, 1986. It is absurd. That hardly seems to me to fulfill the "orderly marketing" re-

quirement in the 1985 Food Security Act.

In visiting with some of my fine Wyoming constituents over the past few days, I am simply appalled by the havoc this program announcement is having on Western cattle ranchers. Introducing 1,015,046 head of dairy cattle into an already weak market has cut the value of the beef cattle inventory in the Nation by $5 billion. Beef cattle inventories are at their lowest level since 1962. You see, these cattle ranchers—so very different from many in agriculture—do not have their hands out pawing at the Federal till seeking agriculture price supports. Instead, the beef cattle industry exercises market discipline. After years of drought and low prices, however, this release of more than 1½ million additional cattle on the market could very well be the final death knell for many of those fine, independent Western ranchers—and ironically at the hands of a heavily subsidized industry no less.

The dairy program may have worked fairly well since the CCC Purchase Program came into being in 1949. Consumers have received a steady supply of fresh milk and dairy products at stable prices. Dairy farmers have obtained a fair price for their product. Taxpayers have paid relatively little in program costs.

However, in recent years, the program has not worked well. It is sick. Dairy farmers, consumers, and taxpayers have all suffered. Congress has tried to fix the program on eight different occasions in the past 5 years, and the program is still all out of whack. Some of our cures have been worse than the disease. For example, from January 1984 through March 1985 we tried a diversion program that paid farmers not to produce milk. This program was destined to fail because it addressed the symptom—overproduction—not the root problem—price supports set too high. This nonsolution taxed all dairymen 50 cents per 100 pounds of production in order to pay a small percentage of dairy farmers not to produce as much. It failed to make any permanent reduction in production levels; it caused regional milk shortages and it gave dairy farmers and the whole dairy program a "bad name" and an awful lot of bad publicity. And now we've ignored recent history and implemented another nonsolution, but this time we're hurting more than just the dairy industry. We're hurting this Nation's No. 1, nonsubsidized agricultural commodity—beef.

We should also keep in mind that the dairy sector is healthier than most other major sectors of agriculture. The severe economic distress in the farm economy is largely concentrated in the grains, cotton, and livestock sectors. The plain and simple fact is that most dairy farmers are doing much better than other farmers.

Congress has a sad, sad history of providing agriculture with short-term benefits that turn into long-term liabilities. For example, in 1977 we increased the minimum dairy support level from 75 to 80 percent of parity and provided for semiannual adjustments. Up until then, milk production had been in relative balance with demand, and program costs were running only a few hundred million a year. Increasing the support level seemed to many to be a reasonable way of boosting income for the small- and medium-scale dairy farmers who we felt we were trying to help.

However, the generous support levels, which increased 46 percent from 1977 to 1981, combined with lucrative tax benefits, attracted a lot of new investment into the business. Much of this new investment came from those outside of agriculture. Huge, state-of-the-art dairy operations came into existence, providing unwanted competition for traditional dairymen. Much of our surplus problem today can be traced right to the legislated increases in the price support formula in the late 1970's.

Having just completed a congressional debate on the "nonprogram crops" provision of the Food Security Act, I am ever more increasingly concerned that Federal agriculture policies which create negative effects on free market. Commodities may force our nonsubsidized agriculture friends—and that is two-thirds of American agriculture—to say, "We, too, want some of that action—we've been quiet long enough." And that surely would "bust" the Federal Treasury, for you see, my friends, 90 percent of the $20 billion we'll spend on agriculture this year only reaches some 31 percent of the total agriculture production in this Nation. Goofy isn't it?

The most effective thing this Congress and the administration can do to help hard-pressed farmers and ranchers is to get Federal spending under control. The deficit is the immediate cause of high interest rates and the strong dollar, and those two factors—high interest rates and the overvalued dollar—have done more to depress the farm economy than anything else possible. This is because agriculture's unique production and marketing cycle makes it more dependent on credit than any other sector of the economy. Moreover, agriculture is an export-dependent industry, and the strong dollar has depressed export sales.

Farmers and ranchers have as big a stake in fiscal sanity and responsibility as any other group in our society. They want to get interest rates down and the dollar down. Farmers and ranchers really don't want runaway deficits or a budget-busting farm bill. They only want a bill that will help to restore profitability to farms and ranches by expanding markets, phasing down huge Government surpluses, and bringing supply into balance with demand. Maybe we'll get there yet.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Montana as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. I announce that the Senator from Florida [Mrs. HAWKINS] and the Senator from Vermont [Mr. STAFFORD] are necessarily absent.

I further announce that, if present and voting, the Senator from Florida [Mrs. HAWKINS] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 86, nays 12, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—86

Abdnor	Garn	McConnell
Andrews	Glenn	Melcher
Armstrong	Gore	Metzenbaum
Baucus	Gorton	Mitchell
Bentsen	Gramm	Murkowski
Biden	Grassley	Nickles
Bingaman	Harkin	Nunn
Boren	Hart	Packwood
Boschwitz	Hatch	Pressler
Bumpers	Hatfield	Pryor
Burdick	Hecht	Quayle
Byrd	Heflin	Riegle
Chafee	Heinz	Rockefeller
Chiles	Helms	Roth
Cochran	Hollings	Sarbanes
Cohen	Inouye	Sasser
Cranston	Johnston	Simon
Danforth	Kassebaum	Simpson
DeConcini	Kasten	Specter
Denton	Kennedy	Stennis
Dixon	Kerry	Stevens
Dole	Laxalt	Symms
Domenici	Leahy	Thurmond
Durenberger	Levin	Trible
Eagleton	Long	Wallop
East	Lugar	Warner
Evans	Mathias	Wilson
Exon	Mattingly	Zorinsky
Ford	McClure	

NAYS—12

Bradley	Humphrey	Pell
D'Amato	Lautenberg	Proxmire
Dodd	Matsunaga	Rudman
Goldwater	Moynihan	Weicker

NOT VOTING—2

Hawkins	Stafford

So the amendment (No. 1765), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. All conversations will please go to the Cloakroom. The Senate will be in order. Will all conversations please move into the Cloakroom, by staff and others?

The Democratic leader.

Mr. BYRD. Mr. President, I thank the Chair.

I ask the distinguished majority leader about the program for the rest of the day, what we might anticipate by way of rollcalls for the remainder of the day, how late the Senate may be in session today, and then looking forward to tomorrow. What does the distinguished majority leader see by way of rollcall votes and other business as far into and through Friday as he can see at this point?

Mr. DOLE. Mr. President, it is the intention of the leadership to complete action on this bill this evening or late this evening depending on how long it may take. I am not certain how many amendments are remaining. I know both Senators from Maryland have additional amendments. I am not certain about the Senator from South Carolina. I know there will be another amendment to the pending amendment which is not related at all to the subject matter. But that will take some time.

So I guess we will try to complete action on this bill this evening. If we do that, then it would be my hope we could move to the hydro relicensing bill, and also there is a crime bill that I understand is not controversial. But there has been a rollcall vote requested.

I would propose we start early tomorrow morning on those two matters and try to complete action on both matters by early afternoon.

Mr. BYRD. Mr. President, this is Thursday. How late does the distinguished leader plan to keep the Senate in this evening?

Mr. DOLE. I would be happy to complete action by 6 o'clock or so. But I must say that this is sort of the late night, Thursday night. So it could be that we would be in for some time. I am not certain how many amendments are out there. I am willing to reach an agreement with anyone on a time certain to vote on the pending matter. But so far we have not been able to do that.

Mr. BYRD. May we anticipate hearing from the distinguished majority leader by 5 o'clock or 5:30 as to what he then sees as the prospect for getting out today?

Mr. DOLE. It is pretty hard to do otherwise if Members who have amendments do not indicate to the leadership what they intend to do. I am not able to advise the distinguished minority leader. But if I can get some idea of how many amendments there are and how long it will take, I certainly want to cooperate with all Members. I know there is some kind of a function tonight that many of our colleagues on both sides had hoped to attend. I think it is a radio-TV dinner of some kind.

Mr. BYRD. I did not know that. Mr. President, would the distinguished majority leader now, if he is in a position to do so, indicate when the Senate will begin work on the budget resolution? It was reported, I believe, 2 weeks ago from the committee.

Mr. DOLE. I think it has actually been available for consideration for probably 3 or 4 days. I am not yet ready to make that judgment. We had two meetings yesterday. We will likely have more. It may be that the judgment will be made to go ahead and call it up and continue to negotiate while doing that. I must say, as far as I know there will be an amendment to be offered by my friend from Ohio [Mr. METZENBAUM] to build a little fire under the leader, but that is OK. He will bring it up in due time.

Mr. BYRD. Mr. President, I am very desirous that, with the 50-hour time limit on the budget, the Senate begin action on it as soon as possible. We are already going to pass the April 15 deadline, which, under the Gramm-Rudman legislation, would require that the Senate has acted, the House has acted and the conference has acted. We are going to miss that deadline, but the deadline down the road on October 1 is the one I am really concerned about. I suppose we will be up against that one by August or September, and the longer we wait now the longer we will be in finalizing action on the budget.

In the event the distinguished Senator would decide to bring this budget up by Monday, that would give ample time to debate the budget and open it up to the sunlight of public scrutiny. If there are areas in it that need fixing, I would like to help fix them.

I know the position the distinguished majority leader is in; having to walk a very tight rope, he probably is not getting much help from the White House, although I have no factual information on which to base that. I would hope that we would not continue to wait to see whether or not the White House is going to play a role or what the White House wants to do about it. I would like for the Senate to get started on it.

I am sure I speak for Senators on this side of the aisle.

If there are White House negotiations, of course, they can continue. I would implore the majority leader to go to the budget resolution by Monday, or the first part of next week, if not tomorrow.

Mr. DOLE. Mr. President, I thank the distinguished minority leader.

I sent a letter to the Speaker today suggesting that we might do this in tandem. Nobody ever talks about the House budget, which has not even been reported out of committee. It is still languishing in the committee on the House side. So I suggested in a letter I sent with the Republican leader of the House, Congressman MICHEL, to Speaker O'NEILL that we ought to move ahead, that we ought to bring the budget resolutions up on a schedule where we are both considering the budget, the House and the Senate at the same time, so there is no sort of gamesmanship. I have a sort of inner feeling that the House is waiting for us to go first and they have an inner feeling that they want us to go first. I would like to go together. If I walk off this plank, I would like to have some company.

Mr. BYRD. The distinguished majority leader might have someone to walk with him. If the House is going to wait, that is all the more reason for the Senate to act early.

I thank the distinguished majority leader for his patience.

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in the RECORD this letter delivered to the Speaker this morning, where we indicated we are ready to move ahead. In fact, we share the view of the minority leader, that the sooner we get on to the budget, the better. I guess it is a question of which budget we get on to.

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

U.S. SENATE
Washington, DC, April 10, 1986.

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

DEAR MR. SPEAKER: The deadline for final action on a Congressional Budget Resolution for Fiscal Year 1987 is fast approaching. It is obvious that the Congress will not comply with the Balanced Budget and Emergency Deficit Control Act of 1985, less than a year after its enactment.

While the President, the CBO, OMB, and GAO have all met their obligations under the Act, the Congress has been woefully negligent in our compliance, having only conformed by submitting views and estimates and reporting a budget resolution out of Committee in the Senate.

We now seem to be locked in a political standoff, one body waiting for the other to act, one majority party waiting for the other to blink.

We must not allow the budget and appropriation process to collapse because of a preoccupation by one House with achieving a political advantage over the other. We must move the process forward. We must act sooner rather than later.

We propose the adoption of a mutually agreeable timetable providing for the concurrent consideration of budget resolutions in the House and Senate. We further propose that a timetable be established for complete consideration of a budget through the conference process.

We are ready to meet and discuss such a process at your earliest convenience and given the binding legal deadlines we face, we hope that discussions can begin immediate-

ly. Your immediate response would be greatly appreciated.

Sincerely,

ROBERT H. MICHEL,
Republican Leader, U.S. House of Representatives.
ROBERT DOLE,
Majority Leader, U.S. Senate.

SEVERAL SENATORS. Vote, vote!

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Ohio.

Mr. METZENBAUM. Mr. President, the resolution that we have before us, the sense of the Senate resolution, provides that it is the sense of the Senate that tax reform should not be considered or debated by the U.S. Senate until a firm budget agreement has been reached between the President and the Congress of the United States.

It is pretty obvious that we are having difficulty in moving forward with the budget which was reported out of committee on March 24, 1986. Under the law, we have a deadline of April 15, 1986.

It is my feeling that an overwhelming majority of the Members of this body would very much like to act on the budget. We may have our differing points of view. It came out of the committee with a majority on both sides voting for it. It is not a perfect budget. There are some portions of it that I do not like.

But that is an issue we can take up on the floor of the Senate and the matter would certainly be open for debate.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order. Please take conversations to the Cloakrooms.

The Senator from Ohio.

Mr. METZENBAUM. I think that all of us in this body would like to move and to act. The distinguished majority leader, for whom I have the greatest respect, says that I am trying to build a fire under him in order to move it forward.

That is one way of putting it. Another way is that I am just trying to let him know that many of us in this body would like to act on the budget.

As a matter of fact, I think all of us understand his problem. That is that the man at the White House is indicating his differences with respect to the budget resolution that came out of the committee.

But notwithstanding the position of the President of the United States, that still does not provide any reason why we should not get on about our business. Under the law, we have 50 hours to debate it. We have the same amount of time in which we can offer amendments. Hopefully, the President and Congress can come to some understanding or agreement. Even more hopefully, the House and the Senate can come to some understanding with respect to the budget compromise or budget resolution.

I just feel very strongly that for us to be standing out here talking about an airports bill and then getting into a bill having to do with the number of dairy cows that are slaughtered, and then having hung on to it a sense-of-the-Senate resolution indicating that we should take up the budget resolution before we get to tax reform—I think all of that only makes a more convincing case that it is appropriate that we move forward with a sense-of-the-Senate resolution indicating that Members of this body would like to take up the budget, deal with it now, vote it up, vote it down, amend it, debate it, whatever.

I see my distinguished colleague from Louisiana is seeking the floor. I yield the floor in order that he may gain it in his own right.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I thank my distinguished colleague from Ohio for bringing to the attention of the Senate what I consider to be a vital issue with respect to Gramm-Rudman. That is the clock—the calendar. If you look at the calendar, and I know the majority leader has and I know the distinguished Senator from New Mexico has, there are precious few days left in this year. The Gramm-Rudman grim reaper is going to be upon us before we know it. There is going to have to be a negotiation at some point with the White House. At some point, it has to occur.

As I read in the newspaper, the White House does not want to talk right now. Maybe they do, maybe they do not. But we cannot afford to wait around, week after week, while the White House decides whether they want to talk or not.

I know the distinguished Senator from New Mexico [Mr. DOMENICI] wants to get on with this. These sentiments, Mr. President, are not said in a partisan way at all. To the contrary, they are said in a spirit of bipartisanship with respect to this budget. The same bipartisan spirit that allowed us to get a resolution out of the Budget Committee with a majority of Republicans and a majority of Democrats is the same kind of bipartisanship we are going to have to have on the floor of the Senate. And I hope we can. But it is going to take a certain period of time for the Senate to work its will whether the White House is on board or not.

I think we ought to get that process started and started soon. If we do not, we may end up on October 8 with the sequestration order coming down and everybody wringing their hands, saying, "How did this happen; why didn't we avoid it while there was still time to avoid it?"

Mr. DOMENICI. Mr. President, may I inquire of the Senator from Ohio if he intends to offer an amendment here shortly?

Mr. METZENBAUM. I shall be happy to respond to my colleague in just a few minutes. We are having some discussion of the matter at the moment.

Mr. DOMENICI. I thank my colleague.

Mr. President, I obviously am going to vote for the Symms sense-of-the-Senate resolution. I think that is exactly what we ought to discuss here. We ought to be talking about whether it is important enough to the United States and its people that we bring up a budget resolution and vote on it before we take up tax reform.

I would like also to say that if there are Senators around who support getting on with the budget resolution, if they think the Senator from New Mexico—because obviously, I am ready; I think we ought to get on with it. If they think I am going to support anything on the floor that directly or indirectly tells the leader what he ought to do and when he ought to do it, I guarantee I shall join with the leader in moving to table it. I do not think it does anything to solve the problem we find ourselves in.

The leader made a good point. We do not have just one House of the U.S. Congress that is supposed to be bound by law. The House of Representatives voted overwhelmingly for Gramm-Rudman-Hollings and they have an April 15 deadline, too. They do not have quite the impediments that flow from it that we do. But that law is quite clear. It does not say the U.S. Senate shall have passed a budget resolution, it says both Houses shall have passed a budget resolution by April 15 or there are some consequences and they are very severe. We cannot pass a budget from that day on without it being adopted.

The House has some impediments, too. They are not even supposed to adjourn in July until they have passed all appropriations bills. How are they going to do that? It seems to me we have to have some agreement if we are going to pass a budget.

This is a two-way street. I do not think it is right for me to stand on the floor, when the leader is trying his best, to leave the impression that I would support anyone from either side of the aisle who is introducing sense-of-the-Senate resolutions, resolutions freestanding or otherwise, that directly or indirectly tell the leader precisely how he ought to run the U.S. Senate. I do not think those of us who want the budget resolution to come up at any

time—and I am one of them. I am ready to do it tomorrow, Monday, Tuesday, whenever it comes up. But I do not think they enhance the chances of that resolution coming to the floor one bit by trying to tell the leader of the Senate how to run the Senate when it comes to matters such as this.

Having said that, the distinguished Senator from Kansas says that I am one of those who think we ought to get it up and get it up quickly. I am also one of those who does not think the issue is going to go away. I am also one of those Senators who does not think we can get 50 Republicans to support any budget resolution; I do not think we can get 40. I do not think we can get 40 Democrats to support one; I do not think we can get 30.

It is a very atypical budget year. I wish we could get something around here that would make it easier, make it easier for some of my colleagues to vote no because they do not want to be part of anything positive. It may be easier for the leader to take this up.

I frankly do not think we ought to do anything more today than vote up or down on the Symms sense-to-the-Senate resolution as modified to cover a matter that is rather urgent to the U.S. Senate on an agricultural issue.

I hope those who are contemplating the thought that we might vote up or down here today on telling our leader, the distinguished Senator from Kansas, how to conduct the business of the Senate, would not pursue that. I hope we do not do that.

I yield the floor.

Mr. DOLE. Mr. President, I thank the distinguished Senator from New Mexico for his remarks.

Again, I do not have any quarrel with the Senator from Ohio because I think there are some politics involved in this. I know the budget is very important. I think we have demonstrated that in the past and intend to demonstrate it again. But I do believe that since the budget was only available a day before the recess, the leader—whether he be the majority or minority leader—certainly has the right to try to work out a better proposal and try to get more people on board, whether it is the White House or the Senators themselves.

I have indicated that I certainly understand the urgency of the budget. I served on the Budget Committee. I believe the Budget Resolution is much more important than many other things we are doing around here.

Having said that, I am not so certain that it is absolutely necessary that it be passed by April 15.

I hope the Senator from Ohio, having made his point, would not press the amendment. I does not really make any difference to this Senator, but I think if there is anything I have done since I have been leader, it is that I have kept my word, whether it be on the Genocide Convention or TV in the Senate, whatever it may be. Whether it has made Republicans happy or made Democrats happy, I did what I felt compelled to do. I hope we would not engage in a daily exercise of, in effect, directing the leader as to what he should do next.

Mr. JOHNSTON. Mr. President, would the Senator yield for a question?

Mr. DOLE. I yield, Mr. President.

Mr. JOHNSTON. Would the Senator have any idea at what point he will bring this up? If he cannot put together any coalition, is there any final point out there at which we can say, if all else fails, this will come up?

Mr. DOLE. I intend to try to visit with representatives of the President, if not today, tomorrow.

It may be that there is nothing to work out. It may be that it is better to bring it up and try to work it out while it is pending. We have 50 hours. That is 5 or 6 days. It may be that nothing will pass. It may be that it will be recommitted. It may be that we could offer a substitute that would have bipartisan support—lower the revenues a bit or do some other things. I really do not know.

It just takes so long to have meaningful sessions with those who are directly involved. But it is certainly a matter of priority to the leadership.

Mr. JOHNSTON. I hope the leader will, in that same spirit of bipartisanship that has been very strongly shown under the leadership of the Senator from New Mexico, keep us advised of how the negotiation is going so we might have some idea of when it is.

Mr. DOLE. We have had two meetings just yesterday with the Republican chairman and with the Republican leadership, with Mr. Miller sitting in on the chairman's meeting. There was a good exchange, I think, with a number of Senators on our side.

My view was that the White House indicated a willingness to discuss it. I know they are not involved in the budget process and the budget resolution, but they would be if we implemented the budget resolution. So it would seem to me if there is any way to work out any differences in advance, we generally try to do that around here.

But I do not care whether the amendment is offered or not. I am prepared to table it. I think we will table it. It may be on a straight party line. I would hope I would have every Republican vote. So if they want to offer it, it is fine with me.

Mr. METZENBAUM and Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I have been listening with great interest. I am a member of the Budget Committee and I wish we could get the budget out, but I am not sure that I want to partake in trying to tell the majority leader what to do. That is his job. I appreciate the prerogative that he has to have in that area. As one of those who was part of that bipartisan group which was put together under the able leadership of the chairman of the Budget Committee and the ranking Domocrat of that committee, I wish we could get it up. I happen to feel that the majority leader may be in somewhat of a tough position, but maybe not as tough as he indicated when he made a speech in Omaha, NE, this last weekend when he said, among other things about that budget, that the budget that came out of a bipartisan group was "as welcome in the U.S. Senate as a skunk at a lawn party." I would say to the leader that I am not sure it is quite that bad. I would really hope that what we could do, for a little free advice because I think I will be supporting this, if we could get that budget over here, which is here now, and bring it up, I wonder if that would not, as the majority leader just outlined, maybe develop the heat that is necessary for whatever compromise we need to have to get some 50 votes for the budget.

Mr. DOMENICI. Will the Senator yield?

Mr. EXON. I will be happy to yield.

Mr. DOMENICI. I think I could describe the skunk at the lawn party. It was described yesterday a little differently. He said yesterday, if it means the same thing, 25 Republicans are for it, 25 are against it, and the President is undecided. That is apparently what he meant when he was talking about it in Nebraska.

Mr. EXON. None of those skunks, of course, are Republicans.

Mr. DOMENICI. That meant everybody.

Mr. EXON. I thank the Senator.

Mr. DOMENICI. Let me say from my standpoint, as one who chaired that committee and took seriously the deadlines and all those things that we had so much rhetoric about in Gramm-Rudman-Hollings, that is why we worked hard and got the budget out here. But I appreciate the Senator's remarks that he does not intend to join with anyone here on the Senate floor in trying to dictate the schedule to the majority leader. I hope the Senate will join us on that. I think we will get the budget quicker if we do not try to do those things around here than if we try that.

Mr. EXON. I intend to vote that way but I simply say I am not voting that way for some of the reasons that have been enunciated here on the floor. I think it makes little difference to the U.S. Senate in this particular event

what the House of Representatives has done.

The House of Representatives should have acted sooner, but they have not. I would simply say that it was not the House of Representatives where Gramm-Rudman-Hollings was born and thrust upon the public. It was done here in this body. So I simply say that I think we have enough problems right here; we move ahead in an expeditious manner without trying to blame the House of Representatives for the failure to act here.

Mr. METZENBAUM and Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. EVANS). The Democratic leader.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. METZENBAUM. Mr. President, will the minority leader be good enough to withhold that?

Mr. BYRD. I withdraw the suggestion.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, let me clarify the situation a bit because there seems to be some confusion. The Senator from Ohio has indicated that he intended to offer an amendment on behalf of himself, Senators JOHNSTON and BENTSEN, which would read as follows:

It is the sense of the Senate that the Senate Concurrent Resolution 120, the concurrent budget resolution, should be brought to the Senate floor for consideration at the conclusion of the pending measure in order to comply with the Gramm-Rudman-Hollings law.

That is all there is to the amendment. I did not send it up. I did not send it up purposely in order that the ranking member of the Budget Committee might get here before we did send it up. Nobody is attempting to take away the prerogatives of the majority leader. I discussed it with the majority leader before ever opening my mouth on the issue. I have discussed it with the majority leader since then. The majority leader has indicated that he intends to get the budget resolution up, as I understand it, just as soon as he possibly can and wants to bring it up as do so many of us in this body. He has made the point and I think he is correct, that if there were a vote absent the distinguished Senator from Nebraska I would guess that it would be pretty much along a party-line vote. That would be my opinion.

But regardless of whether or not that would be the vote, I do not think there is much question about it that the majority leader has sufficient following on his side to be able to defeat the proposed amendment.

Passage or failure of passage of the amendment is not the issue. The issue we are making is that many of us in this body want to get on with budget resolution.

We would like to comply with the Gramm-Rudman deadline. We would like to deal with the issue of balancing the budget. We think that the budget resolution which came out of the committee moved in the right direction, not a perfect document but better than no budget resolution at all. We are trying to say in offering this amendment, Mr. Leader, we are anxious to get on with the business of the Senate, and we believe the proper business of the Senate at the moment is to deal with the budget resolution. That is not to deprive him of his prerogatives as the leader. This is a wish, this is a hope, this is an indication of concern and desire on the part of many of us on the floor of the Senate.

Having said that and having been urged by the majority leader not to offer it, and having also had him make the point that when he had given his word with respect to the Genocide Treaty as well as with respect to a number of other matters that he and I have discussed in the past, he has always lived up to his word, I have no doubt in my mind that he is intending to do just that in connection with the budget resolution, and therefore I will not offer the amendment.

Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, I wanted to address myself 1 minute to the majority leader and say I well understand his desire to keep his prerogative for setting the schedule. I think many of us on this side are sensitive to that. But the majority leader should understand there is a little sensitivity on our side. As the majority leader has said, he is trying to work out something with the White House and see if we could come to some agreement. But there is a little sensitivity on our side when we hear the President in his press conference lead off by saying, first, "The deadline for Americans paying their taxes, April 15, will be upon us in less than a week. April 15 is also the date that Congress is required to complete work on a budget resolution. Tens of millions of Americans will meet their deadline. They'll pay their taxes even if they have to spend the entire weekend figuring out how much they owe, but will the Congress meet its deadline for the budget resolution?"

Now, Mr. President, that is like the old situation where you rub manure in my hair and then you kick me out for smelling. It is one thing, I think, for us to say the President needs some time. But it's something else again for him to castigate the Congress when his people are over here saying do not move on the budget resolution, hold it up, keep it from passing; we do not want to see anything happen on that. To then have the President jump on the Congress, it is a little bit hard to stomach. So I want the majority leader to appreciate the sensitivity on our side when we get those kinds of remarks.

Mr. DOLE. I do not quarrel with the Senator from Florida. I think it applies to all of us. It may be in response to something I said earlier in the week, that I might be going it alone. But in any event, it is a budget resolution. The President does not sign it. It is something with which we have to deal. I would say that they are not trying to hold it up. There are just a couple people I need to touch base with before we start to move. I am fairly realistic. I would like to have a truly bipartisan final package and not one where you have maybe more Democrats voting for it than Republicans. That is bipartisan, but I am not certain how that would wash. So we are looking at some options as anyone would look at options, and I think I properly described it yesterday when I said you got about a 50-50 split and the White House sitting on the fence, except for those statements.

Mr. DOMENICI. Mr. President, I wish to add to what the distinguished Senator from Florida has said—and call to the majority leader's attention—that it is most interesting that the President is saying we should get on with our work.

I do not know whether very many Senators know that if you took the President's budget just as he sent it to us and you substitute that for our proposal and try to offer it on the floor of the Senate, it would be out of order, because it is $14 billion in outlays over the requirements of Gramm-Rudman—$14 billion in outlays. That is almost as much money as the President's budget saves in domestic savings. Slightly over 20 is my recollection. His, when he sent it over, was $14 billion over. Then he sent us another one. Maybe we should start to negotiate with him and ask him, "What would you change in yours to find $14 billion that was not accounted for in the sense of meeting the deadlines?"

To put that in perspective, I do not believe that makes some of the revenues we are talking about so outlandish. I do not think that the White House and all the people helping there could find $14 billion more in domestic cuts. Probably they could put it on a piece of paper, but I do not think they could send that over and expect anybody to vote for it. I do not think they would want to take $14 billion in outlays out of their defense number. That probably put it close to where we are, and they do not like that, and that is way too low.

Maybe if you took all $14 billion out of defense, you might have a number about like ours. That seems to be unacceptable. That is failing to put defense where it should be, and maybe it should be higher than the budget resolution prescribed. I am telling the Senate what I told the majority leader. We are not going to get through this year on budget matters without a lot of tough votes, and people will have to make up their minds so that they really want to vote for something that gets to Gramm-Rudman-Hollings, or whether they want to vote "no" on everything.

I said yesterday, and I want to tell Senators on the floor, that this is a strange year on budgets. I say to the Senator from Louisiana that we used to have an abundance of proposals. When I would get to the floor, I would have 20 proposals people sent me. All I am getting this year is letters, and the letters are saying, "We don't like it," and they are all asking somebody to do something else. There is one with 25 asking the leader to produce one or help produce one—help negotiate an alternative. We have a number saying what is wrong with it. We do not have one saying what they would do.

That puts the debate we will have here—I hope in the not too distant future—into perspective. Everybody thinks there is an easy way out; and when they get down to looking at the numbers, there is not an easy way out. Yes, somebody can propose a lot more cuts, but I do not know who will vote for it after you have done the job of providing more domestic cuts. More defense, a lot more—maybe I would vote for more. Where would they get the money?

Mr. CHILES. I think the Senator knows that the bipartisan budget we voted out of the committee is $4 billion less in spending outlays than the President's budget.

Mr. DOMENICI. Overall.

Mr. CHILES. Yes.

Mr. DOMENICI. It could be.

Mr. BRADLEY. Mr. President, does the Senator think that the resolution that has been offered by the distinguished Senator from Minnesota helps to get Senators to make the tough choices?

Mr. DOMENICI. I certainly do not think it hurts.

I did not cosponsor it because, frankly, I do not think we should make tax reform contingent upon getting a budget resolution negotiated with the President of the United States. I think that is the closing statement. I am going to vote for it. I think we should amend it and take that out and say we should not get on with it until we have a budget resolution passed by Congress and then take up the tax bill. We have never had a budget resolution coming out of conference that has been the President's budget resolution in 14 years. Otherwise, I think the content would be helpful.

Mr. BRADLEY. Mr. President, it seems to me that there is no reason why the Senate Finance Committee should not go ahead and work and see what it can produce in the way of a tax reform bill, as the Senate Budget Committee worked to see what it could produce as a budget bill.

The idea that there should be some kind of precedence given to one thing over the other in timing is contrary to the way the Senate has always functioned, and it is illogical. At a time when we are going to look at the budget to cut, when we are going to look at programs to cut, we also ought to be able to look at the biggest spending program, which is the whole tax expenditure section.

It seems to me, further, that if we are going to ultimately adopt a proposal similar to the one that came out of the Senate Budget Committee, which includes revenues, we almost should deal with tax reform first. I am not making that case or going to make an amendment today.

If you are going to raise revenues and you raise revenues, under the present system the people who will be paying it are the people who are now paying—by and large, middle-income people.

If you were able to do tax reform first, you would get people with equal incomes paying their fair share, paying about equal taxes. Then you could get some increased revenues.

I make the argument—and in the future I will make it longer—that you should do tax reform first, before you get to the budget. But certainly you should not change the way the Senate has always functioned and say, "No, no, you can't even consider tax reform on the floor," if the Finance Committee had managed to move through and managed to mark up a tax reform bill by the time you got a budget resolution, which seems unlikely.

Why should the Senate say, even if the Finance Committee was not able to do that, "You may not bring it to the floor until you have agreement on a budget resolution"?

The modifications that have been offered, as I have heard discussed here by the Senator from Minnesota, do not appreciably change this. They change it in the sense that you can mark it up in the committee, but they do not change it in the sense that if the committee goes ahead and does it, you cannot bring it to the floor.

I view it as a delaying tactic. For someone who is interested in tax reform, there is no reason, if we get through the Finance Committee, why we should not bring it to the floor. I think it is a delaying tactic by the opponents of tax reform. Why we want to mix that up in this whole budget debate, I do not know.

Why you want to tell your President, "No, we're not going to do tax reform," and try to hold him hostage for some kind of agreement on a nonbinding budget resolution is beyond me.

Mr. DOMENICI. The Senator means a nonbinding resolution?

Mr. BRADLEY. A nonbinding resolution.

Mr. DOMENICI. The Senator does not mean the budget resolution?

Mr. BRADLEY. No, a nonbinding resolution, offered by the Senator from Minnesota, on the budget.

Mr. DOMENICI. I say to the Senator from New Jersey that as I read the operative words as presently pending, it says: "It is the sense of the Senate that tax reform should not be considered or debated by the U.S. Senate"—they do not talk about "committee"—"until a firm, definite budget," and so forth.

Frankly, I do not know why the Senator from New Jersey, who is obviously extremely interested in tax reform, is all that concerned. I think we should adopt this because it is the overwhelming sentiment of the U.S. Senate, from what I can tell—that this is what they want to do. They want to have a budget resolution wrapped up and operative before they consider tax reform, and that is what this says.

There are all other kinds of reasons you might bring up, who is for tax reform and who is not. We will get that vote someday, I suspect.

Mr. BRADLEY. Let me just say to the Senator from New Mexico and the Senator from Minnesota that there is no reason to prejudge that now. We should go ahead and do what we can to mark up a tax reform bill and go ahead and do what we can to mark up a budget bill, and whichever one is finished first should come to the floor.

You should not attempt to delay tax reform if we can get it done in the committee. I do not know you would want to delay tax reform if a part of the agenda was not to try to kill tax reform.

Therefore, the changes that I have seen made do not appreciably change from my perspective, and I see this, as I said earlier, as a declaration of intention that the supporters of this resolution want to take every opportunity to delay the consideration of tax reform and ultimately to kill it. That is the agenda.

I ask for the yeas and nays on the resolution.

Mr. BOSCHWITZ. The yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Is there further debate?

Mr. BOREN. Mr. President, I will just take one brief moment because I know the Members are anxious to vote on this matter. I compliment the Sen-

ator from Minnesota and the others who have joined with him.

The people of this country have been wanting to know when we are going to put first things first. There is no more pressing need in this country than to take action to get these budget deficits under control and then to develop a strategy for maintaining our competitive position in the world market.

Those are the two priorities that we must face dealing with the budget deficit and the trade deficit.

That is not to say there are not some elements of unfairness in the present Tax Code that should be corrected. There should be and there is room to accomplish some reform of that present Tax Code.

But let us do first things first. We all know that if you spend an hour of your time doing one thing you have made a choice. You cannot spend that same hour doing something else. It is time that we meet the real problems of this country first and spend the precious time we have on the Senate floor and in committee dealing with those issues that are most serious to the American people.

I saw the results of a poll in my State recently. An open-ended question was asked, "What is the most important problem facing the country with which we should be dealing?" It was an open-ended question. Forty-seven percent said doing something about the budget deficit was the most important problem. Then you have an agricultural issue, job issues, the trade deficits, all the rest; then, at three-tenths of 1 percent, action on changing the Tax Code was mentioned. Three-tenths of 1 percent, a threshold of more than 350 to 1 in terms of priorities as the people see them, and the people are absolutely right. It is another case of their being ahead of the politicians.

It is time that we listened to that popular wisdom and did the job that the people sent us up here to do.

I commend the Senator from Minnesota, the Senator from Idaho, and others who are taking this position. It does not mean that we will forever set aside tax reform. It does not mean we will never deal with unfairness in the Tax Code. It simply says let us do first things first for a change. Let us take care of the real problems of this country before we fritter away the precious time available to us on things that ought to follow on after we deal with the underlying economic problems of this country.

I would also point out it will not delay tax reform because I am informed that under the Budget Act itself in terms of the parliamentary rules of this body, it will not be in order for us to take up a bill which alters revenues on the floor of the Senate until we have acted on a budget resolution anyway. Even if the bill is revenue neutral, there are individual portions of the bill which will lose revenue and, therefore, it will not be in order to take it up until we have dealt with the budget resolution.

So, we are in no way delaying progress on tax reform. We are simply saying we agree with the American people. We understand our priorities should be to deal with the budget deficits before we go into other matters, and I think that is exactly what the Senator from Minnesota is saying.

I enthusiastically support his proposal.

The PRESIDING OFFICER. Is there further debate?

Mr. BRADLEY. Mr. President, I will not debate the substance of whether the people of the country want the budget deficit reduced or whether they want fair income taxes more. I think I see where most of the votes on this resolution will come from.

I will simply remind the Senate this is a nonbinding resolution and has no effect whatsoever on the ultimate decision whether we move a tax reform bill through to the floor.

AMENDMENT NO. 1764

Mr. LEVIN. Mr. President, I support reforming the Tax Code. I support a stronger minimum tax on profitable corporations and wealthy individuals. They should pay their fair share.

But I also believe that we should reduce the deficit in a way that does not destroy vital programs. That is why I believe that the revenues from tax reform should be used to reduce the deficit, and not to provide tax cuts. When a nationwide poll was conducted in which people were asked whether the revenues generated through tax reform should be used for deficit reduction or tax cuts, people supported deficit reduction by a margin of 68 to 22 percent.

I believe that if tax reform goes first and the revenues from the minimum tax, for example, are used to provide lower taxes rates, then those revenues will not be available to be used to meet the Gramm-Rudman targets. Thereby, all the burden to meet those targets will be shifted to the spending side and will mean severe cuts in vital programs.

From what I hear, the Finance Committee is turning over every stone to find revenues to keep its tax reform bill revenue neutral. If the Finance Committee continues to do that, and if the final product of tax reform is considered before the Congress considers the budget, then what chance is there for revenue to be available in order to comply with the requirements of a budget resolution that we may subsequently pass—whether it is the $6 billion in revenues that the President's budget calls for or the $18 billion that the Domenici-Chiles budget calls for? You can't sell the Brooklyn Bridge twice, and you can't double-count the revenues generated by tax reform.

Like my colleague from New Jersey, I don't like the Tax Code exactly like it is now. I want to see reform. And that reform, from a strengthened minimum tax for example, should not increase the tax burden on low- and middle-income taxpayers. But that can be accomplished through a nonrevenue neutral tax reform bill. And the revenue raised through nonrevenue neutral tax reform could be used to reduce the deficit, thereby taking some of the pressure off of the vital programs which my colleague from New Jersey and I both support.

Let me clear, however, that if I had my preferences, I would not word this resolution precisely as it is. I think we should consider the budget right away without waiting for an agreement with the President. If he wants to join in, fine. But the deficit reduction train should not wait endlessly at the station for him to decide whether he wants to get on.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment of the Senator from Idaho. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER], the Senator from Florida [Mrs. HAWKINS], and the Senator from Vermont [Mr. STAFFORD] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 72, nays 24, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—72

Abdnor	Ford	McConnell
Andrews	Garn	Melcher
Armstrong	Glenn	Murkowski
Baucus	Gorton	Nickles
Bentsen	Gramm	Nunn
Boren	Harkin	Pressler
Boschwitz	Hatch	Proxmire
Burdick	Hecht	Pryor
Chiles	Heflin	Quayle
Cochran	Heinz	Rockefeller
Cohen	Helms	Rudman
D'Amato	Hollings	Simon
Danforth	Johnston	Simpson
DeConcini	Kassebaum	Specter
Denton	Kerry	Stennis
Dixon	Laxalt	Stevens
Dodd	Leahy	Symms
Dole	Levin	Thurmond
Domenici	Long	Trible
Durenberger	Lugar	Wallop
Eagleton	Mathias	Warner
East	Matsunaga	Weicker
Evans	Mattingly	Wilson
Exon	McClure	Zorinsky

NAYS—24

Biden	Byrd	Grassley
Bingaman	Chafee	Hart
Bradley	Cranston	Hatfield
Bumpers	Gore	Humphrey

Inouye	Metzenbaum	Riegle
Kasten	Mitchell	Roth
Kennedy	Packwood	Sarbanes
Lautenberg	Pell	Sasser

NOT VOTING—4

Goldwater	Moynihan
Hawkins	Stafford

So the amendment (No. 1764), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

The Senate will please be in order, and Senators will clear the well. Will Senators please clear the well and the aisles?

Mr. DOLE. Mr. President, if I could have the attention of my colleagues, I have been discussing the pending business with the distinguished minority leader and the distinguished Senator from Maryland, Senator SARBANES.

It has been suggested perhaps if we could reach some agreement on final disposition fairly early tomorrow, that we might be able to continue to take a couple of amendments or whatever tonight and still leave here at a reasonable hour. I have no objection to that, if we can work on some agreement.

I am going to ask staff to see what we can put together, how many amendments there may be, and see if we can reach some time agreement on when we could have final passage which probably will come, hopefully, before 12 o'clock tomorrow.

There might be another bill called up after that which would require a rollcall or two, but still get us out here hopefully by 2 o'clock or 2:30 tomorrow afternoon.

I will make some definitive announcement after we have had a chance to explore it further with the Senator from Maryland.

Mr. SARBANES. Will the majority leader yield?

Mr. DOLE. I am happy to yield.

Mr. SARBANES. Mr. President, we have the afternoon pretty well chewed up on amendments. I know Senator MATHIAS has one amendment and possibily two of consequence. I need to talk with him. Senator HOLLINGS has an outstanding amendment. I have a number of amendments at the desk, but I think they can be boiled down into just a few. So we might be able to dispose of some of those tonight and have only a couple tomorrow, with a very limited time period, agreeing to a vote at a certain hour, vitiate the cloture and address final passage of this bill sometime at a reasonable hour in the morning.

That was my thought. That would enable Members to make their plans accordingly.

Mr. DOLE. I certainly have no objection to that, if we can determine the amendments and how long it might take. In the meantime, I will be in contact with Senator MATHIAS.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that proceedings under the call of the quorum be suspended.

The PRESIDING OFFICER (Mr. HUMPHREY). without objection, it is so ordered.

AMENDMENT NO. 1766

(Purpose: To provide that certain revenues at one Metropolitan Washington Airport may not be used at the other airport, and for other purposes)

Mr. MATHIAS. Mr. President, I send an amendment to the desk on behalf of myself and on behalf of the distinguished Senator from Maryland [Mr. SARBANES].

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. MATHIAS], for himself and Mr. SARBANES, proposes an amendment numbered 1766:

On page 41, strike out lines 17 and 18 and insert in lieu thereof "and in conformance with section 511 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2210), no landing fee, automobile parking concession, terminal area or other building rental, land lease, or any other concession, rent of user charge providing operating revenue to the authority."

On page 41, line 19, insert "generated" after "(A)."

On page 41, line 20, insert after "operating" the following: "or capital."

On page 41, line 21, strike out "excluding" and insert in lieu thereof "including."

On page 41, line 23, insert "generated" after "(B)."

On page 41, line 24, insert after "operating" the following "or capital."

On page 41, line 24 continuing on page 42, line 1, strike out "excluding" and insert in lieu thereof "including."

On page 42, insert between lines 2 and 3 the following new paragraph:

(9) To further the intent of paragraph (8), the Airports Authority shall—

(A) maintain separate financial records for Washington National Airport and Washington Dulles International Airport;

(B) prepare an annual report on the operation of the Metropolitan Washington Airports in accordance with the audit procedures set forth in paragraph (6) of this subsection; and

(C) submit such report to the Congress.

On page 42, line 3, strike out "(9)" and insert in lieu thereof "(10)."

Mr. MATHIAS. Mr. President, I am grateful to the clerk for having read the amendment because this amendment, which I submitted on behalf of the Senator from Maryland [Mr. SARBANES] and myself, is slightly different from the amendment on this general subject which I had earlier introduced. Therefore, for all of those fans of this fascinating unfolding drama, I submit that in following their programs they will notice that there is a slight deviation from the schedule. So the clerk has made it clear exactly what is changed.

This amendment in very few words prevents cross-subsidization between National Airport and Dulles Airport, both in terms of operating revenues and in terms of capital improvement funding. It means that the revenue generated at National from the concessions, from the landing fees, from the automobile parking, from other activities—in other words, the revenues that people who went to National have paid—cannot be used to subsidize the fee structure at Dulles for the people who may go to Dulles. It is the principle of keeping your money at home. Revenue from National cannot be used to support debt service associated with capital improvements that may be made at Dulles. It requires that the airports in the new authority operate like all other airports in the country. They have to maintain separate books, separate cash registers. Each barrel has to stand on its own bottom.

Now, a common cash register approach to operating National and Dulles, if that were to be permitted, would in fact be anticompetitive. For example, it would give to Dulles an unfair competitive advantage over the third airport serving the Washington metropolitan area, the Baltimore-Washington International Airport. By treating National and Dulles as a single revenue cost center, landing fees at the more popular National would continue to underwrite the fee structure at Dulles, making Dulles appear to be a lower cost facility than it otherwise would be for both incumbent carriers and for potential new entrants. Additionally, the amendment that my colleague from Maryland and I have offered ensures that the size of any capital improvement program at Dulles would be related directly to the capability of Dulles to support its own bonded indebtedness. You simply would not have what is literally a free ride at Dulles. This would not be a free ride at the expense of National Airport. That is one of the misnomers or misapprehensions or misconceptions that have gotten into this debate. It is not going to be at the expense of National Airport. It is going to be at the expense of people who use National Airport. If you are thinking about consumers and if you are thinking about what is fair, I think this amendment is essential.

Further, operational cross-subsidization is inconsistent with the Airport and Airway Improvement Act of 1982

which requires airport proprietors to operate on the basis of their own revenues and their own resources. It requires that each airport be independently financially stable.

Now, thanks to an amendment that was offered by the Senator from Kentucky [Mr. FORD] during the Commerce Committee consideration of Senate bill 1017, the bill already restricts the authority from using the revenues available from landing fees and from parking at National Airport to subsidize the fee structure at Dulles. It is interesting to note that these revenue centers account for an estimated 50 percent of the two airports' combined revenue.

What the language that we offer here adds is the inclusion of terminal building rentals, land lease revenues, and other concessions to the list of revenues that are declared as being inappropriate and ineligible for cross-subsidization. So this amendment would serve to eliminate the practice of using National Airport as a "cash cow" to underwrite the user fee structure at Dulles.

As I have already stated, our amendment serves to preclude the authority from pooling together revenues to issue consolidated revenue bonds to support the capital needs of those airports. There is no sound financial reason to use National Airport's revenue.

Again I have slipped into the error so common in this debate: There is no reason to use the moneys that are paid into the National Airport coffers by the customers at National Airport—it is not the airport's money; it is the consumers who put it up, in the long run—or to use the revenue to support the capital bonded indebtedness of Dulles.

While improvements are needed at Dulles, the capital development program should be phased to meet passenger demand and the financial capacity of Dulles and of the carriers at Dulles to absorb the cost. Using National Airport simply as a cash cow will serve to promote over-construction at Dulles, while development projects at National will be deferred or canceled because the bonding capacity has been already limited at National.

Mr. President, for these reasons, I respectfully submit to the Senate that this is a simple amendment. It is not hard to understand. It makes common sense. It is consistent with existing law. It just applies to these two airports the rules that are applied in Denver, San Francisco, Fort Worth, Houston, St. Louis, Chicago, Boston—all around the country. We are simply applying the rule which the 1982 act makes otherwise universal throughout the United States. I submit that the Senate should adopt this amendment.

Mr. SARBANES. Mr. President, I rise in very strong support of this amendment. I am pleased to join my able and distinguished colleague from Maryland in bringing it forth.

The amendment addresses a very serious deficiency in this legislation. It is very important for our colleagues to understand what the problem is and why it is of such concern.

The cross-subsidization between National and Dulles, permitted by this bill to the authority, whereby the revenues from one airport could be used to subsidize the other, present a very serious, unfair competitive situation for BWI, which is in direct competition with Dulles.

Second, it presents a difficult situation as between the two airports and their users, because instead of each airport standing on its own, as is the pattern throughout the country, the ability to cross-subsidize would enable one airport to underwrite the other and therefore not reflect what was really occurring in terms of the usage and efficiency at that particular airport.

This bill focused on National and Dulles as a single unit, and this problem is a reflection of that. By structuring an unfair competitive situation for BWI, it places in jeopardy BWI's ability to provide high-level service to the entire region. It is very important to keep in mind that the Washington metropolitan area is served by three major airports and that a fair competitive airport policy as among the three will result in better air services.

The bill recognizes this program, in effect. In other words, there are provisions in the legislation as reported by the Commerce Committee that pay some attention to the cross-subsidization issue.

Unfortunately, it contains a loophole as wide as a hangar door which would allow any revenues at one airport to be used for debt service and depreciation at the other, and would allow some revenues, such as concessions and leases, to be used for any costs at the other.

In other words, on page 41, the bill limits the use of the landing fees and parking revenues at one airport from being used for maintenance or operating expenses at the other. First of all, landing fees and parking revenues are only part of the revenues at a particular airport. I am told that at National they amount to about 50 percent of the revenues. So there is a very significant dimension of revenues not covered in the bill.

Second, the preclusion and the use of those revenues, even the ones that are covered at the other airport, apply only for maintenance or operating expenses and exclude debt service, depreciation, and amortization.

If you can use any revenues from one airport to underwrite capital costs at the other, the limitation that the parking revenues and the landing fees cannot be used for operation and maintenance becomes meaningless, because, in effect, the objective is accomplished indirectly, through the use of parking revenues and landing fees to underwrite capital costs—namely, debt service, depreciation, and amortization.

What this amendment would do would be to expand the revenues covered and bring capital costs within the purview of the costs for which they could not be used.

I think that is a very sensible proposal. It goes to the very heart of the unfair competitive issue which has been raised. It provides, in effect, that each airport is going to have to make its own case, stand on its own, which is what is required of airports all across the country.

Second, what it means is that the development at one of these airports is not going to be shortchanged in order to achieve development at the other airport, in other words, that the authority will not be able to shortchange one of the two airports in order to benefit the other one through the shifting of revenues to underwrite costs.

In effect, what we are seeking is that the two airports, in a financial sense, be handled on a separate basis, and this amendment would accomplish that. It, therefore, would set up a fair competitive situation between Dulles and BWI. In other words, Dulles and BWI are equidistant from Washington. They compete directly from one another. Maryland welcomes that competition. But we do not think we ought to be thrown into a context in which Dulles can be underwritten by the profits from National, just like I would not advocate that BWI be underwritten in the competition with Dulles by the profits from National.

National is a highly profitable airport and if there is the capacity in the authority to use those profits to underwrite the activities at Dulles, they will be able, in effect, to subsidize Dulles and enable it to compete unfairly.

We seek competition. We welcome it. We are prepared to deal with it. We anticipate a revitalized Dulles will be a strong competitor. But we think it should be based on its own situation and not draw sustenance, as my colleague from Maryland said, not draw from a cash cow, which is National Airport.

If that is permitted to happen, you are not going to have a fair competitive situation. It is going to have an impact on the air service that the region receives because to receive the best air service the region needs three first-rate airports and to achieve that I think you do the best by establishing a fair competitive policy.

That is a major weakness in this legislation. The provisions that were put in which recognized the problem—obviously just putting in the provisions was recognition of a problem—do not in fact cover the problem, and the amendment which has not been proposed is designed to do exactly that, by in effect saying that the revenues at one airport cannot be used for maintenance, operating, or capital expenses at the other. In other words, there cannot be a cross-subsidy and therefore—you significantly limit the possibility of an unfair competitive situation.

I think this is a very important and very worthwhile amendment, and I am pleased to join with my colleague in urging its adoption by the Senate.

Mr. TRIBLE. Mr. President, I rise in opposition to this amendment. The purpose of this amendment is to increase costs and slow down the airport improvements. This amendment benefits no one. Indeed, it is a back door way of dividing and thereby attempting to conquer. This is an effort to separate Washington Dulles from Washington National, to drive up costs to the traveling public, and to destroy the symmetry of operation that all airports around this country enjoy.

Let me talk about this amendment. There are no benefits to anyone. It will only drive up costs. It is really only a punitive effort and that I regret at this later hour. The fact is no one does it, and I want the RECORD to be perfectly clear that my distinguished colleague from Maryland was in error when he suggested that the law supports this amendment. The AIP act says only that you must use all revenues for airport purposes. It does not; I repeat does not, prohibit two or more airports from pooling revenues and dividing them between the airports as they see fit. I would read into the RECORD section 511 of the Airport and Airway Improvement Act, 1985. It makes that very clear. It is and I quote:

> All revenues generated by the airport, if it is a public airport, will be expended for the capital or operating costs of the airport, the local airport system, or other local facilities which are owned or operated by the owner or operator of the airport and directly related to the actual transportation of passengers or property.

The law could not be clearer, and, indeed, experience would be more evident that this is common practice throughout the country.

Cities with multiple airports have single management; they have similar financial arrangements among airports, in New York City, Chicago, Los Angeles, Kansas City, and Houston.

Let us go beyond that, beyond the legal base for what is proposed by this bill. Let us go beyond common practice which suggests that this is not only appropriate but also an appropriate method of maximizing resources and providing better services to people.

What is the rationale for this amendment? What is the rationale for this punitive kind of initiative?

The reason seems to be the notion that Dulles competes in some way unfairly with BWI or will at some time in the future. The reality is that BWI does better than Dulles with higher rates now and under this legislation the rates at Dulles will go up and they will go up sharply. Indeed, that will be necessary to support the substantial enhancement of these airports.

Moreover, in the past 5 years, there has been dramatic growth at BWI of 77 percent, with 7 million passengers. This is a good airport. It should not fear competition. Indeed, these airports serve discrete geographic and population areas. The Council of Governments survey recently showed that only 6 percent of the people using BWI would prefer Dulles. Only 5 percent using Dulles would prefer BWI.

These airports are not involved in a zero sum game. With a slot limitation at National, with the dynamic growth of this metropolitan region, all of our airports will continue to grow at a rapid rate, and our challenge is to ensure that we can meet those requirements, and that is why this legislation is so important.

This amendment would split all concession revenues between the two airports, require the airports to keep separate books. Absolutely no benefits are provided by such an arrangement. It would create an added administrative nightmare trying to determine how to pay for equipment and personnel to serve both airports.

The committee has addressed these concerns, and the committee when marking up this measure adopted an amendment proffered by the Senator from Kentucky [Mr. FORD] that meets these concerns head on and it does it in a responsible fashion.

The two largest components of this whole cross-subsidy question are landing fees and parking, and this amendment specifically says you cannot take one from the other at either airport.

The committee addresses the real evil of artificially low rates by ending uniform landing fees. This bill provides that landing fees must be based on the cost of the individual airports.

Moreover, landing fees represent a tiny fraction of the total cost of airlines and, therefore, are not a major consideration, the evidence is BWI's dramatic growth in spite of the fact that landing fees are substantially higher today at BWI than they are at Dulles today.

To do more than this would simply destroy the operating efficiencies, increase costs of improvement, and place a real burden on the traveling public. Nothing is to be gained by that.

And let me say in response further to the observations of my colleagues from Maryland, BWI benefits from a cross-subsidy in its operation today. It is subsidized from the Maryland Consolidated Transportation Fund. Those moneys, in large measure, are generated by motorists who pay motor fee taxes and vehicle registration fees. So cross-subsidization is a reality. This amendment would do violence to this bill by destroying the symmetry of operation, the efficiencies, the ability to establish a more coordinated transportation policy for this metropolitan region.

For all those reasons, this amendment ought to be defeated and it would be my intention to move to table this amendment when my colleagues have had an ample opportunity to make their case.

Mr. WARNER. Mr. President, I also address the issue that capitalization is required for the improvements here and in effect this amendment would curtail the ability of such revenues to be used in connection with the capitalization and the pledging for the proposed bond contentions. So I concur in the observations by my distinguished colleague that that is the real purpose of this amendment to get at the ability to do the proper capitalization for improvements.

Mr. MATHIAS. Mr. President, it is interesting that some difference of opinion has arisen on the question of the current state of the law, but that is not unhealthy.

Mr. TRIBLE. Or unprecedented, I guess.

Mr. MATHIAS. That is one of the reasons this body exists and the courts exist in order to resolve differences of opinion and try to come out with some mutually satisfactory solution. I think it is useful to look at the Airport and Airway improvement Act of 1982, which is rather precise in section 511(9) which provides:

> The airport operator or owner will maintain a fee and rental structure for the facilities and services being provided the airport users which will make the airport as self-sustaining as possible under the circumstances existing at that particular airport, taking into account such factors as the volume of traffic and economy of collection, except that no part of the Federal share of an airport development or airport planning project for which a grant is made under this title or under the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate base in establishing fees, rates, and charges for users of that airport.

Now it is perfectly clear that the intent of Congress was that each airport shall operate independently. That is what this amendment mandates. This, of course, refers to operating revenues. The amendment necessarily looks at other aspects, but the law on operating revenues is clear and certainly the intent is clear that the air-

ports shall be as self-sustaining as possible.

Now, I want to say that I appreciate the candor of the distinguished junior Senator from Virginia, because he has been very honest. He has put the Senate on notice. He has put the whole Congress on notice. He has put the future users at National Airport on notice that the money that they paid in at National is going to be put in a C-5A transport plane and shipped to Dulles in large quantities. And that necessarily is going to distort the rate structure at National.

For the moment let us leave BWI out of this. Let us look at what is going to happen to National and to Dulles. This is an internal question within the new authority, if it ever comes into being. And the junior Senator from Virginia has said perfectly frankly we are going to raid the till at National in order to do some things out at Dulles. I think it is commendable that we have got it all out on the table now. I believe it is a mistake. I do not think it is right for the consumer, for the traveling public. I do not think it makes good sense because it does lead to distortions of the process. For that reason I think that the prohibition against cross-subsidization is sound. In the long run it will be in the interest of the new authority, if, as, and when the new authority goes into operation. Those who have to operate that authority will be grateful to us at some time in the future for this element of discipline and restraint that the Congress now has an opportunity to impose.

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

Mr. MATHIAS. Surely.

Mr. WARNER. I draw the Senator's attention to page 46 of the bill, section 10, which I shall now read:

> In order to assure that the Airports Authority has the same proprietary powers and is subject to the same restrictions with respect to Federal law as any other airport, except as otherwise provided in this Act, during the period that the lease authorized by section 5 of this Act is in effect—
>
> (1) the Metropolitan Washington Airports shall qualify as a "public airport" under the terms of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2201 et seq.), shall be eligible for Federal assistance on the same basis as any comparable public airport operated by a regional authority, and shall be considered to have accepted a grant on the date of transfer.

I read this to say it is the intention here of the Senate, in the event it accepts this bill as now drawn, to comply with the very law that the Senator has pointed out.

Mr. SARBANES. If the Senator will yield on that point, that is clearly not the case, because the bill has a very specific provision on the question of cross-subsidy. But, unfortnately, it is a provision that is so limited in its scope that it does not, in fact, address the cross-subsidy issue, and that is on pages 41 and 42, where it says, "notwithstanding any other provision of the law," and then limits the use of landing fees or revenues from parking automobiles only and limits them only to certain purposes.

Actually, my colleague from Maryland has made a very important point here, and that is that this issue involves not only a fair competitive situation for BWI vis-a-vis Dulles, but also involves the very important question of the relationship between National and Dulles within this authority and the users of those airports ought to think long and hard about a provision whereby the revenues at one can underwrite the cost structure at the other.

Mr. WARNER. Will the Senator yield for a question?

Mr. SARBANES. Surely.

Mr. WARNER. My recollection of the legislative history is that the very provisions the junior Senator from Maryland has just read, that is section (8), "notwithstanding any other provision of law," was added as an amendment during the committee process by Senator FORD at the request of—I see the distinguished senior Senator from Maryland rising.

Mr. MATHIAS. The Senator from Virginia is exactly right. That is fine, as far as it goes. Our only point is that it should go further, it should cover other sources of revenue.

Mr. WARNER. But the point is the provision I read was put in at your request by Senator FORD.

Mr. MATHIAS. And it improved the bill. We just want to make it a little better.

Mr. WARNER. Mr. President, I say to my distinguished colleagues both from Maryland——

Mr. MATHIAS. I would say to my friend from Virginia that the language which the Commerce Committee, in its wisdom and judgment, adopted, was not the language that I personally had proposed. I had something a little more comprehensive in mind.

Mr. WARNER. Very well, then, the wisdom of the committee prevailed here. But, nevertheless, it was done at your request.

Mr. SARBANES. But the consequence of the wisdom of the committee was to create a loophole that swallows the limitation. That is the problem. In other words, this thing is as wide as a hangar door because if you can take your parking revenues, your landing fees, and pay your capital costs, it does not matter that you cannot take them to pay the operating costs. You are simply accomplishing it in a different direction. That is all.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Members of Congress use National Airport. They should be aware that they are going to pay more in costs at National Airport. We are on notice now. Revenues will be siphoned off from National for other purposes than that of operating and developing that airport. The carriers who land and take off at National Airport are now on notice that their fees, and their costs are going to be greater because revenues at National will be siphoned off.

So this is really an important issue. It does not deal with the parochial dispute between the good neighbors of Maryland and Virginia. It deals with the traveling public that is going to use National. That includes every Member of Congress. It includes millions of our constituents throughout the country. It is a basic question of fairness to them.

Mr. TRIBLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. TRIBLE. This amendment demonstrates that our friends from Maryland are never satisfied. They expressed some preliminary concerns about the competition. The amendment offered in committee embodies those concerns. It met those concerns fully.

Mr. MATHIAS. If the Senator will yield, the Senator knows this language that was adopted is not language that we suggested.

Mr. TRIBLE. All I can say is that this was offered by Senator FORD who was advancing the Maryland position and expressing the thoughts and concerns of the opponents of this measure. He agreed to it, and found it eminently fair, as did a decisive margin of Republicans and Democrats in the Commerce Committee.

Now the opponents are not satisfied. They are endeavoring by way of this amendment to separate these airports, to ensure that they stand alone. That simply will defeat the whole purpose of this legislation which is to establish a regional approach to the dynamic transportation needs of this region.

Mr. President, I move to table this amendment and 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 the motion of the Senator from Virginia to lay on the table the amendment of the Senator from Maryland. 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 Dakota [Mr. ANDREWS], the Senator from Florida [Mrs. HAWKINS], and the Senator from Vermont [Mr. STAFFORD] are necessarily absent.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—54

Abdnor	Grassley	Nickles
Armstrong	Hart	Nunn
Boschwitz	Hatch	Packwood
Chafee	Hatfield	Pressler
Cochran	Hecht	Quayle
D'Amato	Heflin	Rockefeller
Danforth	Helms	Roth
Denton	Inouye	Rudman
Dixon	Johnston	Simpson
Dole	Kassebaum	Specter
Domenici	Kasten	Stennis
Durenberger	Laxalt	Stevens
East	Long	Symms
Evans	Lugar	Thurmond
Garn	Mattingly	Trible
Glenn	McClure	Wallop
Gorton	McConnell	Warner
Gramm	Murkowski	Wilson

NAYS—43

Baucus	Exon	Melcher
Bentsen	Ford	Metzenbaum
Biden	Goldwater	Mitchell
Bingaman	Gore	Moynihan
Boren	Harkin	Pell
Bradley	Heinz	Proxmire
Bumpers	Hollings	Pryor
Burdick	Humphrey	Riegle
Byrd	Kennedy	Sarbanes
Chiles	Kerry	Sasser
Cohen	Lautenberg	Simon
Cranston	Leahy	Weicker
DeConcini	Levin	Zorinsky
Dodd	Mathias	
Eagleton	Matsunaga	

NOT VOTING—3

Andrews	Hawkins	Stafford

So the motion to lay on the table the amendment (No. 1766) was agreed to.

Mr. FORD. Mr. President, I do not know whether there is any time limit on what we are doing here, but my name was used considerably during the consideration of the last amendment.

It is true that I helped work out a compromise, but the original amendment I offered was the best amendment. Senator MATHIAS offered the original amendment, and had I been here and had the opportunity, I would have supported Senator MATHIAS with respect to that amendment. Even though I did participate in the compromise, the Mathias amendment was correct, and I would like to have that as part of the Record.

Mr. GOLDWATER. Mr. President, while we have a little time, I want to take this opportunity to explain why I intend to vote against this legislation.

I know a little bit about airports. I have been connected with them in different parts of the country, helped to build several in my home State. They are very desirable things to own. If run properly, they are great moneymakers.

However, Mr. President, never in my life have I seen such a ridiculous situation as we are getting to here, where we are selling land which, if it is not worth $1 billion, it is not worth a penny. And we are selling it for $47 million!

I think it is time this body has the courage to tell somebody downtown that as much as we want to sell this land to Virginia—and I would love to sell it to Virginia—it does not make common sense to me to give something away.

If the people who want to buy this land want to offer what it is worth and if we have no idea of what it is worth, I can assure you that we can find people all over this country who can come here and appraise the value of Washington National.

Can you imagine what would happen to Washington National if Virginia decided to take up the runways and build condominiums or office buildings down there? Talk about $47 million. It would cost that much to build a parking lot.

How about Dulles, the finest airport that has ever been built in the entire world?

At $47 million?

Mr. President, I think it is absolutely stupid and I think this body is going to go down as one of the most stupid Senates that we have had in our history allowing something like this to happen.

If you want to sell land like this, I have millions of acres in Arizona. I would take $47 an acre just to get it.

Now if we are going to give $47 million for a handful of acres that has two beautiful airports on them, I just want to get in the action. I wish I had that much money. I would come in here and make a bid for it.

I just want to register my very strong complaint, Mr. President. It is not the way to do business. It is not a precedent that we are going to be proud of nor that this Senate can look back on and say with any great deal of pride "Look what we did."

I yield the floor.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Arizona. We have chatted informally.

The distinguished Senator from Arizona has made my feeling, my speech, and my vote for me all in about 5 minutes.

It just shocked my conscience that we sell not only that finest airport out at Dulles but the 10,000 acres as well.

The Senator from Arizona and I worked on the FAA budget, the authorization. They are going to start sending us bills. We are going to have to pay bills to the so-called authority, and everything else.

We have other activities out there and other departments of Government and we are going to start getting the bills for those things.

And the irony of it is that the Senator from Arizona and I have been paying 8 percent tax on flights from Phoenix to Washington, DC, back and forth, under the Airport and Airways Trust Fund. We paid our moneys over the past 16 years.

As the distinguished Senator from Arizona knows, under the authorization $11 million was allocated from the trust fund to the Phoenix Airport. We put in another $11 million at St. Louis. In total, we allocated over $1 billion to airports out of the trust fund last year. That was not by passage of any kind of particular bill for National or Dulles or Phoenix. It was just under the general FAA authorization. The FAA is authorized to dispense those moneys according to the need to modernize and improve those airport facilities.

One hundred million dollars has been sent down to Atlanta, $100 million to Dallas-Fort Worth. We had to lengthen the runway 2 years ago down at St. Thomas. The people get cold around this town and are now able to land out there and get a suntan quick. That was just to lengthen it out and build a runway out in the ocean.

But when it comes to the "we the people" facilities here at the National Capital, we want to have what has been called a steal. I hate to use the harsh language. That is what we use in the parlance or real estate. If you can pick up 10,000 acres in the Silicon Valley of Virginia for $47 million, you have a steal, without even an airport. They have it all phrased around and everything else. The phraseology is used with respect to airport use. I am doing it at the airport of Charleston. Every Porche and expensive French car that is sold in this country lands in Charleston. We built a building out there and a big parking place, and we are making money out of it. That is an industry with airport use. You would not have thought of it. I did not think of it.

But you have been in the international airport here and you can put all kinds of industries there. They can pay things off in a couple years and not even have to issue the bonds. With the proviso to take moneys now from the Airport Trust Fund, they would be on easy street, and it will be the darndest deal you have ever seen.

Our problem is, having been a Governor, when the financial pressures hit in Richmond, the ultimate title and everything else is ultimate politics. The political decisions to be made are going to have to be made with a majority of the controlling membership of that particular authority. That is common sense.

So what, in essence, we have done is taken the people's property, not just at a giveaway, but actually put it beyond the control of the people who have a special interest. You cannot fault the State of Virginia. If I were the Governor of Virginia I would be running around these Halls too. I

mean this is the grandest opportunity since John Smith landed at Jamestown. I can tell you that right now. This is a wonderful situation here, and it just should not be allowed. We have not been able to get the attention.

So I hope as to the statement by the distinguished Senator from Arizona because he is listened to and so respected in this particular body, and everyone knows he has no interest one way or the other, other than the best interest of the people of this Nation, that they listen to what the Senator from Arizona has stated. Please, if Senators are disposed to vote from the friendships they make, and you have to help your friends, and I understand that, but if Senators are going to help their friends, remember, in addition to the help you are giving your friends, do not ever come back to us who are interested in the military and talk about toilet seats and coffeepots. With this money, we can buy 60,000 toilet seats, umpteen coffeepots and everything else we are jumping over Cap Weinberger for.

This is waste, fraud, and abuse, starting right here on the floor of the Senate. Everybody should remember that. Do not come around saying, "Look how they wasted this or did not have an alternative bid." Tell them to go to the Trible-Warner rule where you cannot find a bid. We can just put that in all the defense bills, that somehow you cannot find the value under the Trible-Warner rule, and let us put that in for the Pentagon and let them go their merry way and quit fussing at them.

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

Mr. HOLLINGS. I yield.

Mr. GOLDWATER. I do not know if the Senator will remember it or not, but I had a small piece of legislation passed here last year, not that it included any money, but eventually it is going to cost money, and it was for the purpose of obtaining some excess hangars at the north end of Dulles so that we could move the wonderful reconstruction process out here from Suitland Parkway, maintain it, enable it to continue work. They said, "Well, how much are you talking about? I said, "Well, I think it is worth maybe $20 million. I will go out and raise the money myself or do my best."

Now I look at the whole doggone thing—$47 million. I did not even get a runway out of it. I just wanted some old empty hangars.

We have the Marriott Hotel out there. How much do you think that Marriott Hotel costs?

Mr. HOLLINGS. I do not know.

Mr. GOLDWATER. If it did not cost at least $30 million, they have a way of doing things I do not know about. We are just being plain—I hate to say this—we are being stupid, and I hope we can get an amendment in here that would put the price where it should be and then we can vote for it and let Virginia enjoy the luxury of having two airports. They can spend some money on it.

Mr. HOLLINGS. I agree with the Senator.

I yield the floor and I thank the Senator.

The PRESIDING OFFICER. The distinguished Senator from Virginia is recognized.

Mr. TRIBLE. Thank you, Mr. President.

AMENDMENT NO. 1767

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. TRIBLE] proposes an amendment numbered 1767. On page 49, strike lines 2-3, and insert in lieu thereof the following:

SEC. 11. (a) The Airports Authority may extend the lease entered into under section 5(a) of this Act for an additional term of 15 years for the sole purpose of continuing to operate the airports under the terms and restrictions established in this Act.

(b) During the period of the lease the Secretary and the Airports Authority may negotiate a contract of sale for the transfer of the properties constituting the Metropolitan Washington Airports. Such properties shall not be sold until the Congress approves legislation implementing the terms of such contract.

(c) Upon approval by the Congress of legislation implementing the terms of such contract—

Mr. TRIBLE. Mr. President, I thank the clerk for reading the amendment.

The amendment is short and very direct in its approach.

We have heard a number of Senators take the floor and talk about a giveaway. We have heard a number of Senators talk about how wrong it was to turn over to Virginia or to an Airports Authority these very valuable properties. It is true that under the terms of this agreement after 35 years of operation of an airport under a lease these properties would go over to the Airports Authority. Under the terms and conditions of this legislation there would be a continuing requirement that these airports be used for airport purposes.

The purpose of this legislation is not to turn these properties over to anyone for any purpose but the operation of airports. And it does not concern me if the Federal Government continues to own these properties, as long as we create the opportunity for these airports to be managed effectively, as long as we create the opportunity for these airports to be expanded, modernized, and enhanced.

Therefore, to meet the concerns expressed by some of my colleagues this amendment protects the Federal interest and ensures the Federal Government will continue to own these properties.

What this amendment says is that these properties will be leased to the Airports Authority for a total period of 50 years, one lease of 35 years and a reward of 15 years during which time they have to be operated as airports pursuant to the terms and conditions and restrictions of this legislation.

During that period of time, the Secretary of Transportation and the Airports Authority may negotiate a contract of sale for the transfer of these properties but such properties will not be sold until Congress approves legislation implementing the terms of such contract. I offer this amendment to meet the concerns of those Senators that are concerned that at some point in 35 years, under the present legislation, these properties will then be turned over lock, stock and barrel to an Airports Authority. It is not my purpose. All I want are quality airports. And I am here to tell you the only way we are going to get first-class jet ports for this region, for this Nation, is to implement this legislation.

So to meet those concerns, this amendment quite simply will reside the title to these important pieces of property in the Federal Government and in the hands of the taxpayers now and forever, unless some future Congress decides that there ought to be an actual transfer of these properties.

This amendment is very straightforward. It satisfies very directly the concerns of my distinguished colleague from South Carolina and it will ensure, as far as I am most importantly concerned, that we can have a first-class airport.

So I offer this amendment to my colleagues and I hope that it would be promptly adopted.

Mr. EXON. Mr. President, as a member of the Commerce, Science, and Transportation Committee, of which the Presiding Officer is a member, of which our distinguished colleague from Arizona is a member, of which our distinguished colleague from South Carolina is a member, and others that have been on an off the floor, I listened with great, great interest to the recent exchange. I want to compliment my good friend and great Senator from the State of Arizona. He stated it well. The Senator from South Carolina has spoken on this previously. We discussed it at great length in the Commerce, Science, and Transportation Committee. I was opposed to bringing that bill out of the committee. I did that somewhat reluctantly because of the high respect that I have for the two Senators from Virginia. So I echo the words of the Senator from South Carolina when he said were he the Senators from Virginia he

would be doing about the same thing with the deal that they are getting.

I simply come back to a very fundamental cause that I think has at least been enhanced by the discussion that we have had here this afternoon.

I am delighted to see the amendment that is about to be offered, as I understand it, by the Senator from Virginia, the manager of this bill. I want to take a look at that. It might be a significant step in the right direction. It still does not address a very "minor" concern that I and others have with regard to the management of the airport, the so-called Airports Authority.

There are all kinds of pros and cons on this issue, but from the very beginning, this Senator from Nebraska asked what I thought was a very legitimate question. If this is such a good deal for everyone, if we are going to develop these airports and have this grand three-airport facility, Baltimore and Washington National, and Dulles, and if this is such a good thing for the Nation's Capital, why do we not have more people on that commission representing the people of the Nation as a whole?

The point has been made over and over again that we have to have a good airport facility in the Nation's Capital. I agree, because most of the people that come in and out of this city do not come by automobile, they do not come by train, they do not come by stagecoach, they come by air.

I think one of the major failures of the piece of legislation is the fact that we are giving control, lock, stock, and barrel to the people that live in Virginia, the people that live in Washington, DC and, to a lesser extent, the people that live in neighboring Baltimore, MD.

Mr. TRIBLE. Will the Senator yield?

Mr. EXON. If I could finish my statement, I would be glad to yield, because you and I have talked about this on many occasions.

It seems to me, Mr. President, that at least at a minimum, if we are starting to make compromises now that the Senator from Virginia has outlined, at least we should raise the number of appointees to that commission by the President of the United States from outside the area here of Washington, DC and Baltimore, MD and Virginia and have three or four, rather than one person appointed by the President.

Mr. TRIBLE. Will the Senator please yield on that point?

Mr. EXON. I yield without losing my right to the floor.

Mr. TRIBLE. We have done that. We have done that. We did that last night, I would tell my colleague. I wish that he had been here to be a part of that process.

Mr. EXON. What did you do last night? I am sorry I was not here also. Is it a secret?

Mr. TRIBLE. No, it was in the RECORD. I do not want to quarrel with my friend, but I want to simply point out that what the Senator now seeks has been accomplished. The Senator has won today without being a part of the process. The Senator from South Dakota offered an amendment, which was accepted, which increased the Federal representation on the board to three individuals. And the Senator just said we should have two or three. You have got three and that was to meet the very legitimate concerns expressed by you and by other Senators from distant points in the country that said, "Look, we have got an interest at stake here and we want a stronger voice." We have given you that stronger voice. We believe that point was well-taken.

And, I must say, I accepted that amendment in large measure because of the persuasion of the Senator from Nebraska. The Senator from Nebraska and I have talked about this matter on several occasions, both in committee and on the floor, and I knew of his strong support for expanding the representation of the board.

The amendment was indeed offered by the Senator from South Dakota and it was accepted by the manager of the bill. So there is broader representation and there is a much stronger voice for those citizens that live outside the beltway, as you and I both have discussed and as you have long felt was most appropriate.

Mr. EXON. I thank my friend very much for enlightening me on what I think is a very important matter. If I understand it right, then, we have come back to having three people appointed by the President. We did not expand the representation or decrease the representation from the District or Virginia or Maryland?

Mr. TRIBLE. That is correct. As you will recall, the Senate voted to table an amendment of Senator PRESSLER of South Dakota that would have changed the composition of the board across the board. But what we have agreed to do, indeed, what we have voted to do, was increase the representation from beyond the Washington metropolitan area and there are now three representatives on the board.

So the composition of the board is as follows: We would have five Virginians, we would have three folks from the District of Columbia, two from Maryland, and three from beyond the beltway. We would have, in effect, a 13——

Mr. EXON. Fourteen, total.

Mr. TRIBLE. I think it is 13, but my math never was very good.

Mr. EXON. Five from Virginia, is that right?

Mr TRIBLE. Five, three, three, and two.

Mr. EXON. Two from where?

Mr. TRIBLE. Two from Maryland.

Mr. EXON. Two from Maryland.

Mr. TRIBLE. I believe that adds up to 13. I will yield to my colleague, whose math, I am sure, is much more precise than mine.

Mr. EXON. Evidently, if I could clarify this a little further, this is essentially the amendment the Senator from Nebraska offered in the Commerce Committee, is that right?

Mr. TRIBLE. There is no question about it. The Senator from Nebraska was the person who advanced this position, and argued it most persuasively very early on.

Mr. EXON. I am very delighted that they finally came to the Exon position without me even knowing about it.

Mr. TRIBLE. The reason and persuasion of the good Senator from Nebraska carried the day even in his absence.

Mr. EXON. I think the Senator from Virginia is being a little bit facetious in that regard. I think probably it would be more accurate to state that they finally came around to the original position of the Senator from Nebraska because they wanted to quell some of the rising tide of opposition to many other things that are wrong with this bill. May I ask this question?

Why at this late date was this agreed to? I think it is very interesting. I think the Senator knows that the first time I ever heard about this was when I was called into a meeting with the former Governor of the Senator's State, whom I had the privilege of serving with. I brought it up then. I brought it up time and time again. I asked for a vote on that in the Commerce Committee. I think we got three or four votes. I have been talking with the good Senator from Virginia and others for a long, long time. I got absolutely nowhere.

I cosponsored the amendment offered by the Senator from South Dakota, which I believe, if I remember my arithmetic correctly, have five representatives to be appointed by the President of the United States, which was different from what I proposed in committee.

I am delighted to know that they finally came around to making this concession but I suggest it was not because of the perseverance or the great influence or the insight of the Senator from Nebraska. I suggest the facts of the matter are that it come to that position merely because it was felt that otherwise the bill might not pass in the final analysis. But that is just my suspicious nature. There is probably no basis whatsoever for my thoughts.

But I thank my friend from Virginia for explaining it to me. I am delighted

to know that the Exon amendment has become part of the bill.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, with respect to the distinguished Senator's amendment, it replaces a proposed amendment by the Senator from South Carolina. I am not a cosponsor of the amendment because I wanted to make clear I am under the duress of commonsense. I cannot carry any amendment. I guess I had my high point with respect to the cost of the transfer of these airports. I had all the authorities, I say to the Senator from Arizona. I had Peter Grace, Richard Nixon, the Taxpayers Union, the British investment bankers—I had more people offering high prices when they were saying they could not get an offer or market value. I was prepared to terminate as really it should be done at the end of the 35 years. Of course the Congress is here. The people are here. We can still negotiate further with the authority, or with the State of Virginia, or whatever.

I wanted to vitiate my kind of fee simple title ownership to the State of Virginia. I have been persuaded, though, that the best result I am going to get is the amendment of the Senator from Virginia, Senator TRIBLE. So we have compromised on 15 years, which in essence gives him a 50-year, rather than a 35-year, lease but it does say at the end of that time the title does remain with the Federal Government. It does not protect anything for the Federal Government because if practically is out of any dealings with the airport during that 50-year period. Of course, any time they get a friendly Secretary of Transportation, as might well occur under this particular Secretary, they can renegotiate the contract of sale. But it would have to come back to the Congress.

That is about the best I can do. I accede to it because my bottomline is that I really resist the bill in its entirety. I think it is not in the public interest. I think what would be in the public interest would be to designate the people's airports at National and Dulles as just that, people's and public airports to comply under the law.

The Senator knows there is a provision under the law that the people's airports are not the people's airports. Airports eligible for moneys from the airport and airways trust fund are defined as public airports, which are State entities and authorities, which has been interpreted to disallow any trust fund moneys for National and Dulles.

What you have in reality is taxation without representation. We have all of these Latin sayings around this hallowed Hall, and how we fought to do away with taxation without representation. But that is what we have with respect to Dulles and National. That is the fundamental involved here, and the difficulty.

We have a law interpreted. I am confident that with the good respect of an attorney I could take it up under the equal protection clause of the 14th amendment, and say I am not getting for my money the protection as other citizens of the United States in a similar situation. I would knock that section out, and then the Federal Aviation Administration under the law would be able to go ahead, give the $250 million, that the FAA says is needed. We could just move on, and would not have all the lawyers and all the delays, all the authorities and political appointments and anything else.

No one has ever complained about Admiral Engen, the Administrator of FAA, about his operation, and his efficiency thereof. We are all talking about public improvements—the midfield terminal at Dulles, the parking facilities, and the modernization of the terminal at National. We could move right ahead with those particular things at this moment, if we did away with that fanciful quirk in the law that defines these airports as not being public airports. The people's airports of National and Dulles are not people's airports, and they are not public.

Whoever heard of that? But that is why we are suffering here. That is why I have to accept this amendment to try to hold a little bit of interest in the people of the United States in these facilities.

Mr. TRIBLE. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER (Mr. DENTON). Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Virginia.

The amendment (No. 1767) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. TRIBLE. Mr. President, it is the intention of the leadership to offer soon a unanimous-consent agreement. Awaiting the arrival of our distinguished leader, 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. TRIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MODIFICATIONS TO AMENDMENT NO. 1740 AND AMENDMENT NO. 1742

Mr. TRIBLE. Mr. President, I ask unanimous consent that amendment No. 1740, previously adopted by the Senate, be modified by striking "seven" and inserting in lieu thereof "nine".

That amendment No. 1742, previously adopted by the Senate, be modified by striking the amendment made to lines 11-12 on page 36 and inserting in lieu thereof the following:

Lines 10-12, page 36, strike:

"The President shall make initial and subsequent appointments for a six-year term, with such" and insert in lieu thereof the following: "The President shall make initial appointments as follows: One member for six-year term, one member for a four-year term, and one member for a two-year term; subsequent appointments by the President shall be for a period of six years, with all such".

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

AMENDMENT NO. 1768

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. TRIBLE] proposes an amendment numbered 1768.

On page 36, line 14, strike "seven" and insert in lieu thereof "nine".

Mr. TRIBLE. Mr. President, very simply, this is a technical change to make the language heretofore adopted to conform with the remainder of the bill. It has been reviewed by my distinguished colleague from Maryland. I move its adoption.

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

The amendment (No. 1768) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I want to commend the activities here on the floor of the Senator from Virginia [Mr. TRIBLE] and the Senator from Maryland [Mr. SARBANES]. Theirs has been remarkable work. I see Senator MATHIAS and if I had not seen his presence I would have added his name also. Also, Senator WARNER of Virginia. These four Senators have a deep interest in this measure as they have expressed over these last days—9 of them, to be specific. They have grappled with a very tough issue. We get closer and closer to resolving it. It is a tough one for all of us. It is not just a provincial issue but a national issue. It is a tough issue and I marvel as they

work toward the resolution of it. I thank them sincerely as I have seen their activities as floor managers on these days.

With that, after consulting with the Democratic leader, I believe we are ready to propose a unanimous-consent request.

UNANIMOUS-CONSENT REQUEST

Mr. President, I ask unanimous consent that during the remainder of the Senate's consideration of S. 1017, the regional airports bill, the following amendments be the only first-degree amendments in order, with the exception of the committee-reported substitute, and they be limited to 30 minutes to be equally divided in the usual form: Senator MATHIAS' amendment on price; Senator SARBANES' amendment to limit cross-subsidization of National and Dulles; Senator SARBANES' amendment dealing with restriction on Dulles land development; Senator SARBANES' amendment on membership of the authority.

Further, I ask unanimous consent that there be 10 minutes on any debatable motions, appeals, or points of order if so submitted to the Senate, and no motions to recommit with instructions be in order, and the agreement be in the usual form.

Finally, I ask unanimous consent that final passage occur no later than 12 noon on Friday, April 11, and that paragraph 4 of rule 12 be waived.

Mr. BYRD. Mr. President, reserving the right to object.

Mr. GOLDWATER. Mr. President, reserving the right to object, I want to ask a question. Does the unanimous-consent request of the Senator preclude the introduction of any other amendments than the amendments he has mentioned?

Mr. SIMPSON. Mr. President, that is correct.

Mr. GOLDWATER. I will have to oppose that, Mr. President.

Mr. SIMPSON. 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. SIMPSON. 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. SIMPSON. Mr. President, I intend to repropose and propound the time agreement on S. 1017. Even though it was not accepted, it was discussed.

For the information of Senators, I indicate preliminarily that we will come in at 9 a.m. tomorrow and get back on the bill by 9:30.

UNANIMOUS-CONSENT REQUEST

Mr. President, I ask unanimous consent that during the remainder of the Senate's consideration of S. 1017, the regional airports bill, the following first-degree amendments be the only amendments in order, with the exception of the committee-reported substitute and that they be limited to 20 minutes, to be equally divided in the usual form: A Mathias amendment on price; a Sarbanes amendment to limit cross-subsidization of National and Dulles Airports; a Sarbanes amendment dealing with restriction on Dulles land development; a Sarbanes amendment on membership of the authority; a Goldwater amendment requiring bidding; an Exon amendment on Airport Authority composition.

I further ask unanimous consent that there be 10 minutes on any debatable motions, appeals, or points of order if such be submitted to the Senate; that no motion to recommit with instructions be in order; and that the agreement be in the usual form.

I ask unanimous consent that passage occur no later than 12 noon on Friday, April 11, and that paragraph 4 of rule XII be waived.

Mr. BYRD. Mr. President, reserving the right to object. Mr. President, is the Senate presently working on the committee reported substitute?

The PRESIDING OFFICER. It is.

Mr. BYRD. Mr. President, is it the intention of the distinguished assistant Republican leader to also vitiate the cloture votes, if the agreement is gotten?

Mr. SIMPSON. Mr. President, it is the intention of the majority leader to then ask, if this agreement is accepted, unanimous consent that the two cloture votes to occur tomorrow be vitiated.

Mr. BYRD. Mr. President, as I have listened to the distinguished Senator, it appears that there are six or seven amendments?

Mr. SARBANES. Six.

Mr. BYRD. Six. Is it believed that some of these amendments will not require rollcall votes? The reason I am asking is because I am afraid that the Senate is going to run out of time, and while the amendments would still be in order we would probably have no time left if there are many rollcalls required on the adoption of the amendments.

Mr. SIMPSON. Mr. President, I would respond to the Democratic leader with the indication that the floor managers seem to indicate that there might be time yielded back on certain of the amendments. They may not all require a rollcall vote. I think that is quite possible. We return to the bill at 9:30 a.m. With some rather crisp voting pattern we might make it. That augurs the "Friday syndrome" may take place.

Mr. SARBANES. I might observe that perhaps all of the amendments might not be offered, and of course we have cut the time down to 20 minutes and even that time might not be used. The assistant majority leader might want to consider coming in somewhat earlier and going on the bill somewhat earlier. I do not know how that works with the schedule. We are scheduled to get on the bill at 9:30. You might want to get on it a little earlier.

Mr. TRIBLE. Will the assistant majority leader yield?

Mr. SIMPSON. I certainly will be happy to yield.

Mr. TRIBLE. I would suggest the possibility that perhaps we come in at 8:30 and begin the bill at 9. I think that would give us ample opportunity to dispose of all these amendments and all of our colleagues would have ample opportunity to debate these issues.

Mr. SIMPSON. Mr. President, I think there will be yielding back of time. There could also be the opportunity to shorten the time on the rollcall voting procedure or even to stack votes on those amendments with a short procedure before noon in accordance with the agreement. I see flexibility there that could be had, and we would come in at 8:30 and be back on the bill at 9 o'clock.

Mr. BYRD. Mr. President, I am afraid that when tomorrow comes and the Senate reaches the hour of 12 noon, it would be quite possible there would be amendments remaining on which there would be no time for debate. I think there would be an objection to stacking the votes also.

TIME LIMITATION AGREEMENT—S. 1017

Mr. SIMPSON. Mr. President, after conferring with the principals, the floor managers, Senator SARBANES, Senator TRIBLE, and their helpful counsel; the Democratic leader and the majority leader; Senator MATHIAS; Senator CRANSTON; and others, I believe that we have resolved this matter and hope that that is the case. We will then begin our proceedings tomorrow at 9 a.m., going to this measure at 9:30 a.m.

I will then repropound the unanimous-consent request and ask unanimous consent that during the remainder of the Senate's consideration of S. 1017, the regional airport bill, the following first-degree amendments be the only amendments in order, with the exception of the committee-reported substitute, and that they be limited to 15 minutes to be equally divided in the usual form.

The Mathias amendment on price; Sarbanes amendment to limit cross-subsidization of National and Dulles; Sarbanes amendment dealing with restriction on Dulles land development; Sarbanes amendment on membership of the authority; Goldwater amendment requiring bidding; and Exon amendment on Airport Authority composition.

Further, I ask unanimous consent that there be 10 minutes on any debatable motions, appeals, or points of order, if so submitted to the Senate, and no motions to recommit with instructions be in order and the agreement be in the usual form.

Finally, I ask unanimous consent that final passage occur no later than 12 noon on Friday, April 11, and paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

Mr. BYRD. Mr. President, reserving the right to object, and I do not think I will have to object.

Mr. President, would the distinguished assistant Republican leader be willing to add to the request a little time for debate on the bill overall?

Mr. SIMPSON. Mr. President, I think that is a very appropriate request, and I submit that the propounded unanimous consent agreement reflect 20 minutes of debate on the bill to be equally divided under the control of Senator TRIBLE and Senator SARBANES.

Mr. BYRD. Mr. President, I remove my reservation. I thank the distinguished Senator.

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

The text of the agreement follows:

Ordered, That during the remainder of the Senate's consideration of S. 1017, the Regional Airport Bill, the following first degree amendments be the only amendments in order, with the exception of the committee reported substitute, and that they be limited to 15 minutes each, to be equally divided in the usual form:

Mathias amendemnt on price;

Sarbanes amendment to limit cross-subsidization of National and Dulles;

Sarbanes amendement dealing with restriction on Dulles land development;

Sarbanes amendment on membership of the Authority;

Exon amendment on composition of the Authority;

Goldwater amendment on competitive bidding.

Ordered further, That there be 10 minutes debate on any debatable motions, appeals, or points of order if so submitted to the Senate, and that no motions to recommit with instructions be in order, and that the agreement be in the usual form.

Ordered further, That time for debate on the bill be limited to 20 minutes, to be equally divided and controlled by the Senator from Virginia [Mr. TRIBLE] and the Senator from Maryland [Mr. SARBANES].

Ordered further, That final passage occur no later than 12:00 noon on Friday, April 11, 1986.

ORDER VITIATING CLOTURE VOTES ON TOMORROW

Mr. SIMPSON. Mr. President, I then ask unanimous consent that the two cloture votes to occur tomorrow be vitiated.

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

Mr. BYRD. Mr. President, just so there will not be any misunderstanding, the vote on final passage is still intended to occur at 12 noon, even though the additional 20 minutes were added for debate on the bill, am I correct?

Mr. SIMPSON. Mr. President, the Democratic leader is correct.

Mr. BYRD. I thank the distinguished Senator.

Mr. SIMPSON. Mr. President, I would then announce that there will be no further rollcall votes tonight and also wish to inform Senators that rollcall votes will occur as early as 9:45 tomorrow morning. I thank all Senators, especially those who have managed the bill. It is most appreciated by the leadership.

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 3:23 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one if its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 261. Joint resolution to designate the week of April 14, 1986 through April 20, 1986, as "National Mathematics Awareness Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2895. A communication from the Assistant Attorney General of the United States transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2896. A communication from the Solicitor of the Commission on Civil Rights transmitting, pursuant to law, the Commission's Government in the Sunshine Report for 1985; to the Committee on Governmental Affairs.

EC-2897. A communication from the Chairman of the Federal Maritime Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control for 1985; to the Committee on Governmental Affairs.

EC-2898. A communication from the Director of Administration for the NLRB transmitting, pursuant to law, the Board's report on two new Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-2899. A communication from the Acting Chairman of the U.S. Merit Systems Protection Board transmitting, pursuant to law, the Board's 1985 Annual Report; to the Committee on Governmental Affairs.

EC-2900. A communication from the Director of the Office of Personnel Management transmitting a draft of proposed legislation to amend the Civil Service Retirement System to reduce its costs to the Government; to the Committee on Governmental Affairs.

EC-2901. A communication from the Executive Assistant to the Personnel Appeals Board transmitting, pursuant to law, the Board's annual report for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2902. A communication from the General Counsel of the Department of Justice transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2903. A communication from the Deputy Administrator of Veterans Affairs transmitting, pursuant to law, a report on a new computer matching program of Privacy Act records systems; to the Committee on Governmental Affairs.

EC-2904. A communication from the Assistant Secretary of the Interior transmitting, pursuant to law, the Department's first annual report on competition in contracting; to the Committee on Governmental Affairs.

EC-2905. A communication from the Administrator of the Small Business Administration transmitting, pursuant to law, the annual report on competition in contracting; to the Committee on Governmental Affairs.

EC-2906. A communication from the Acting Chairman of the Federal Trade Commission transmitting, pursuant to law, the Commission's 1985 Government in the Sunshine Report; to the Committee on Governmental Affairs.

EC-2907. A communication from the Chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, the Board's Government in the Sunshine Report for 1985; to the Committee on Governmental Affairs.

EC-2908. A communication from the Secretary of Energy, transmitting a draft of proposed legislation to promote competition in the natural gas market, to ensure open access to transportation service, to encourage production of natural gas, to provide natural gas consumers with adequate supplies at reasonable prices, to eliminate demand restraints, and for other purposes; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ANDREWS, from the Select Committee on Indian Affairs, with amendments:

S. 1724. A bill to authorize the Cherokee Nation of Oklahoma to design and construct

hydroelectric power facilities at W.D. Mayo Lock and Dam (Rept. No. 99-279).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 352. A resolution relating to the commemoration of the bicentennial of the Senate of the United States.

By Mr. THURMOND, from the Committee on the Judiciary, with amendments and with a preamble:

S.J. Res. 188. Joint resolution to designate July 6, 1986, as "National Air Traffic Control Day."

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment and an amendment to the title and an amended preamble:

S.J. Res. 199. Joint resolution to designate the month of November 1985 as "National Elks Veterans Remembrance Month."

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 281. Joint resolution to designate the week of May 11, 1986, through May 17, 1986, as "Senior Center Week."

S.J. Res. 284. Joint resolution to designate the month of May 1986 as "Better Hearing and Speech Month."

S.J. Res. 300. Joint resolution to recognize and honor 350 years of service of the National Guard.

S.J. Res. 303. Joint resolution to designate April 1986, as "Fair Housing Month."

S.J. Res. 306. Joint resolution to designate the week beginning November 23, 1986, as "National Adoption Week."

S.J. Res. 307. Joint resolution to designate the week of April 18 through April 27, 1986 as "National Carpet and Floorcovering Week."

S.J. Res. 309. Joint resolution to designate the week of June 1, 1986 through June 7, 1986, as "National Intelligence Community Week."

S.J. Res. 315. Joint resolution designating May 1986 as "Older Americans Month."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Eric G. Bruggink, of Virginia, to be a judge of the U.S. Claims Court for a term of 15 years;

Marian Blank Horn, of Maryland, to be a judge of the U.S. Claims Court for a term of 15 years;

Ralph D. Morgan, of Indiana, to the U.S. marshall, for the southern district of Indiana for the term of 4 years;

John R. Kendall, of Michigan, to be U.S. marshall for the western district of Michigan for the term of 4 years;

Emery R. Jordan, of Maine, to be U.S. marshall for the district of Maine for the term of 4 years;

K. William O'Connor, of Virginia, to the U.S. attorney for the district of Guam and concurrently U.S. attorney for the district of the Northern Mariana Islands for the term of 4 years;

Donald W. Peterson, of Missouri, to be Deputy Commissioner of Patents and Trademarks.

By Mr. LUGAR, from the Committee on Foreign Relations:

H. Allen Holmes, of the District of Columbia, a career member of the Senior Foreign Service, class of Career Minister, to be an Assistant Secretary of State.

Otto J. Reich, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Venezuela.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Otto J. Reich.

Post: Ambassador to Venezuela.

Contributions, amount, date, donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses, names, Adrienne Reich, none; Natalie Reich, none.
4. Parents, names: Walter Reich, none; Grace Reich, none.
5. Grandparents, names, Juan Fletites/ Margarita Fleites, deceased/deceased; Otto Reich/ Elsa Reich, deceased/deceased.
6. Brothers and spouses, names, Ronald Reich/Donnalyn Reich, none/none.
7. Sisters and spouses, names: none.

Ronald S. Lauder, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Austria:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Ronald S. Lauder.

Post: Ambassador to Austria.

Nominated: Feburay 24, 1986.

Contributions, amount, date, and donee:

1. Self: See schedule 1, attached.
2. Spouse: See schedule 2, attached.
3. Children and spouses, names: Jane and Aerin Lauder; see schedule 3, attached.
4. Parents, Mr. and Mrs. Joseph H. (Mrs. Estee) Lauder; see schedule, attached.
5. Grandparents, names: Deceased (Max and Rose Mentzer), (William and Rose Lauder).
6. Brothers and spouses, names: Mr. and Mrs. Leonard A. (Mrs. Evelyn) Lauder; see schedule 5, attached.
7. Sisters and spouses, names: none.

Henry F. Schickling, of Pennsylvania, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1988.

Carlos Salman, of Florida, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1988.

(The above nominations were reported from the Committee on Foreign Relations 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.)

SCHEDULE 1—RONALD S. LAUDER

Date, campaign, amount, for:

January 1, 1981, Republican National Committee, $600.

January 1, 1981, Republican National Committee, $3,000.80

February 25, 1981, Republican National Committee, $600.

March 3, 1981, Republican National Committee, $399.20.

June 11, 1981, National Republican Senatorial Committee, $10,000.

July 29, 1981, Wallop Senate Drive, Inc., $500 primary.

August 7, 1981, Committee to Send Schaus to the House, $100.

March 3, 1982, Prescott Bush for U.S. Senate, $250.

June 19, 1982, 1982 Victory Fund, $2,500, general.

June 22, 1982, Committee for Congressman Bill Green, $500, general.

June 23, 1982, Van B. Poole for U.S. Senate, $500, primary.

June 30, 1982, Evans 1982 Committee, $1,000, primary.

July 30, 1982, Friends of Fossel for Congress, $1,000, primary.

August 5, 1982 Cissy Baker Committee, $1,000 primary.

August 23, 1982 Bush for U.S. Senate Committee, $250.

September 2, 1982 Costello to Congress, $1,000, primary.

September 8, 1982, Seymour/Senate Campaign Committee, $1,000, primary.

September 23, 1982, National Conservative Political Action Committee, $500, primary.

September 30, 1982, Costello to Congress, $1,000, general.

October 4, 1982, Cissy Baker Committee, $1,000, general.

October 12, 1982, Pete Wilson for U.S. Senate, $1,000, general.

October 22, 1982, Friends of Fossel for Congress, $100, general.

October 25, 1982, Campaign America, $1,000, primary.

October 27, 1982, Michel Congress Committee, $500, general.

February 25, 1983, Friends of Senator D'Amato, $1,000, primary.

March 16, 1983, Friends of Senator D'Amato, $1,000, general.

April 6, 1983, Republican Senate-House Dinner Committee, $1,800, primary.

May 10, 1983, Vander Jagt Campaign Committee, $200.

June 6, 1983, National Republican Congressional Committee, $900, primary.

June 9, 1983, Fund to Keep America No. 1, $2,500, primary.

June 29, 1983, National Republican Senatorial Committee, $5,000, primary.

August 10, 1983, National Republican Senatorial Committee, $5,000, primary.

September 8, 1983, Republican Majority Fund, $5,000, primary.

October 21, 1983, Jepsen '84 Committee Amendment, $500, primary.

November 8, 1983, Citizens for Percy—1984, $500, primary.

January 6, 1984, Elise duPont '84 Committee, $500, primary.

January 24, 1984, Republican National Finance Committee, $10,000, primary.

March 23, 1984, Elise DuPont 1984 Committee, $150.

March 23, 1984, Citizens for Dave Smick, $1,000.

April 17, 1984, Vander Jagt Campaign, $100.

April 27, 1984, Committee to Reelect Congressman Carney, $1,000, primary.

June 29, 1984, National Republican Senatorial Committee, $10,000,* primary.

July 31, 1984, Republican National Finance Committee, $1,000, primary.

September 10, 1984, Republican Majority Fund, $2,000, primary.

November 7, 1984, Congressman Bill Green Committee, $250.

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*Mr. Lauder has requested a refund of $2,000 of the contribution.

November 20, 1984, Westchester Republican Chairman's Club, $1,000, primary.

January 2, 1985, Republican National Finance Committee, $1,850.

January 4, 1985, National Republican Senatorial Committee, $800.

January 14, 1985, Republican National Finance Committee, $1,000.

March 11, 1985, Republican National Finance Committee, $10,000.

April 4, 1985, Republican Congressional Leadership, $2,500.

August 8, 1985, Holtzman for Congress, $100.

August 12, 1985, Republican Senatorial Inner Circle, $1,000.

October 15, 1985, Republican Congressional Boosters, $2,000.

October 15, 1985, Kemp Salute Dinner, $1,000.

October 15, 1985, Paul Arneson (Symms for Senate), $750.

Undated, John LeBoutillier for Congress Debt Retirement, $250.

SCHEDULE 2—MRS. RONALD S. (JOCAROLE) LAUDER

Date, campaign, amount, for:

June 19, 1982, 1982 Victory Fund, $2,500, primary.

September 30, 1982, Costello to Congress, $1,000, general.

October 4, 1982, Cissy Baker Committee, $1,000, general.

October 25, 1982, Campaign America, $1,000, primary.

December 31, 1982, Seymour/Senate Campaign Committee, $709, primary.

September 8, 1983, Republican Majority Fund, $5,000, primary.

November 1, 1984, 500 Club, $500, primary.

October 15, 1985, Kemp Salute Dinner, $1,000.

SCHEDULE 3—JANE AND AERIN LAUDER

Date, campaign, amount, for:

December 31, 1982, Seymour/Senate Campaign (JL) Committee, $709, primary.

December 31, 1982, Seymour/Senate Campaign (AL) Committee, $709, primary.

SCHEDULE 4—MR. AND MRS. JOSEPH H. (MRS. ESTEE) LAUDER

All contributions not otherwise designated were jointly made.

Date, campaign, amount, for:

January 6, 1981, Republican National Committee, $1,200.

January 6, 1981, Republican National Committee, $1,600.

January 20, 1981, Citizens for Buckley, Inc., $500, general.

February 7, 1981, Republican National Committee, $399.

March 1981, Norman Lent, $125.

March 21, 1981, 1981 Republican Senate House Dinner, $1,000, primary.

March 27, 1981, 1981 Republican Senate House Dinner, $10,000, primary.

March 27, 1981, National Republican Congressional Boosters Club (JHL), $1,500, primary.

March 27, 1981, National Republican Congressional Boosters Club (EL), $1,500, primary.

March 27, 1981, National Republican Senatorial Committee, $5,000, primary.

March 27, 1981, National Republican Congressional Committee (EL), $2,500, primary.

March 27, 1981, National Republican Congressional Committee (JHL), $2,500, primary.

May 5, 1981, Citizens for Buckley, $300.

May 21, 1981, Citizens for Madigan, $250.

June 22, 1981, People for Jackson, $500.

November 12, 1981, Friends of Senator D'Amato, $1,000, primary.

December 29, 1981, Moynihan Committee Inc. (EL), $1,000, primary.

December 29, 1981, Moynihan Committee Inc. (EL), $1,000, general.

December 29, 1981, Moynihan Committee Inc. (JHL), $1,000, primary.

December 29, 1981, Moynihan Committee Inc. (JHL), $1,000, general.

March 19, 1982, Republican Congressional Boosters Club, $1,000, primary.

October 4, 1982, Cissy Baker Committee (EL), $1,000, general.

October 4, 1982, Republican Congressional Boosters Club, $1,000.

October 4, 1982, Cissy Baker Committee (JHL), $1,000, general.

April 15, 1983, Republican Congressional Boosters Club (EL), $1,000, primary.

November 2, 1983, Friends of John Rockefeller (EL), $1,000.

February 27, 1984, Citizens for Percy 1984 (EL), $100.

February 27, 1984, Citizens for Percy 1984 (EL), $100.

March 2, 1984, Republican Congressional Boosters Club (EL), $1,000, primary.

March 4, 1984, Goldwater for Senate Committee (EL), $500, primary.

March 6, 1984, Salute to Victory II Dinner Committee (EL), $5,000, primary.

May 2, 1984, National Republican Congressional Committee (EL), $7,500, primary.

May 14, 1984, National Republican Congressional Committee (EL), $700, primary.

June 18, 1984, Inner Circle/New York Reception (EL), $1,000, primary.

August 13, 1984, Reelect Senator Pell Committee (EL), $250.

August 24, 1984, Victory 1984 Committee (EL), $1,000, primary.

September 20, 1984, Larry Pressler for U.S. Senate (EL), $500, general.

October 15, 1984, Republicans Abroad (EL), $150.

October 22, 1984, Friends of Jay Rockefeller (EL), $200.

October 22, 1984, Committee for Congressman Bill Green (EL), $250.

October 29, 1984, Elise du Pont 1984 Campaign (EL), $1,000.

February 18, 1985, Friends of Senator D'Amato (EL), $500.

February 28, 1985, The Republican Congressional Boosters (EL), $1,000.

March 9, 1985, Young Republican Club (EL), $1,000.

March 10, 1985, The President's Dinner (EL), $15,000.

May 1, 1985, The President's Dinner (EL), $1,500.

May 16, 1985, Committee for Responsive Government (EL), $5,000.

August 9, 1985, Republican Congressional Booster Club (EL), $1,000.

SCHEDULE 5—MR. AND MRS. LEONARD A. (MRS. EVELYN) LAUDER

All contributions not otherwise designated were jointly made.

Date, campaign, amount, for:

March 23, 1981, Lent for Congress, $125.

May 6, 1981, Friends of Dick Lugar, $1,000, primary.

July 16, 1981, People for Jackson, $500, primary.

July 28, 1981, John Breaux Re-election Committee, $250.

October 14, 1981, Moynihan Committee Inc. (LAL), $1,000, primary.

December 29, 1981, Moynihan Committee Inc. (EL), $1,000, primary.

December 29, 1981, Moynihan Committee Inc. (EL), $1,000, general.

December 29, 1981, Moynihan Committee Inc. (LAL), $1,000, general.

January 13, 1982, Lent for Congress Committee, $150.

April 1982, Congressman Norman Lent, $200.

April 2, 1982, Re-elect Congressman Chuck Schumer, $1,000, primary.

May 14, 1982, Cissy Baker Committee, $500, primary.

June 9, 1982, Fenwick for Senate Committee, $250.

September 21, 1982, Yates for Congress Committee, $200.

September 28, 1982, Friends of Carol Greitzer, $150.

September 30, 1982, Costello to Congress, $1,000, general.

October 4, 1982, Cissy Baker Committee, $1,000, general.

October 12, 1982, Fenwick for Senate Committee, $500, general.

October 25, 1982, Campaign America (EL), $1,000, primary.

October 25, 1982, Campaign America (LAL), $1,000, primary.

May 19, 1983, Lent for Congress, $200.

November 8, 1983, Citizens for Percy—1984, $1,000, primary.

November 23, 1983, People for Boschwitz—1984, $1,000.

December 14, 1983, Friends of Senator D'Amato, $1,000, primary.

March 1984, Congressman Norman Lent, $200.

March 12, 1984, Bill Bradley for U.S. Senate 1984, $1,000, primary.

June 1984, Chris Dodd for Senate, $2,000.

June 5, 1984, Committee for Congressman Bill Green, $1,000, primary.

June 18, 1984, Inner Circle/New York Reception, $1,000, primary.

August 1984, Benbow for Congress, $250.

August 24, 1984, Victory 1984 Committee, $1,000, primary.

September 27, 1984, Bill Bradley for U.S. Senate 1984, $1,000, general.

October 15, 1984, Friends of Senator Carl Levin, $500, general.

October 22, 1984, Teicher for Congress, $75.

October 30, 1984, Re-elect Thurmond Committee, $1,000, general.

December 26, 1984, Friends of D'Amato, $1,000, primary.

January 10, 1985, Re-elect Packwood Committee, $250.

February 1985, Congressman Norman Lent, $200.

April 1985, Congressman Les Aspin Committee, $250.

June 19, 1985, John J. Duncan Campaign 1984, $500.

June 20, 1985, The Chicago Campaign Committee (D. Rostenkowski), $500.

July 30, 1985, Friends of Carol Greitzer, $100.

By Mr. DURENBERGER, from the Select Committee on Intelligence:

Robert M. Gates, of Virginia, to be Deputy Director of Central Intelligence.

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. WILSON (for himself, Mrs. HAWKINS, Mr. MCCLURE, Mr. HEFLIN, Mr. SYMMS, Mr. ABDNOR, Mr. GRASS-

LEY, Mr. WALLOP, Mr. DECONCINI, and Mr. SIMPSON):

S. 2280. A bill to amend the Agricultural Act of 1949 to suspend the application of the milk production termination program in order to minimize the adverse effect of the program on beef, pork, and lamb producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TRIBLE (for himself, Mr. LAXALT, Mr. DENTON, Mr. ARMSTRONG, and Mr. DIXON):

S. 2281. A bill to amend title 18, United States Code, to provide additional penalties for fraud and related activities in connection with access devices and computers, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLE (for Mrs. HAWKINS):

S. 2282. A bill to establish a national advanced technician training program utilizing the Nation's eligible colleges to expand and improve the supply of technicians required by industry and national security in strategic, advanced, and emerging technology in order to increase the productivity of the Nation's industries, to contribute to the self-sufficiency of the United States in emerging technology, and to improve the competitiveness of the United States in international trade, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUYE:

S. 2283. A bill for the relief of Marivic Neri and Miyoshi Neri; to the Committee on the Judiciary.

By Mr. NICKLES (for himself, Mr. ABDNOR, Mr. BOREN, Mrs. HAWKINS, Mr. HECHT, Mr. SYMMS, Mr. HEFLIN, Mr. MCCLURE, Mr. ANDREWS, Mr. GORE, Mr. DURENBERGER, Mr. ARMSTRONG, Mr. DENTON, Mr. BOSCHWITZ, Mrs. KASSEBAUM, Mr. GRASSLEY, Mr. DOLE, Mr. SIMPSON, Mr. LAXALT, Mr. DOMENICI, Mr. BAUCUS, Mr. QUAYLE, and Mr. BUMPERS):

S. 2284. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to take certain actions to minimize the adverse effect of the milk production termination program on beef, pork, and lamb producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCLURE (by request):

S. 2285. A bill to promote competition in the natural gas market, to ensure open access to transportation service, to encourage production of natural gas, to provide natural gas consumers with adequate supplies at reasonable prices, to eliminate demand restraints, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DECONCINI:

S. 2286. A bill to prohibit the sale, donation, or other transfer of STINGER antiaircraft missiles to democratic resistence forces in Afghanistan and Angola unless certain conditions are met; to the Committee on Foreign Relations.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 2287. A bill to amend the Wild and Scenic Rivers Act to designate a certain portion of the Great Egg Harbor River in the State of New Jersey for potential addition to the wild and scenic rivers system; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ABDNOR (for himself, Mr. NICKLES, Mr. SYMMS, Mr. MCCLURE, Mr. ANDREWS, Mr. BOREN, Mr. HECHT, Mr. GORE, Mr. DURENBERGER, Mr. BOSCHWITZ, Mr. HEFLIN, Mr. DENTON, Mr. ARMSTRONG, Mrs. HAWKINS, and Mrs. KASSEBAUM):

S. Res. 379. A resolution to express the sense of the Senate that the Secretary of Agriculture should take certain actions to minimize the adverse effect of the milk production termination program on beef, pork, and lamb producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LAUTENBERG (for himself and Mr. WEICKER):

S. Res. 380. A resolution expressing the sense of the Senate of the United States of America that the United States Government should not undertake any efforts to interfere with the free market by encouraging OPEC or its members to adopt production controls to artificially raise oil prices; to the Committee on Foreign Relations.

By Mr. DECONCINI:

S. Res. 381. A resolution expressing the sense of the Senate with respect to United States corporations doing business in Angola; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WILSON (for himself, Mrs. HAWKINS, Mr. MCCLURE, Mr. HEFLIN, Mr. SYMMS, Mr. ABDNOR, Mr. GRASSLEY, Mr. WALLOP, Mr. DECONCINI, and Mr. SIMPSON):

S. 2280. A bill to amend the Agricultural Act of 1949 to suspend the application of the milk production termination program in order to minimize the adverse effect of the program on beef, pork, and lamb producers; to the Committee on Agriculture, Nutrition, and Forestry.

(The remarks of Mr. WILSON and the text of the legislation appear earlier in today's RECORD.)

By Mr. TRIBLE (for himself, Mr. LAXALT, Mr. DENTON, Mr. ARMSTRONG, and Mr. DIXON):

S. 2281. A bill to amend title 18, United States Code, to provide additional penalties for fraud and related activities in connection with access devices and computers, and for other purposes; to the Committee on the Judiciary.

COMPUTER FRAUD AND ABUSE ACT

Mr. TRIBLE. Mr. President, I am introducing today a revised version of legislation I sponsored last year to combat computer crime. I am especially pleased that the chairman of the Criminal Law Subcommittee, Senator LAXALT, has joined me in sponsoring this bill, along with Senators DENTON, ARMSTRONG, and DIXON. Congressman HUGHES is introducing identical legislation today in the House of Representatives.

This new bill will supersede S. 440, the computer crime legislation I introduced in February of 1985. That measure was the subject of a hearing before the Criminal Law Subcommittee on October 30, 1985. In the months since, I have worked closely with Senator LAXALT to meet the concerns raised at that hearing, and I believe that this new bill will adequately address the computer crime problems facing the Federal Government, federally insured financial institutions, and the private sector.

In general, this measure will expand the protections against computer crime currently enjoyed by the Federal Government. Likewise, new offenses will be created for theft or intentional destruction of computer data when the offense is committed on an interstate basis, or when the crime is committed against computers belonging to federally insured financial institutions. Trafficking in computer passwords by those who intend to defraud the owner of the subject computer will also be proscribed.

The advent of widespread computer use has brought a great many benefits to the Nation. This Congress must act to ensure that those benefits are protected against computer criminals. I believe this legislation will do so, and I urge my colleagues to join Senator LAXALT and me in cosponsoring this bill.

I also ask unanimous consent that detailed analysis of the legislation and a copy of the bill itself appear in the RECORD at this point.

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

S. 2281

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 "Computer Fraud and Abuse Act of 1986".

SEC. 2. SECTION 1030 AMENDMENTS.

(a) MODIFICATION OF DEFINITION OF FINANCIAL INSTITUTION.—Section 1030(a)(2) of title 18, United States Code, amended—

(1) by striking out "knowingly" and inserting "intentionally" in lieu thereof; and

(3) by striking out "as such terms are defined in the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.),".

(b) MODIFICATION OF EXISTING GOVERNMENT COMPUTERS OFFENSE.—Section 1030(a)(3) of title 18, United States Code, is amended—

(1) by striking out "knowingly" and inserting "intentionally" in lieu thereof;

(2) by striking out ", or having accessed" and all that follows through "prevents authorized use of, such computer";

(3) by striking out "It is not an offense" and all that follows through "use of the computer." and

(4) by striking out "if such computer is operated for or on behalf of the Government

of the United States and such conduct affects such operation" and inserting in lieu thereof "if such computer is exclusively for the use of the Government of the United States or, in the case of a computer not exclusively for such use, if such computer is used by or for the Government of the United States and such conduct affects such use".

(c) MODIFICATION OF AUTHORIZED ACCESS ASPECT OF OFFENSES.—Paragraphs (1) and (2) of section 1030(a) of title 18, United States Code, are each amended by striking out ", or having accessed" and all that follows through "does not extend" and inserting "or exceeds authorized access" in lieu thereof.

(d) NEW OFFENSES.—Section 1030(a) of title 18, United States Code, is amended by inserting after paragraph (3) the following:

"(4) knowingly and with intent to defraud, accesses a Federal interest computer without authorization, or exceeds authorized access, and by means of such conduct furthers the intended fraud and obtains anything of value, unless the object of the fraud and the thing obtained consists only of the use of the computer;

"(5) intentionally accesses a Federal interest computer without authorization, and by means of one or more instances of such conduct alters information in that computer, or prevents authorized use of that computer, and thereby causes loss to another of a value aggregating $1,000 or more during any one year period; or

"(6) knowingly and with intent to defraud traffics (as defined in section 1029) in any password or similar information through which a computer may be accessed without authorization, if—

"(A) such trafficking affects interstate or foreign commerce; or

"(B) such computer is used by or for the Government of the United States;".

(e) ELIMINATION OF SECTION SPECIFIC CONSPIRACY OFFENSE.—Section 1030(b) of title 18, United States Code, is amended—

(1) by striking out "(1)"; and

(2) by striking out paragraph (2).

(f) PENALTY AMENDMENTS.—Section 1030 of title 18, United States Code, is amended—

(1) by striking out "of not more than the greater of $10,000" and all that follows through "obtained by the offense" in subsection (c)(1)(A) and inserting "under this title" in lieu thereof;

(2) by striking out "of not more than the greater of $100,000" and all that follows through "obtained by the offense" in subsection (c)(1)(B) and inserting "under this title" in lieu thereof;

(3) by striking out "or (a)(3)" each place it appears in subsection (c)(2) and inserting ", (a)(3) or (a)(6)" in lieu thereof;

(4) by striking out "of not more than the greater of $5,000" and all that follows through "created by the offense" in subsection (c)(2)(A) and inserting "under this title" in lieu thereof;

(5) by striking out "of not more than the greater of $10,000" and all that follows through "created by the offense" in subsection (c)(2)(B) and inserting "under this title" in lieu thereof;

(6) by striking out "not than" in subsection (c)(2)(B) and inserting "not more than" in lieu thereof;

(7) by striking out the period at the end of subsection (c)(2)(B) and inserting "; and" in lieu thereof; and

(8) by adding at the end of subsection (c) the following:

"(3)(A) a fine under this title or imprisonment for not more than five years, or both, in the case of an offense under subsection (a)(4) or (a)(5) of this section which does not occur after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; and

"(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(4) or (a)(5) of this section which occurs after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph.".

(g) CONFORMING AMENDMENTS TO DEFINITIONS PROVISION.—Section 1030(e) of title 18, United States Code, is amended—

(1) by striking out the comma after "As used in this section" and inserting a one-em dash in lieu thereof;

(2) by aligning the remaining portion of the subsection so that it is cut in two ems and begins as an indented paragraph, and inserting "(1)" before "the term";

(3) by striking out the period at the end and inserting a semicolon in lieu thereof; and

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

"(2) the term 'Federal interest computer' means a computer—

(A) exclusively for the use of a financial institution or the United States Government, or, in the case of a computer not exclusively for such use, used by or for a financial institution or the United States Government and the conduct constituting the offense affects such use; or

"(B) which is one of two or more computers used in committing the offense, not all of which are located in the same State;

"(3) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any other possession or territory of the United States;

"(4) the term 'financial institution' means—

"(A) a bank with deposits insured by the Federal Deposit Insurance Corporation;

"(B) the Federal Reserve or a member of the Federal Reserve including any Federal Reserve Bank;

"(C) an institution with accounts insured by the Federal Savings and Loan Insurance Corporation;

"(D) a credit union with accounts insured by the National Credit Union Administration;

"(E) a member of the Federal home loan bank system and any income loan bank; and

"(F) any institution of the Farm Credit System under the Farm Credit Act of 1971;

"(5) the term 'financial record' means information derived from any record held by a financial institution pertaining to a customer's relationship with the financial institution; and

"(6) the term 'exceeds authorized access' means to access a computer with authorization and to use such access to obtain or alter information in the computer that the accesser is not entitled so to obtain or alter.".

(h) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITY EXCEPTION.—Section 1030 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States.".

ANALYSIS—COMPUTER FRAUD AND ABUSE ACT OF 1986

This legislation will expand somewhat the types of criminal miconduct involving computers that will be subject to federal jurisdiction. However, I intend, together with the cosponsor of this bill, that the federal role be expanded only to those areas where there is a compelling federal interest in the prevention and punishment of computer crimes. To that end, this bill provides additional protections against computer crimes affecting the Federal Government itself and federally insured financial institutions; it also proscribes some types of computer crimes that are interstate in nature.

AMENDMENTS TO PRESENT LAW

At present, 18 USC 1030(a)(1) provides for punishement of thefts by computer of national security-related information. This is a felony offense and will remain so. This bill will alter that provision of law only to the extent necessary to simplify the language pertaining to those who "exceed authorized access" to a particular computer system.

The same change will be made to present 18 USC 1030(a)(2). In addition, 18 USC 1030(a)(2) will be altered by changing the scienter requirement from "knowingly" to "intentionally". I am concerned that a "knowingly" standard, when applied to computer use and computer technology, might not be sufficient to preclude liability on the part of those who inadventently "stumble into" someone else's computer file. This is particularly true with respect to those who are authorized to use a particular computer, but subsequently exceed their authorized access by entering another's computer file. It is not difficult to envision a situation in which an authorized computer user will mistakenly enter someone else's computer file. Because the user had "knowingly" signed onto the computer in the first place, the danger exists that he might incur liability for his mistaken access to another file. The substitution of an "intentional" standard is meant to focus federal criminal prosecutions under this paragraph on those who evince a clear intent to enter, without authorization, computer files belonging to another.

The premise of 18 USC 1030(a)(2) remains the protection, for privacy purposes, of computerized information relating to customers' relationships with financial institutions. I believe strongly that the protection offered consumer reporting agency's in the 1984 computer crime legislation must be preserved. This was a valuable addition to the federal criminal statutes, and it ought not be reduced or eliminated. But this bill will also extend those privacy protections to the financial records of all customers—individual and corporate—of financial institutions, as defined in this new bill. As under present law, a first offense under this subsection will be punishable as a misdemeanor. Felony penalties will be available for second and subsequent offenses.

This legislation will also clarify the present 18 USC 1030(a)(3), making clear that it applies to acts of simple computer trespass against computers belonging to, or being used by or for, the Federal government. The Department of Justice and others have expressed concerns about whether present law covers mere trespass offenses, or whether it requires a further showing that the information perused was "used, modified, destroyed, or disclosed." To alleviate those concerns, this legislation will make clear that 18 USC 1030(a)(3) is a tres-

pass offense, applicable to those outside the Federal government. Those government employees who lack the requisite authorization to use a particular computer, or who merely exceed their authorized access can be dealt with in an administrative manner, rather than by criminal punishment. This should alleviate concerns that first arose in 1984 about access and use by whistle-blowers of government-related information that was stored in a computer. So too was deletion of the "disclosure" portion of 18 USC 1030(a)(3). The intentional modification or destruction of computerized information belonging to the government will be covered by a different provision of this proposal. As with 18 USC 1030(a)(2), the scienter requirement in this paragraph will be changed from "knowingly" to "intentionally". A first offense under this subsection will be a misdemeanor; second and subsequent offenses will be felonies.

While the provision of present law relating to attempted offenses will remain unchanged, the provision relating to conspiracies (18 USC 1030(b)(2)) will be deleted entirely. Conspiracies to commit computer crimes wil be treatable under the general federal conspiracy statute, 18 USC 371.

NEW OFFENSES

The new paragraph (a)(4) to be created by this bill is aimed at penalizing thefts of property via computer that occur as part of a scheme to defraud. It will require a showing that the use of the computer or computers in question was integral to the intended fraud, and was not merely incidental. To trigger this provision, the property obtained by the offender in wrongfully accessing a particular computer must further the intended fraud, and not be superfluous to it. The mere use of a computer for recordkeeping purposes, for example, is not meant to constitute an offense under this provision. The use of a computer by one who has devised a scheme to defraud should constitute an offense only when the computer was used to obtain property of another which furthers the fraud, or when the use can be shown to constitute an attempted crime under this chapter.

This paragraph is designed, in part, to help distinguish between acts of theft via computer and acts of computer trespass. In intentionally trespassing into someone else's computer files, the offender obtains at the very least information as to how to break into that computer system. If that is all he obtains, the offense should properly be treated as a simple trespass. But because the offender has obtained the small bit of information needed to get into the computer system, the danger exists that his and every other computer trespass could be treated as a theft, punishable as a felony. I do not believe this is a proper approach to this problem. There must be a clear distinction between computer theft, punishable as a felony, and computer trespass, punishable as a misdemeanor. The element in the new paragraph (a)(4), requiring a showing of an intent to defraud, is meant to preserve that distinction, as is the requirement that the property wrongfully obtained via computer furthers the intended fraud. Offenses under this subsection will be treatable as felonies.

The new paragraph (a)(5) is a malicious mischief statute, and is designed to provide penalties for those who intentionally damage or destroy computerized data belonging to another. Such damage may include an act intended to alter another's computer password, thereby denying him access to his own computerized information. It will be necessary, in proving this offense, that the government demonstrate that a loss has been incurred by the victim totaling at least $1,000 in a single year. This is necessary to prevent the bringing of felony-level malicious mischief charges against every individual who modifies another's computer data. Some modifications, while constituting "damage" in a sense, do not warrant felony-level punishment, particularly when they require almost no effort or expense to repair. The $1,000 evaluation is reasonably calculated to preclude felony punishment in those cases, while preserving the option of felony punishment in cases involving more serious damage or destruction. In instances where the requisite dollar amount cannot be shown, misdemeanor-level penalties will remain available against the offender under the trespass statute created by this bill. Thus, the valuation will not exist for determining the presence or absence of federal jurisdiction; it will serve instead to help determine whether the act constituting the offense is punishable as a felony or a misdemeanor.

In addition, the concept of "loss" embodied in this paragraph will not be limited solely to the cost of actual repairs. The Justice Department has suggested that other costs, including the cost of lost computer time necessitated while repairs are being made, be permitted to count toward the $1,000 valuation. I and the other sponsors of this bill agree.

Finally, in new paragraph (a)(6), this bill provides penalties for those who, knowingly and with an intent to defraud, traffic in computer passwords belonging to others. If those elements are present—and if the password in question would enable unauthorized access to a government computer, or if the trafficking affects intrastate or foreign commerce—this provision could be invoked. A first offense under this subsection will constitute a misdemeanor; second and subsequent offenses will constitute felonies.

● Mr. LAXALT. Mr. President, the legislation being introduced today by Senator TRIBLE and Congressman HUGHES represents a cooperative effort to tighten up the existing statute, 18 U.S.C. 1030, and to propose several new criminal offenses that appear to be necessary at this time. The Committee on the Judiciary has already scheduled a hearing on this bill, and I would hope that the committee will report the measure to the full Senate in the near future.

Rather than repeat Senator TRIBLE's excellent analysis of the bill, I would like simply to focus on the new fraud and malicious mischief offenses and indicate what we are trying to achieve in those two sections. (Proposed 18 U.S.C. 1030(a)(4) and (a)(5).)

The acts of "fraud" that we are addressing in proposed section 1030(a)(4) are essentially thefts in which someone uses a Federal interest computer to wrongly obtain something of value from another. We intend that the use of the computer be an integral—not merely an incidental—part of the commission of the theft.

By including the element of "intent to defraud" in the offense, we wish to distinguish between true theft offenses, where obtaining something of value is the intended object of the act, from the acquisition of knowledge or information that is often incidental to a simple act of unauthorized access.

Computer crime brings into sharp focus the fact that information is a valuable commodity and must be considered property that can be stolen. It is also true that persons who commit acts of unauthorized access often complete those transactions in possession of more knowledge, and hence more information or property, than they had before the act, even though the taking of the information was not the intended object of their offense.

Proposed section 1030(a)(4) is intended to reflect the distinction between theft of information, a felony, and mere unauthorized access, a misdemeanor.

The malicious mischief offense, proposed section 1030(a)(5), contains a jurisdictional amount of at least $1,000 in losses in a 1-year period. In light of the disdain of the Department of Justice for jurisdictional amounts— a disdain that I generally share—I want to make clear that the purposes of the $1,000 loss element are: First, to distinguish between alterations that should fairly be treated as misdemeanors and those that should be felonies; and second, to limit Federal jurisdiction to the felonious alterations. Setting a specific loss value is one way to achieve this end, though it may not be the best one.

The issues raised by computer crime and computer crime legislation are often subtle and exceedingly difficult to solve. Senator TRIBLE and Congressman HUGHES have struggled mightily—and, I believe, successfully—to solve many of those problems in this bill. I know that they welcome the good counsel and advice of all interested parties on these issues as the Congress considers this important legislation.●

By Mr. DOLE for Mrs. HAWKINS:

S. 2282. A bill to establish a national advanced technician training program utilizing the Nation's eligible colleges to expand and improve the supply of technicians required by industry and national security in strategic, advanced, and emerging technology in order to increase the productivity of the Nation's industries, to contribute to the self-sufficiency of competitiveness of the United States in international trade, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL ADVANCED TECHNICIAN TRAINING ACT

● Mrs. HAWKINS. Mr. President, the American economy and the American work force today face global challenges of unprecedented scale. The key to meeting these challenges lies in large measure in skill training, in expanding the pool of technicians employed at the cutting edge of new and

changing industrial technology. The legislation I introduce today, the National Advanced Technician Training Act, addresses this need.

The essence of this bill, Mr. President, is partnerships. Community and technical colleges already have gone further than any other segment of higher education in building programs tailored to the needs of employers and the private sector.

Yet the employer community is just one of many populations knocking at the community college doors. The community colleges serve larger minority populations than any other segment of higher education. Almost 45 percent of the total black community in higher education is attending community colleges; 70 percent of the Hispanic community is tackling its college dreams through community colleges. The community colleges also are serving a more recent phenoomenon in higher education—the so-called reverse transfers. In the State of Washington, among others, the students moving from senior institutions back to community colleges, in order to satisfy the demands of the workplace, are greater in number than the enrollments transferring from the community colleges into the universities and senior colleges.

Growing numbers of adults who already hold higher college degrees—BA's through Ph.D.'s—are using the community colleges to meet the changing skill needs of their careers. For reasons of convenience and economy, the community colleges are the colleges of choice of the innumerable single parents and displaced homemakers who are striving to gain new or better employment. Such diverse demands from the community are putting a severe strain on the budgets of most community colleges. They simply lack the budgetary resources to increase their outreach to employers, and to instigate the courses that will more fully serve the accelerating changes of the workplace. With the seed support that my bill proposes, Mr. President, the partnerships between industry and community colleges that address the emerging priorities of high technology can be encouraged and expanded far beyond their present scope.

In the emerging workplace, Mr. President, virtually all occupations—from auto mechanic, draft and design technician, and machinist to nurse and secretary—require the worker to be prepared in the competencies of high technology. For the nurse and medical technician, it means working with electronically controlled life support systems and exotic lifesaving pharmaceuticals. For the draftsman it means working with computer-aided design, and for the secretary and accountant it means working with word processers and automated ledgers. For the auto mechanic it means working with sophisticated electronic diagnostic equipment, and for the machinist, working with numerical control equipment. Advanced technology is invading almost every worksite, work station and occupation imaginable.

High technology is becoming equally pervasive to the home—sweetening domestic life with everything from food processors and word processors to solar heat.

Some of my colleagues have raised the question, as to why the bill puts the program in the National Science Foundation. There are several reasons, Mr. President.

Perhaps paramount is the simple fact that the National Science Foundation virtually ignores the largest segment of higher education, which is the community colleges. I regard this as a serious breach of the national interest. I see no justification whatsoever for the NSF's thinking that the only stream of talent it needs to keep our country at the forefront of global competition in science and technology comes from the engineering schools and graduate schools of the 90 or so largest research universities.

The NSF has grown topheavy in its preoccupation with graduate and postgraduate work, at the expense of undergraduate science and mathematics. It should be giving much stronger leadership to the needs of undergraduate education, and especially to the community colleges, where more than half the Americans now starting college enroll.

As another reason, the technician training that goes on between industry and the community colleges offers a promising but untapped environment for enhancing American leadership in applied science and applied technology. With seed support from NSF, these partnerships can be used to much greater advantage in strengthening postsecondary instruction in both math and science. Tens of thousands of very bright students are gaining hands-on opportunities to test their inventiveness and their higher aptitudes for math and science, through the community college courses they are taking with industrial laboratories and high-technological employers. Given the proper encouragement and opportunity, many such students will be strong candidates for upper-level courses and eventual graduate work serving the national interest in science and engineering.

As you will note, my bill calls for the establishment of an Office of Applied Technology at NSF, to administer the grant program the bill would establish.

Beyond the grant program, there are at least two important national purposes that could be served by such an office. The NSF should be staffed to work with the Labor Department on long-term projections of the skill base the Nation must have to remain in the forefront of global economic, scientific and technological competition, and this office could serve this function.

It could also provide the leadership on technology transfer that is so badly needed within the Government. Vast amounts of innovation that potentially could enhance American leadership in industry, science and technology are simply dying on the shelves of Federal laboratories, in such diverse Departments as Defense, Education, Energy, and Agriculture, because there is no cohesive Federal strategy for moving the unclassified innovations off the shelves and into the hands of potential users in both the private and public sectors. NSF could be designing and leading such a strategy through this office.

In short, Mr. President, enactment of NATTA would be a major step toward reskilling the American work force to keep our industry and our economy at the forefront of both global competition and applied technology, a step as well toward more employment and greater national productivity.

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

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

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 "National Advanced Technician Training Act".

STATEMENT OF FINDINGS

SEC. 2. The Congress finds that—

(1) both industry and national security are hampered by shortages of highly skilled technicians to produce, operate, and service highly technical equipment, systems, and processes;

(2) growing numbers of dislocated workers and unemployed youth and adults lack the training to meet the emerging skill needs of industry and the information age;

(3) the United States has become increasingly dependent upon foreign producers for the advanced-technology systems that feed reindustrialization and economic growth; and

(4) a national advanced technician training program will give men and women from all backgrounds more opportunities to pursue training and education programs leading to an associate degree or technical certificate or otherwise to upgrade their competence consistent with the emerging needs of business, industry, and national security.

PURPOSE

SEC. 3. It is the purpose of this Act to increase the productivity of the industries of the Nation, improve the competitiveness of the United States in international trade, and prepare technicians and skilled craftsmen by establishing a national advanced technician training program in the Nation's community and associate-degree granting institutions, with matching non-Federal funds.

NATIONAL ADVANCED TECHNICIAN TRAINING PROGRAM

SEC. 4. (a)(1) The Director of the National Science Foundation shall, in accordance with the provisions of this Act, carry out a three-year advanced technician training program under which eligible colleges will provide training to meet skill needs in strategic, advanced, and emerging technology.

(2) Such program shall include, where feasible, on-the-job training with technical occupational training and shall place special recruiting emphasis on attracting men and women whose skills require retraining or upgrading in order to retain their jobs, or who are unemployed, especially workers dislocated by plant closings and technological change, and individuals who have recently completed high school or who left high school prior to graduation.

(b)(1) In carryng out this Act, the Director shall—

(A) establish within the Directorate of Science, Technology, and International Education in the Foundation an Office of Applied Technology with responsibility both for monitoring the skill needs in emerging and strategic technical fields, and for conducting the grant program authorized by this Act;

(B) award grants on a competitive basis to eligible colleges which possess the demonstrated ability to provide competency-based occupational training to pay the Federal share of advanced technology training programs; and

(C) work with the eligible colleges and other institutions of higher education to establish and maintain, at the National Science Foundation a readily accessible inventory of advanced technician training programs which are serving public and private employers and addressing the changing workforce demands of emerging technology.

(2)(A) For the purpose of clause (B) of paragraph (1), the Federal share shall be 50 percent in each fiscal year.

(B) In carrying out clause (C) of paragraph (1), the Director may enter into contracts with such public and private agencies and organizations as may be necessary.

(C) No grant awarded to a college under this section in any fiscal year shall exceed $50,000.

(c) Each eligible college awarded a grant under this section shall provide an associate-degree training program in designated advanced-technology occupational fields.

(d) The Director, in awarding grants under this section, shall give special considerations to training programs described in subsection (c) which—

(1) include flexibility in scheduling in order to accommodate working people and parents; and

(2) take steps to meet the adaptive and training needs of handicapped young people and adults.

(e) the Director shall prepare and submit to the Congress an annual report on the national advanced technician training program authorized by this Act, together with—

(1) an evaluation of the program;

(2) a catalog of the college programs identified by the required inventory;

(3) a recommendation on the feasibility of expanding the program; and

(4) such other recommendations, including recommendations for legislation, as the Director deems necessary.

(f)(1) In carrying out the duties under this section, the Director shall consult, cooperate, and coordinate with the programs and policies of the Department of Commerce and other relevant Federal agencies including the Department of Labor, the Department of Education, and the Department of Defense.

(2) In carrying out its functions under this Act, the Foundation shall have the same power and authority it has under the National Science Foundation Act of 1950 to carry out its functions under that Act.

USE OF FUNDS

SEC. 5. Funds appropriated to carry out this Act shall be used to establish, strengthen, and expand the advanced technician training capabilities of eligible colleges, including—

(1) the development of associate degree and short-cycle training programs in advanced-technology occupations by two-year and four-year colleges, and by consortia of two-year and four-year colleges, with particular emphasis on model instructional programs to prepare and upgrade technicians and to retrain dislocated workers in state-of-the-art competencies in advanced-technology occupations;

(2) the development of special courses of instruction in advanced-technology fields for faculty and instructors, both full-time and part-time faculty and instructors;

(3) the development of instructional materials in support of advanced technical training programs in eligible colleges and the dissemination of such materials among such colleges;

(4) the development of cooperative advanced technician training programs with business, industry, labor, and government; and

(5) the purchase or lease of state-of-the-art instrumentation essential to training and education programs designed to prepare and upgrade technicians in new and emerging advanced-technology fields.

DEFINITIONS

SEC. 6. For the purpose of this Act—

(1) the term "advanced-technology" includes advanced technical activities such as the modernization, miniaturization, integration, and computerization of electronic, hydraulic, pneumatic, laser, nuclear, chemical, telecommunication, and other technological applications to enhance productivity improvements in manufacturing, communication, transportation, commercial, and similar economic and defense activities;

(2) the term "Director" means the Director of the National Science Foundation;

(3) the term "eligible college" means a junior or community college or other institution of higher education awarding an associate degree accredited under section 1201 of the Higher Education Act of 1965;

(4) the term "junior community college" has the same meaning given that term by section 322(4) of the Higher Education Act of 1965; and

(5) the term "institution of higher education" has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are authorized to be appropriated $20,000,000 for the fiscal year 1986 and $30,000,000 for each of the fiscal years 1987 and 1988, to carry out the provisions of this Act.

THE NATIONAL ADVANCED TECHNICIAN TRAINING ACT

BACKGROUND AND NEED

The current and future condition of the Nation's scientific and technical manpower supply has a significant influence on the country's scientific and technological capacity to innovate as well as compete with other major industrial nations. To be assured of national success in various technologically related ventures, there must be an adequate supply of qualified skilled technicians to support and assist the professional scientists and engineers.

Within the last decade, high technology development has continued to increase along with the rate in which it has been absorbed by the U.S. economy. Hearings testimony has indicated that the demand for technicians to install, operate, perfect, and service such technologies has apparently exceeded the supply.[1] In order for the Nation to continue to develop new products and processes and to thus maintain its international competitiveness, and adequate supply of qualified technicians will be critical and will necessitate educational and training institutions to produce technicians with the needed capabilities.

In the near future, many jobs nationwide will become obsolete because of the emergence of new technologies. In addition, more than 50 percent of future occupations will require the use of some type of technical equipment.[2] Consequently, millions of workers will require training or retraining in order to remain employable. Many persons will become unemployed because of plant closings and technological change. Recent interested high school graduates who did not take vocational education courses and those who left high school prior to graduation will need training if they are to be employed in the technical workforce.

There is already general interest in the two-year community colleges and technical colleges to provide assistance for the worker in these situations because of their all ready existing structure which allows for low-cost training programs and flexible class schedules. Through cooperative partnership efforts with local industries in areas of the Nation where a need existed, many such educational institutions have been infrequently involved within the last 10 years in job training and/or retraining to meet the needs of displaced workers. It may be possible for these schools to focus more assistance on expanding the Nation's skilled technologically astute workforce. An increase in such programs could provide business and industry access to more individuals who are part of a technically trained workforce that is needed for the United States to compete with other major industrial nations.

HOUSE OF REPRESENTATIVES ACTIVITIES

Legislation

The National Advanced Technician Training Act was introduced in the House of Representatives on May 2, 1985 as H.R. 2353 by Representative Doug Walgren, and jointly referred to the Committees on Education and Labor, and Science and Technology.

The bill, which is similar in basic purpose but not identical to the proposed Senate leg-

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[1] U.S. Congress. House. Committee on Science and Technology. Subcommittee on Science, Research and Technology. The National Advanced Technician Training Act. Hearings on H.R. 2353. 99th Cong., 1st Sess., Sept. 30, 1985. Unpublished testimony of Joseph L. Hines, Vice President of the Board of Trustees, Community College of Allegheny College, Pittsburgh, Pa.

[2] Community Colleges: A Training Ground for Technology. In extension of Remarks of Doug Walgren quoting Pat Choate of TRW. Congressional Record, Daily Edition. v. 131, No. 60—Part 2, May 9, 1985. E2101.

islation, would create a National Technician Training program in community and technical colleges to train young people and adults in strategic advanced technology areas; to help improve skills of employed and unemployed workers; and to provide industry with a technically skilled workforce capable of using advanced technology to modernize the Nation's industries.

A matching grant program would be established in the National Science Foundation (NSF) to assist accredited community and technical colleges in the development of technical training in advanced technology disciplines. All grants, which would not exceed $500,000, would be awarded competitively and matched with non-Federal funds from State and local governments, industry, and other private sources. Such funding might be used to develop associate degree and short-cycle training programs and courses; train faculty; organize cooperative programs with industry and government for personnel exchange programs; develop cooperative training programs with industry, labor and government; buy or lease needed equipment; and develop and distribute instructional materials.

The following groups of individuals would be the focus of this legislation: persons who need retraining or an upgrading of skills in order to retain their jobs; workers unemployed because of plant closings and technological change; recent high school graduates and those who left before completing high school; workers who require flexible work schedules; and handicapped individuals who require special needs.

The NSF would be mandated to establish a clearinghouse to maintain an inventory of advanced technician training programs. Also, the NSF Director is instructed to create a 15-member National Advisory Council on Advanced Technician Training to counsel him concerning the goals and implementing the program. The Council would be chaired by the head of a community or technical college and would include representatives of industry, labor, community and technical colleges, the military, and economic development groups.

NSF is instructed to coordinate its activities with other Federal agencies including the Departments of Commerce, Labor, Education, and Defense.

Recommended funding for the program includes $20 million for fiscal year 1986; and $30 million for fiscal years 1987 and 1988.

Hearings

The House Committee on Science and Technology Subcommittee on Science, Research and Technology held two hearings on H.R. 2353 during the 99th Congress, 1st session—a field hearing at the Parkway West Area Technical School in Pittsburgh, Pa. on September 30, 1985 and one in Washington, D.C. on November 19, 1985.

The following individuals testified at the field hearings:

Dr. John Kraft, President, Community College of Allegheny County; Ms. Cheryl Wilson, an employee of the Mellon Bank and former displaced worker; Edward Slack, President, PPG Industries; Harold Hall, President, Hall Industries, Inc.; John T. Smith, Assistant to the International President, United Steelworkers of America; Jean Noble, President, Noble Robots; and Warren Anderson, Vice President for Issues Management, Pittsburgh National Bank.

At the November 19, 1985 hearing, the witness list included:

Dr. John Moore, Deputy Director, National Science Foundation; Dr. Dwight E. Davis, Vice President, Wausau Insurance Company; Mr. Pat Choate, TRW, Inc.; Mrs. Sheila Korhammer, former President of the Association of Community College Trustees and member of the Board of Trustees of Northampton County Area Community College, Easton, Pa.; Dr. Richard Anderson, District Director, Waukesha County Technical Institute, Pewaukee, Wisconsin; Dr. Andrew Korim, Community College of Allegheny County, Pittsburgh, Pa.; Dr. H. James Owen, President, Tri-Cities State Technical Institute; and Dr. Michael Schafer, President, Mohawk Valley Community College, Utica, New York.

SUMMARY AND COMPARISON OF PROPOSED SENATE LEGISLATION WITH HOUSE BILL

Purpose

The purpose of both legislative proposals is to increase the productivity of the Nation's industries, improve U.S. competitiveness in international trade, and prepare technicans and skilled craftsmen by creating a national advanced technician training program in the Nation's community and associate-degree granting institutions with matching non-Federal funding. The bills, however, vary in regard to the mechanisms for achieving these goals. The discussion below will primarily focus on the Senate proposal except in places where differences in the House legislation are mentioned.

Program

In the proposed Senate legislation, the Director of the National Science Foundation is instructed to implement a three-year advanced technician training program that will provide training in technical skills that will meet U.S. needs in strategic, advanced, and emerging technology.

The program will include, as appropriate, on-the-job training along with technical occupational training particularly emphasizing persons who need retraining or an upgrading of skills in order to keep their jobs, who are unemployed as a result of plant closings and technological change, and persons who recently completed high school or left high school prior to graduation.

The NSF Director is instructed to implement the Act by creating an Office of Applied Technology within the Directorate of [Scientific, Technological, and International Affairs]. This differs from the House bill which does not mandate the establishment of such an office. The proposed bill indicates that this office would monitor the need for required skills in emerging and strategic technical fields and conduct the grant program authorized by the Act. The Federal share of the advanced technology training programs would be awarded through competitive grants to eligible colleges that have demonstrated the ability to provide competent occupational training. The Act indicates that the Federal share shall be 50 percent of each fiscal year's funding. This specification also differs from the House proposal. No grant under this section in the Senate proposal can exceed $500,000 in any fiscal year.

The director is authorized to work with the eligible colleges and other higher educational institutions to create and maintain at NSF a readily accessible inventory of advanced technician training programs which are serving public and private employers and addressing the changing workforce demand of emerging technology. In carrying out this section, the Director may make contracts with such public and private employers as necessary.

Each community and technical college awarded a grant shall provide an associate-degree training program in designated advanced technology occupational areas. In awarding such grants for training programs, special consideration for participants shall include flexibility in scheduling in order to accommodate working people and parents, and make arrangements to meet the adaptive and training needs of handicapped individuals.

In a departure from the House legislation, this proposal does not include establishing a National Advisory Council on Advanced Technician Training.

The Director is required to prepare and submit an annual report to the Congress on the national advanced technician training program along with an evaluation of the program; a catalog of the college programs identified by the required inventory; a suggestion regarding the feasibility of expanding the programs; and other suggestions which may include recommendations for legislation as the Director considers necessary.

Coordination with other Federal departments

In implementing these instructions, the Director is required to consult, cooperate, and coordinate with the programs and policies of the Departments of Commerce, Labor, Education, Defense, and any other relevant Federal agencies.

Use of funding

Appropriated funding shall be used to establish, strengthen, and enlarge the advanced technician training capabilities of eligible colleges, including:

Developing associate degree and short-cycle training programs in advanced technology occupations;

Developing special instructional courses for faculty and instructors in advanced technology fields;

Developing and disseminating instructional materials;

Developing cooperative advanced technician training programs with business, industry, labor, and government; and

Purchasing or leasing state-of-the-art instrumentation necessary for training and educational programs designed to prepare and upgrade technicians in new and emerging technology fields.

Authorized appropriations

For fiscal year 1986, $20 million has been suggested to fund this program. For fiscal years 1987 and 1988, $30 million has been recommended to carry out the provisions of this Act.

Definition of advanced technology

Advanced technology includes "advanced technical activities such as modernization, miniaturization, integration, and computerization of electronic, hydraulic, pneumatic, laser, nuclear, chemical, telecommunication, and other technological applications to enhance productivity improvements in manufacturing, communication, transportation, commercial, and similar economic defense activities."●

By Mr. NICKLES (for himself, Mr. ABDNOR, Mr. BOREN, Mrs. HAWKINS, Mr. HECHT, Mr. SYMMS, Mr. HEFLIN, Mr. MCCLURE, Mr. ANDREWS, Mr. GORE, Mr. DURENBERGER, Mr. ARMSTRONG, Mr. DENTON, Mr. BOSCHWITZ, Mrs. KASSEBAUM,

Mr. GRASSLEY, Mr. DOLE, Mr. SIMPSON, Mr. LAXALT, Mr. DOMENICI, Mr. BAUCUS, Mr. QUAYLE, and Mr. BUMPERS):

S. 2284. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to take certain actions to minimize the adverse effects of the milk production termination program on beef, pork, and lamb producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

MEAT MARKETING IMPROVEMENTS ACT

● Mr. NICKLES. Mr. President, the U.S. Department of Agriculture's mishandling of a program designed to reduce milk production has resulted in severe price declines for the beef cattle and other red meat industries. Today, along with 21 of my colleagues, I am introducing legislation, the Meat Marketing Improvements Act, which would reduce the adverse impact of the Dairy Termination Program on red meat producers. This measure is also being submitted in resolution form by Senator ABDNOR as Senate Resolution 379.

The week following the March 28 announcement, the beef cattle futures market was down the limit, $1.50 per hundredweight, 4 out of 5 market days. During this 1-week period, cattlemen selling livestock lost an estimated $25 million due to the artificially induced price declines. The value of the Nation's beef cattle inventory dropped an estimated $2 billion during the same period.

The cost of the Dairy Termination program will total $1.8 billion over 5 years. Approximately $650 to $700 million, or 38 percent, of the program costs will be paid by the dairy industry through producer assessments.

The bids accepted will result in a reduction in milk production by 12.3 billion pounds during the 18-month program. In the March 28 announcement, USDA noted that 1,550,403 head of dairy cows, heifers, and calves are included in the termination program. USDA set up three disposal periods when the cattle would be marketed. The three periods are April 1, 1986 to August 31, 1986; September 1, 1986 to February 28, 1987; and March 1, 1987 to August 31, 1987.

Nearly two-thirds of the total number of dairy cattle under the termination program, 1,015,046 head or 65.5 percent, are scheduled to be marketed during the first disposal period. 176,620 head, 11.4 percent of the total, are to marketed during the second disposal period. 358,737 head, 23.1 percent of the total are to be marketed during the third disposal period.

Since USDA's implementation of this program, cash beef markets have declined an estimated $3 to $8 per hundredweight, depending on the type and size of livestock.

The effect on my State of Oklahoma is staggering. Oklahoma is fifth in total cattle numbers with an annual beef cattle inventory of approximately 5.3 million head worth an estimated $1.72 billion. There are 66,000 beef operations in Oklahoma with an average of 80 head per operation worth an estimated $325 per head. This results in a per operation inventory value of $26,000. A $6 per hundredweight drop in cash beef cattle prices, approximately a 10-percent decline, has cost Oklahoma cattlemen a reduction in inventory value an average of $2,600 since USDA's March 28 announcement.

In introducing this legislation, it is my pleasure to be joined by my colleagues Senators ABDNOR, BOREN, HAWKINS, HECHT, SYMMS, HEFLIN, MCCLURE, ANDREWS, GORE, DURENBURGER, ARMSTRONG, DENTON, KASSEBAUM, BOSCHWITZ, GRASSLEY, DOLE, SIMPSON, LAXALT, DOMENICI, and BAUCUS.

Following is a summary and explanation of the legislation we are introducing:

First, the Secretary of Agriculture is required to purchase a percentage of the 400 million pounds specified in the 1985 farm bill during each disposal period in equal proportion to the percent of the total number of dairy cattle under the Dairy Termination Program that are to be marketed during the same disposal period.

If two-thirds of the dairy cattle are going to market in the first disposal period, two-thirds of the 400 million pounds in required meat purchases should be made during the same timeframe.

Second, if the Secretary determines the amount of purchases during each period is inadequate to offset the amount of meat being marketed as a result of the Dairy Termination Program, the Secretary is required to:

Utilize export promotion programs, such as the Export Enhancement Program, to facilitate the export sales of live animals, red meat, or red meat products; or

Decrease imports of meat and meat products.

Third, the Secretary is required to ensure the marketing of dairy cattle during each disposal period occurs in an orderly manner consistent with the historical relationship of dairy cattle marketed to beef cattle marketed. In carrying out this provision, the Secretary shall give consideration to the marketing patterns within various regions.

Steps should be taken to ensure that within each disposal period, dairy cattle are marketed in an orderly manner and not dumped on the market all at once. Additionally, when determining when the cattle should be marketed, consideration should be given to regional marketing patterns. For example, in Oklahoma a large number of cattle are sold during the late spring months as they are pulled off wheat pasture and sent to the feedlots.

Fourth, the Secretary is required, to the extent feasible, to make adjustments in the scheduled marketing of dairy cattle under the termination program to provide for a more even distribution over all periods.

By shifting dairy cattle under the termination program from the overloaded first period to the second or third period, the impact on cattlemen and others could be lessened. One way to achieve such an adjustment would be to accept bids for the second or third period rather than the first from producers who submitted multiple bids. I might point out that 39,534 producers submitted over 100,000 bids.

Mr. President, I hope this legislation isn't necessary. On Apirl 1, I wrote the Secretary of Agriculture, Richard Lyng, asking that he take administrative action to alleviate the beef cattle price declines caused by the implementation of the Dairy Termination Program. Specifically, I called on him to immediately announce that USDA would pull an amount of meat off the market which would offset the market effect caused by the March 28 announcement.

The Secretary knows that a solid game plan must be formulated in short order or we will force his hand with legislation. Mr. President, I ask my colleagues to stand ready to support us in this effort.

Mr. President, I ask unanimous consent that a copy 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. 2284

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

SECTION 1. ADVERSE EFFECT OF MILK PRODUCTION TERMINATION PROGRAM ON BEEF, PORK, AND LAMB PRODUCERS.

(a) IN GENERAL.—Section 104 of the Food Security Act of 1985 (7 U.S.C. 1446 note) is amended—

(1) by inserting "(a)" after the section designation; and

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

"(b)(1) As used in this subsection:

"(A) The term 'milk production termination period' means—

"(i) the period beginning April 1, 1986, and ending August 31, 1986;

"(ii) the period beginning September 1, 1986, and ending February 28, 1987; or

"(iii) the period beginning March 1, 1987, and ending August 31, 1987.

"(B) The term 'milk production termination program' means the milk production termination program established under section 201(d) of the Agricultural Act of 1949.

"(C) The term 'Secretary' means the Secretary of Agriculture.

"(2) During each milk production termination period, the Secretary shall use to carry out clauses (1) and (2) of subsection (a) a percentage of the aggregate amount of funds required to be used to purchase and distribute red meat under such clauses that is equal to the percentage of the total number of dairy cattle the Secretary estimates will be marketed for slaughter as a result of the milk production termination program.

"(3) During each milk production termination period, if the Secretary estimates that the quantity of meat purchased under subsection (a) will be less than the amount of red meat marketed as a result of the milk production termination program, to ensure that the quantity of red meat marketed does not increase during the milk production termination period as the result of the milk production termination program, the Secretary shall—

"(A) increase the quantity of red meat purchased under clause (1) or (2), or both, of subsection (a), with the use of funds referred to in such clause;

"(B) utilize programs operated by the Secretary for the purpose of encouraging or enhancing commercial sales in foreign export markets of United States agricultural commodities or the products thereof (including the payment of a bonus or incentive (in cash, commodities, or other benefits) provided to a purchaser) to encourage and enhance the export sales of live animals, red meat, or red meat food products;

"(C) decrease the aggregate quantity of meat articles otherwise estimated by the Secretary under section 2(e)(1) of the Meat Import Act of 1979 (19 U.S.C. 2253 note); or

"(D) implement any combination of clauses (A) through (C).

"(4) During each milk production termination period, the Secretary shall ensure that dairy cattle marketed for slaughter as a result of the milk production termination program be marketed in an orderly manner consistent with the historical relationship of marketed dairy cattle to marketed beef cattle. In carrying out this paragraph, the Secretary shall consider regional patterns for marketing beef cattle.

"(5) To the extent feasible, the Secretary shall adjust the number of dairy cattle marketed for slaughter as a result of the milk production termination program during each milk production termination period to provide for a more even distribution of such marketings over all such periods.".

(b) TECHNICAL CORRECTION.—Paragraph (3) of section 2(g) of the Meat Import Act of 1979 (19 U.S.C. 2253 note) is amended by striking out "the policy set forth in subsections (c) and (d) will be carried out" and inserting in lieu thereof "the aggregate quantity of meat products entered will not exceed the aggregate quantity estimated under subsection (e)(1)".

● Mr. DURENBERGER. Mr. President, I am pleased to join my colleagues in cosponsoring this legislation to correct the Department of Agriculture's implementation of the Dairy Termination Program.

In implementing the Food Security Act of 1985 the Department of Agriculture has shown that it is unaware of the needs of farmers. Hundreds of my Minnesota constituents have called me to say that participation in the 1986 Farm Program as it is being implemented by the Department means confusion, delay, and added financial problems.

It is unfortunate that Congress must take action at every turn to correct the Department's erroneous interpretation of a bill we passed only 4 months ago in which the Department was directed to implement an orderly and timely flow of cattle to market to reduce the effect of the Dairy Termination Program on red-meat markets.

The fact is that when the Department announced last week that over 1 million head of dairy cattle will be slaughtered in the immediate future, the livestock markets dropped the limit 4 days in a row last week and continue to be unsteady.

This sharp drop has affected not only beef and pork producers, but those dairymen participating in the program. Let me provide an example of how prices have dropped. For large cows the price dropped from 37 to 40 cents per pound to 27 to 30 cents; for those weighing 900 pounds the price dropped from 48 cents per pound to 32 cents; for those weighing between 450 to 900 pounds the price dropped from 45 cents per pound to 24 cents; and for those weighing between 250 to 450 pounds the price dropped from 40 to 50 cents per pound to 20 cents. To say that this represents a significant loss of income to farmers who are already in precarious financial condition is to understate a serious reality.

My office has been handling a steady stream of calls from affected farmers. Serious damage has already been done. But the legislation and resolution being introduced today is clearly needed to prevent a repetition of this situation.

This legislation requires the Secretary of Agriculture to purchase a percentage of the 400 million pounds of red meat in proportion to the percentage of dairy cattle to be marketed during each disposal period. If the Secretary determines that this is inadequate he is directed to take additional steps to provide such an offset. Finally, he is required to develop regulations which will assure an orderly, timely, and even flow of cattle to slaughter to prevent further flooding of the livestock markets.

Mr. President, the agricultural economy is in dire straits. The Federal Government must be sensitive to this situation when implemting the 1986 Farm Program and making decisions which will have far-reaching impacts on not only the individual farmer, but the agricultural economy.●

● Mr. BOREN. Mr. President, today I am joining several of my colleagues in introducing legislation which would require the Secretary of Agriculture to ensure that the Dairy Termination Program, the so-called whole-herd buy-out, will not disrupt the beef market.

The Food Security Act of 1985 authorized a program whereby milk producers could completely discontinue their dairy operations. The program provides for the termination of milk production by producers who agree to: First, sell for slaughter or export all dairy cattle in which the producer has an interest; and second, not to acquire any interest in dairy cattle or the production of milk during a period of 3 to 5 years after completion of such sale.

When we were considering this proposal, there was a great deal of concern about the possible impact this program could have on livestock markets, particularly the cattle market. During Senate consideration of the dairy provisions, Senator ABDNOR and I gained adoption of an amendment which required the Secretary to take all feasible steps to prevent an adverse effect on beef and pork products.

In order to avoid any impact on beef and pork producers, the Food Security Act requires the Secretary to provide for the orderly and timely flow of cattle that are marketed due to the Dairy Program. Further, the act requires the Secretary to purchase 400 million pounds of red meat in addition to those quantities normally purchased and distributed by the Department. The report language of the conference report directs the Secretary, in making these purchases, to recognize the effect of the Dairy Program on the beef, pork, and lamb industries.

One would think all this language would have effectively protected cattle prices from negative effects of the Dairy Program. Last week, however, the bottom virtually fell out from under cattle prices. The cash price for beef cattle fell $6 per hundredweight. If the price remains low for the remainder of the year, this $6 drop could cost Oklahoma cattlemen $163 million in income. That amounts to about 16 percent of total income for cattle marketings in my State.

How could this happen with all the protective language we included in the farm bill one might ask. First of all, when the Secretary announced the number of dairy cattle to be slaughtered under the whole-herd buy-out, he also announced his intention to purchase 400 million pounds of red meat to offset the slaughterings. Unfortunately, the press release announcing his intention to purchase was buried in a stack of press releases issued that day and received little attention by the news media. Second, though the Secretary announced his intention to purchase the additional meat, there was no indication of exactly when he was going to purchase it or the quantity during given periods of time. Finally, under the whole-herd buy-out, roughly two-thirds of the total number of dairy cattle to be slaughtered were going to hit the

market during the first disposal period of the program. That means that 1,015,046 head of dairy cattle will go to the slaughterhouses between now and August 31, putting an additional 250 to 275 million pounds of beef on the market.

If the Secretary were going to purchase two-thirds of the 400 million pounds during the same period, it could prevent a drop in cattle prices. The Secretary never mentioned when he was going to buy the meat; rather, he only stated that the Department would begin purchasing the meat. The Department could purchase 5 pounds this year and then at the end of the whole-herd buy-out program, 18 months from now, purchase the rest. Overall, the amount of meat going on the market would remain the same. Yet, during the 18 month period, the cattle industry in this country could be wiped out!

Mr. President, the cattle industry cannot afford further reductions in price. For 6 consecutive years, the price farmers and ranchers have received for cattle has declined. The 1985 prices were 20 percent lower than the 1980 price. Just prior to the announcement of the Dairy Program, cattle prices were 10 percent lower than they were a year ago. Now is the worst time in the world to lower prices an additional $6 per hundredweight. On average, this cost cattlemen $58.80 per head. In Oklahoma, a $6 drop in prices translates into an average loss per cattleman of almost $5,000. Cattlemen simply cannot afford to lose any money as prices before the announcement of the program barely allowed them to break even on their cattle operations.

The timing of the announcement hit my home State of Oklahoma particularly hard. April happens to be the month when Oklahoma farmers and ranchers take cattle off wheat pasture for immediate sale. Many of Oklahoma's cattlemen planned for the past year to sell their cattle the first couple of weeks in April. Some were able to delay their marketings; others were not so fortunate. I've heard from several cattlemen who had shipped their cattle to auctions before the price had fallen. Regretfully, though shipped prior to the drop, they were sold after the drop. Many Oklahoma farmers and ranchers have already lost thousands of dollars as a result of the Secretary's announcement. Many more are likely to lose thousands if we do not act quickly to ensure that the Dairy Program will not have any more of an adverse effect on cattle prices.

The legislation we are introducing today attempts to reduce the adverse effect of the Dairy Program on livestock producers. Our legislation will require the Secretary to purchase a percentage of the 400 million pounds of red meat in proportion to the percentage of dairy cattle to be marketed during each disposal period. In other words, if two-thirds of the dairy cattle are being slaughtered in one period, two-thirds of the required meat purchases must be made during the same period. Additionally, the legislation requires the Secretary to take additional steps if he determines that the purchases are not adequate to prevent an adverse impact on the meat market. The Secretary would have several options at that point. He could decrease imports, increase exports, or increase purchases.

When we passed the 1985 farm bill, we believed we had effectively protected the cattle market from adverse effects created by our Government programs. Clearly, this program has been grossly mismanaged, and congressional action has become necessary.

It is critical that we act now to reverse the decline in cattle prices. I urge my colleagues to join in support of this legislation.●

By Mr. McCLURE (by request):

S. 2285. A bill to promote competition in the natural gas market, to ensure open access to transportation service, to encourage production of natural gas, to provide natural gas consumers with adequate supplies at reasonable prices, to eliminate demand restraints, and for other purposes; to the Committee on Energy and Natural Resources.

NATURAL GAS POLICY ACT AMENDMENTS

● Mr. McCLURE. Mr. President, pursuant to an Executive communication referred to the Committee on Energy and Natural Resources, at the request of the Department of Energy I send to the desk a bill to promote competition in the natural gas market, to ensure open access to transportation service, to encourage production of natural gas, to provide natural gas consumers with adequate supplies at reasonable prices, to eliminate demand restraints, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of Energy, and I ask unanimous consent that the bill, the Executive communication which accompanied the proposal from the Secretary, a section-by-section analysis, and a factsheet on the bill be printed in the RECORD.

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

S. 2285

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 "Natural Gas Policy Act Amendments of 1986."

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TITLE I—OPEN ACCESS TO TRANSPORTATION NON-DISCRIMINATORY AUTHORIZATIONS

SEC. 101. Section 311(a) of the Natural Gas Policy Act of 1978 (15 U.S.C. §3371(a)) is amended by—

(a) revising paragraph (1) to read as follows:

"(1) IN GENERAL.—The Commission, by rule or order, may authorize any pipeline to transport natural gas on behalf of any person."

(b) redesignating subparagraph (1)(B) as paragraph (2);

(c) deleting subparagraph (2)(A);

(d) redesignating subparagraphs (2)(B)(i), (2)(B)(ii), (2)(B)(ii)(I), and (2)(B)(ii)(II) as subparagraphs (3)(A), (3)(B), (3)(B)(i), and (3)(B)(ii), respectively.

(e) adding a new paragraph (4) to read as follows:

"(4) NON-DISCRIMINATION.—

(A) A pipeline transporting gas pursuant to this subsection shall do so without discrimination.

(B) A pipeline receiving gas pursuant to this subsection shall provide transportation service pursuant to this subsection without discrimination."

OPEN ACCESS CARRIAGE

SEC. 102. (a) Title III of the Natural Gas Policy Act of 1978 (15 U.S.C. §§ 3361-3375) is amended by adding the following new section:

"SEC. 316. OPEN ACCESS CARRIAGE.—Upon request by any person, the Commission shall direct an interstate pipeline to provide transportation service, unless the pipeline demonstrates to the Commission it is incapable of rendering the service. The pipeline shall provide this transportation service without discrimination. The rates and charges for this transportation service shall be just and reasonable within the meaning of the Natural Gas Act. The Commission may implement this section by rule or order, and may attach appropriate terms and conditions consistent with the fullest practicable use of capacity."

(b) The table of contents of the Natural Gas Policy Act of 1978 (15 U.S.C. § 3301 note) is amended by adding after the item relating to section 315 the following:

"Sec. 316. Open Access Carriage."

TITLE II—REMOVAL OF WELLHEAD PRICE CONTROLS AND REPEAL OF JURISDICTION OVER FIRST SALES

REMOVAL OF WELLHEAD PRICE CONTROLS

SEC. 201. Section 121 of the Natural Gas Policy Act of 1978 (15 U.S.C. § 3331) is

amended by adding at its end the following new subsections:

"(f) SPECIAL RULE FOR CERTAIN GAS.—The provisions of subtitle A shall not apply to—

"(1) gas subject to any contract for the first sale of natural gas executed after March 1, 1986, or

"(2) gas subject to any contract for the first sale of natural gas renegotiated after March 1, 1986, if the renegotiated contract expressly provides the provisions of subtitle A shall not apply.

"(g) REMOVAL OF WELLHEAD PRICE CONTROLS ON NATURAL GAS.—Beginning April 1, 1987, the provisions of subtitle A respecting maximum lawful price shall cease to apply to the first sale of any natural gas."

REPEAL OF COMMISSION JURISDICTION OVER FIRST SALES OF NATURAL GAS

SEC. 202. (a) Section 601(a)(1)(B) of the Natural Gas Policy Act of 1978 (15 U.S.C. § 3431(a)(1)(B)) is revised to read as follows:

"(B) COMMITTED OR DEDICATED NATURAL GAS.—For purposes of section 1(b) of the Natural Gas Act, the provisions of the Natural Gas Act and the jurisdiction of the Commission under such Act shall not apply to natural gas which was committed or dedicated to interstate commerce as of the day before the date of enactment of this Act solely by reason of any first sale of such natural gas."

(b) Section 315 of the Natural Gas Policy Act of 1978 (15 U.S.C. § 3375) is repealed, and the item relating to section 315 is stricken from the table of contents of that Act.

(1) sections 103(a)(16), (a)(18), (a)(19), and (a)(29) (42 U.S.C. § 8302(a)(16), (a)(18), (a)(19), and (a)(29));

(2) sections 201 and 202 (42 U.S.C. §§ 8311 and 8312);

(3) section 302 (42 U.S.C. § 8342);

(4) section 401 (42 U.S.C. § 8371);

(5) section 402 (42 U.S.C. § 8372); and

(6) section 405 (42 U.S.C. § 8375).

(b) The table of contents in section 101(b) of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8301(b)) is amended by striking the items relating to the sections repealed by subsection (a) of this section.

CONFORMING AMENDMENTS

SEC. 302. (a) Section 102 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8301) is amended by striking "and major fuel-burning installations" and "and new" wherever these phrases appear.

(b) Section 103 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8302) is amended—

(1) in subsection (a)(13)(B), by—

(A) striking clause (ii)(III);

(B) striking "; or " at the end of clause (ii)(II), and inserting a period in its place; and

(C) inserting "and" at the end of clause (ii)(I);

(2) in subsection (a)(15), by striking "or major fuelburning installation" and "or new" wherever these phrases appear;

(3) in subsection (a)(20), by striking "or major fuelburning installation";

(4) by redesignating subsections (a)(17), (a)(20), (a)(21), (a)(22), (a)(23), (a)(24), (a)(25), (a)(26), (a)(27), and (a)(28) as subsections (a)(16), (a)(17), (a)(18), (a)(19), (a)(20), (a)(21), (a)(22), (a)(23), (a)(24), and (a)(25);

(5) in subsection (b), by striking or "major fuel-burning installation" wherever this phrase appears;

(6) in subsection (b)(1)(D), by striking everything after "synthetic gas involved" and inserting in its place a period; and

(7) by striking subsection (b)(3), and redesignating subsection (b)(4) as subsection (b)(3).

(c) Section 104 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8303) is amended to read as follows:

"The provisions of this Act shall apply in all the States, Puerto Rico, and the territories and possessions of the United States."

(d) Section 303 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8343) is amended—

(1) by striking "or installation" and "or installations" wherever the phrases appear;

(2) by striking "or 302" wherever the phrase appears;

(3) by striking subsection (a)(3);

(4) by amending subsection (b)(1) to read as follows:

"(1) The secretary may prohibit, by rule, the use of natural gas or petroleum under section 301(b) in existing electric powerplants.";

(5) in subsection (b)(3), by striking "or major fuel-burning installation"; and

(6) by amending the last sentence of subsection (b)(3) to read as follows: "Any such rules shall not apply in the case of any existing electric powerplant with respect to which a comparable prohibition was issued by order."

(e) Section 403 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8373) is amended by striking—

(1) in subsection (a)(1), "major fuel-burning installation, or other unit" and the comma immediately preceding this phrase and "installation, or unit" and the comma immediately preceding this phrase;

(2) in subsection (a)(2), "installation, or other unit" and the comma immediately preceding that phrase, and "installation, or unit" and the comma immediately preceding that phrase;

(3) in subsection (a)(2), the last sentence; and

(4) subsection (a)(3).

(f) Section 404 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8374) is amended by striking—

(1) in subsection (c), "new or" in the phrase "applicable to any new or existing electric powerplant"; and

(2) subsection (g).

(g) Section 701 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8411) is amended by striking—

(1) in the last sentence of subsection (b), "or installation";

(2) subsection (c);

(3) in the title of subsection (d), "AND EXEMPTIONS";

(4) in the first sentence of subsection (d)(1), "or any petition for any order granting an exemption (or permit)";

(5) in subsection (d)(1)(B), "or in the consideration of such petition";

(6) in subsection (f), "or a petition for an exemption (or permit) under this Act (other than under section 402 or 404), "; and

(7) subsection (g).

(h) Section 702 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8412) is amended by striking—

(1) in the title of subsection (a), "OR EXEMPTION";

(2) in subsection (a), "or granting an exemption (or permit)";

(3) subsection (b), and redesignating subsection (c) as subsection (b);

(4) in the first sentence of subsection (b)(1) (as redesignated) ", or by the denial of a petition for an order granting an exemption (or permit) referred to in subsection (b),";

(5) in the first sentence of subsection (b)(1) (as redesignated), "such rule, order, or denial is published under subsection (a) or (b)" and inserting in its place "such rule or order is published under subsection (a)";

(6) in the first sentence of subsection (b)(2) (as redesignated), "the rule, order, or denial" and inserting in its place "the rule or order";

(7) in the second sentence of subsection (b)(2) (as redesignated), "(or denial thereof)"; and

(8) in subsection (b)(3) (as redesignated), "any such rule, order, or denial" and inserting in its place "any such rule or order".

(i) Section 711 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8421) is amended by striking in the first sentence of subsection (a), "or major fuel-burning installation".

(j) Section 721 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8431) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(k) Section 723 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8433) is amended by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c).

(l) Section 731 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8441) is amended by striking—

(1) "or major fuel-burning installation" wherever the phrase appears; and

(2) "title II or" in subsections (a)(1) and (g)(3).

(m) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8455) is amended by striking in the first sentence of subsection (a), "from new and existing electric powerplants and major fuel-burning installations" and inserting in its place "from existing electric powerplants".

(n) Section 761 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8471) is amended by striking—

(1) in subsection (a), "any existing or new electric powerplant or major fuel-burning installation" and inserting in its place "any existing electric powerplant"; and

(2) in subsection (b)—

(1) "new or" in the phrase "In the case of any new or existing facility"; and

(2) "except to the extent provided under section 212(b) or section 312(b)" and the comma immediately preceding that phrase.

REPEAL OF INCREMENTAL PRICING REQUIREMENTS

SEC. 303. (a) Subject to subsections (b) and (c) of this section, title II of the Natural Gas Policy Act of 1978 (15 U.S.C. §§ 3341-3348) is repealed, and the items relating to title II are stricken from the table of contents of that Act.

(b) A rule promulgated by the Commission under title II of the Natural Gas Policy Act of 1978 shall continue in effect only with respect to the flow-through of costs incurred before the enactment of the Natural Gas Policy Act Amendments of 1986, including any surcharges based on such costs.

(c) The Commission may take appropriate action to implement this section.

THE SECRETARY OF ENERGY,
Washington, DC, April 10, 1986.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: We have made great progress in restoring our Nation's energy health in the last five years, but the job of

providing Americans with an adequate supply of energy at a reasonable price is far from over.

Today, natural gas, one of our most important and valuable resources, is caught in a regulatory headlock that is keeping prices artificially high and preventing America from harnessing the enormous benefits and advantages of this important fuel. Comprehensive regulatory relief and decontrol of the natural gas market will remove one of the last remaining hurdles to energy prosperity for the United States, and we should not rest until we reach this goal.

Accordingly, I am pleased to send to the Congress, on behalf of the President, the "Natural Gas Policy Act Amendments of 1986." This proposal will provide a system that ensures open access to nautral gas transportation and will remove controls that discourage production of our lowest cost gas resources.

The result will be lower prices for American consumers, more plentiful supplies of natural gas, increased productivity, more jobs and less imported oil.

In the past, such predictions and efforts for regulatory decontrol and regulatory relief in our energy markets have been met by critics who claimed that removal of controls would lead to higher prices.

The record of the last five years shows quite convincingly, however, that these critics have been wrong and that the best price for commodities is the lowest price that is obtained in a competitive free market.

Five years ago, for example, when regulatory controls were removed from the U.S. oil market, many said it would very quickly lead to gasoline that cost $2.00 at the pumps and oil that cost up to $90 a barrel. The same kind of charges were levied a year ago when price controls were removed from about half of the Nation's gas supplies.

As today's headlines show, energy consumers are enjoying dramatically lower prices and more abundant supplies of oil, gasoline and natural gas than they have seen in years. Removal of price controls from oil and partial decontrol of natural gas were significant strides forward, but now we need to finish the job.

This legislative proposal will realize the benefits and goals of a free natural gas market in a manner that is fair to the consumer, the transporter, and the producer alike. It includes three essential features:

Immediate decontrol of all new and renegotiated contracts, with a total lifting of remaining price controls by April 1, 1987;

A system that ensures open access to transportation, from the gas field to the consumer; and

Elimination of current laws that restrict the use of natural gas.

A section-by-section analysis also is enclosed to provide a detailed description of this proposal.

Today's energy abundance, the success of free energy markets and the example of partial decontrol of natural gas clearly attest to the fact that full deregulation of the natural gas market is long overdue. I strongly urge you to join me this year in taking the final steps toward the removal of the impediments to natural gas transportation and the lifting of counterproductive controls on the natural gas market. These actions can only work to the benefit of the American consumer, our economy, the natural gas industry and our future energy health and stability.

Yours truly,

JOHN S. HERRINGTON.

FACTSHEET—NATURAL GAS POLICY ACT AMENDMENTS OF 1986

SUMMARY

The Administration bill will promote competition in the natural gas market and will ensure that consumers receive adequate supplies of natural gas at reasonable prices.

The Administration bill will result in lower average gas prices, increased domestic gas production and consumption, reduced payments for imported oil and gas supplies, and an improved balance-of-trade.

Reduced prices for high cost supplies and increased production of low-cost old gas supplies will lower gas prices by an average of about $0.10 to $0.20 per thousand cubic feet per year between 1987 and 1995.

Market prices for old gas will result in increased production from existing old gas reserves of about 30 to 34 tcf over the next 40 years, including about 12 to 14 tcf from delayed abandonment, 15.5 tcf from infill drilling, and 2.5 to 4.5 tcf from production enhancement.

The Administration bill will result in net economic benefits of about $16 billion to $24 billion (1984 dollars) over the next ten years relative to current regulations.

PROVISIONS OF THE ADMINISTRATION BILL

The Administration bill includes "open access" provisions that require interstate pipelines to provide transportation on a nondiscriminatory basis and to the fullest extent practicable.

Upon enactment, the Administration bill decontrols all natural gas wellhead prices subject to new or renegotiated contracts. All remaining Federal wellhead price controls are to be removed on April 1, 1987.

The Administration bill will prevent contracts containing an area rate clause, with no other indefinite price escalator clause, from reverting to extremely low fixed prices.

Provisions in current law that arbitrarily restrain the demand for natural gas, including certain provisions of the Fuel Use Act and the incremental pricing provision of the NGPA, are repealed.

BENEFITS OF THE ADMINISTRATION BILL

The Administration bill will open access to available interstate pipeline transportation capacity.

Open access will increase the competition between pipelines and producers and thereby ensure least-cost gas supplies to consumers.

Open access will ensure that the benefits of increased competition in the natural gas market extend to all consumers.

The Administration bill will result in lower average natural gas prices and increased gas market flexibility.

After partial decontrol, average wellhead prices declined by about 5 percent in real terms during 1985. Under full decontrol, average prices are projected to fall by about 14 to 17 percent in the first year after enactment, or by about $0.25 to $0.45 per mcf.

Decontrol of all gas prices will result in the production of 30 to 34 tcf of old gas reserves that would not be produced under current regulations. This additional production will occur at the rate of about 750 to 850 bcf per year for the next 40 years.

Increased production of old gas reserves will lower gas prices and encourage renegotiation of contracts that hold high-cost gas prices above market-clearing levels.

Lower gas prices, increased consumption and production of old gas reserves, and renegotiation of high-cost contracts will rapidly dissipate the inefficient surplus of deliverable gas supplies.

Lower domestic gas prices will also force prices for imported gas to decline, reducing payments for imported gas by about $3 billion to $5 billion between 1987 and 1995.

Lower prices for natural gas will also reduce oil imports by about 300 to 350 thousand barrels per day on an average from 1987 to 1995, resulting in an annual reduction of $1.6 billion to $3.2 billion in the U.S. balance-of-payments def'cit.

Repeal of demand restraints will allow all consumers to choose the least-costly fuel available.

SECTION-BY-SECTION ANALYSIS—NATURAL GAS POLICY ACT AMENDMENTS OF 1986

TITLE I—OPEN ACCESS TO TRANSPORATION

Section 101 would revise Natural Gas Policy Act (NGPA) section 311(a) to expand voluntary transactions for gas transportation. This, and the following section on "Open Access Carriage," are intended to open the transportation system to competition. As a result, all gas supplies, including low-cost gas now shut-in, would become available at prices that reflect the highly competitive nature of the wellhead and burner-tip markets for natural gas.

NGPA section 311(a) currently permits the Federal Energy Regulatory Commission to authorize transportation by interstate pipelines on behalf of any intrastate pipeline or local distribution company, and by an intrastate pipeline on behalf of any interstate pipeline or local distribution company served by an interstate pipeline. Section 101 would expand NGPA section 311(a) to permit the Commission to authorize any pipeline to transport gas on behalf of any person. The use of the phrase "any person" is not intended to reflect any view concerning the persons on whose behalf gas currently can be transported under section 311(a), but rather to indicate the broadest application of section 311(a).

Section 101 also would add a new paragraph (4) to NGPA section 311(a) to make clear transportation under that section must be non-discriminatory. There is no legitimate reason to discrimination in an open, market-oriented system. Discrimination hinders competition, and thus is at cross purposes with the Congressional determination in the NGPA that the wellhead market is competitive and that consumers are best served by letting competitive forces work.

In addition, new paragraph (4) would require any natural gas company which received gas pursuant to section 311(a) to offer section 311(a) transportation service. It is intended that those who benefit from section 311(a) transportation services must offer the same service to others.

These changes would not affect the basic thrust of the Commission's recent action in Order No. 436. Rather, these changes are intended to codify the spirit of that action and to reinforce the Commission's generic authority to promote and provide for voluntary transportation arrangements, and thereby to increase the competitive flow of gas in commerce at market-sensitive prices.

Section 102 would add a new section 316 to the NGPA providing for "Open Access Carriage." Section 316 would provide that, upon application by any person, the Commission shall direct an interstate pipeline to transport gas unless the pipeline demonstrates to the Commission it is incapable of rendering the service. This section is intend-

ed to open the natural gas market to the operation of the laws of supply and demand to the fullest extent. It would remove barriers to open transportation that now exist, and would allow willing buyers and sellers to deal directly to bring low cost, currently shut-in gas to market. This section responds to the failure of most interstate pipelines to participate in Order No. 436, and to the conditions that precipitated Order No. 436 in the first place: the inability of consumers to obtain transportation for gas purchased directly from producers.

In determining whether a pipeline is "incapable" of rendering service for the Commission, it is intended, would avoid interpretations that prevent carriage. The Commission should consider such factors as full pipeline utilization, full use of pipeline interconnections and compression, and displacement or other ways of facilitating transportation. The primary concern of the Commission, in making this determination, must be to ensure competition in the marketplace through the utilization of pipeline capacity to the fullest extent practicable.

The Commission is given the option to implement this section either by rule or order. This is intended to give the Commission the flexibility to act on applications as circumstances vary while preventing abuse of its processes that would delay open carriage. This section makes clear it shall operate without discrimination. Finally, the charge for transportation under this section must be just and reasonable, as that term has been defined under the Natural Gas Act.

TITLE II—REMOVAL OF WELLHEAD PRICE CONTROLS AND REPEAL OF JURISDICTION OVER CERTAIN FIRST SALES

Section 210 would amend NGPA section 121 to provide for the ultimate elimination of all price controls on first sales of natural gas. New subsection (f) would provide that natural gas sold under contracts executed or renegotiated after March 1, 1986, would be free from any NGPA price controls. This provision would permit natural gas prices to be established immediately in accordance with market forces and not the existing artificial price ceilings. With regard to renegotiated contracts, decontrol would occur only if the renegotiated contract expressly so provides. New subsection (g) would remove price controls on April 1, 1987, from all first sales of natural gas not previously decontrolled and thus end the Federal Government's involvement in establishing the wellhead price for natural gas.

Section 202(a) would eliminate the Commission's jurisdiction under the Natural Gas Act (NGA) to regulate non-price aspects (such as certification and abandonment) of first sales of natural gas. NGPA section 601(a)(1)(A) currently exempts from such jurisdiction first sales of natural gas that was not committed or dedicated to interstate commerce prior to the enactment of the NGPA, while NGPA section 601(a)(1)(B) exempts certain committed or dedicated natural gas (such as high-cost gas in section 107). Section 202(a) would amend NGPA section 601(a)(1)(B) to eliminate the Commission's NGA jurisdiction over any first sale of natural gas after enactment of the Natural Gas Policy Act Amendments of 1986. This provision would allow the fullest operation of the market by permitting gas to be sold to any purchaser and not just the purchaser under a contract no longer in effect.

Section 202(b) would repeal NGPA section 315. Currently, section 315(a) provides that the Commission can specify the minimum duration of certain contracts. Section 315(b) provides purchasers with a right of first refusal in certain circumstances. Section 315(c) permits the Commission to require the filing of contracts for the first sale of natural gas. The repeal of the existing NGPA section 315, along with the elimination of the Commission's NGA jurisdiction over first sales (see section 202(a)), would remove all non-price regulation of first sales of natural gas.

Section 203 would add a new section 315 to the NGPA providing for "the effect of area rate clause" following decontrol. For a certain, limited number of contracts, the section would treat the last price paid for NGPA section 104 or 106(a) gas before decontrol on April 1, 1987, as a federally-established rate or charge for purposes of area rate clauses. The contracts involved are those containing an area rate clause and no other indefinite price escalator clause, and only if the contract was entered into when the Federal Government prohibited an indefinite escalator provision other than an area rate clause. The intent of this section is to deal with situations where the Federal Government in effect dictated the price terms to the commercial parties. It would prevent a roll-back to extremely low fixed prices in contracts where the parties were unable to deal with this eventuality because of Federal interference with contract terms. This section would thus continue the status-quo, and would prevent both uncertainty over the applicable pricing terms and litigation that might result from that uncertainty.

TITLE III—REPEAL OF CERTAIN RESTRICTIONS ON NATURAL GAS AND PETROLEUM USE AND PRICING

Sections 301 and 302 would repeal several sections of the Powerplant and Industrial Fuel Use Act of 1978 (FUA).

The bill would repeal (1) the prohibitions on the use of natural gas and petroleum as a primary energy source in new electric powerplants (FUA § 201) and new major fuel-burning installations (FUA § 202), (2) the prohibition on the construction of new powerplants without alternate fuel capability (FUA § 201), and (3) the discretionary authority of the Secretary of Energy to prohibit nonboiler installations from using natural gas and petroleum as a primary energy source (FUA § 202).

The bill would repeal section 302 of FUA which authorizes the Secretary of Energy to prohibit the use of natural gas or petroleum as a primary energy source where coal or alternate fuel capability exists in existing major fuel-burning installations.

The Secretary of Energy's authority under section 401 of FUA to prohibit the use of natural gas as a primary energy source in certain boilers would be repealed.

The bill would repeal section 402 of FUA which prohibits certain installations of new outdoors lighting fixtures that use natural gas and certain uses of natural gas therein.

The bill would repeal section 405 of FUA which authorizes the Secretary of Energy to restrict, by rule, increases in the use of petroleum as a primary energy source in existing powerplants that used coal or another alternate fuel in 1977.

The bill would repeal subsections 103(a)(16), (a)(18), (a)(19) and (a)(29) of the Powerplant and Industrial Fuel Use Act of 1978, which provide certain definitions for general reference that are no longer necessary due to the proposed repeal of many statutory provisions.

Section 303 would repeal title II of the NGPA, which provides for an incremental pricing system whereby low priority users of natural gas pay a larger share of the first sale acquisition costs for natural gas, and thus would end this regulatory system. Acquisition costs incurred prior to the enactment of this bill would be passed through to users on the basis of the existing Commission regulations for incremental pricing. Any acquisition costs incurred after the enactment of this bill would be dealt with without regard to incremental pricing requirements.●

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 2287. A bill to amend the Wild and Scenic Rivers Act to designate a certain portion of the Great Egg River in the State of New Jersey for potential addition to the wild and scenic rivers system; to the Committee on Energy and Natural Resources.

GREAT EGG HARBOR RIVER

● Mr. BRADLEY. Mr. President, it is my pleasure to send the following bill to the desk on behalf of myself and my distinguished colleague from New Jersey, Senator LAUTENBERG. The purpose of this legislation is to direct the Department of the Interior to study the potential addition of the Great Egg Harbor River in southern New Jersey to the National Wild and Scenic River System. Companion legislation, introduced by Congressman WILLIAM HUGHES, was recently adopted by the House of Representatives as part of the omnibus river bill.

Mr. President, the National Wild and Scenic River Act, passed in 1968, offered the first Federal protection for the Nation's rapidly disappearing network of free-flowing rivers and streams. This landmark law preserves selected rivers and river corridor landscapes which possess outstanding scenic, recreational, historic, and cultural values.

The Great Egg Harbor River is located in a largely undeveloped area of southern New Jersey. A large portion of the river is within the Pinelands National Reserve. The mainstem of the river is 60 miles in length. It rises in urbanized Camden County and flows through Gloucester and Atlantic Counties before it empties into the Atlantic Ocean behind the barrier island of Ocean City.

The slow moving water of the Great Egg Harbor River represents a typical Pine Barrens ecosystem where water is the most important resource. Freshwater is stored in the extensive Cohansey aquifer below the Pine Barrens surface. It is estimated that the Cohansey aquifer is the largest underground reservoir of freshwater in the world.

The unique plant and animal species found in the Great Egg Harbor watershed are peculiarly adapted to the limitations of this naturally highly acidic water. The wetlands support a large number of threatened and endangered

species which are extremely sensitive to changes in water level and quality.

Most of the 39 species of mammals, 299 bird species, 59 reptile and amphibian species and 91 fish species common to the Pine Barrens exist in the Great Egg Harbor watershed. Beaver, otter, and muskrat are found in the wetlands along with 44 species of game birds, ospreys, and nesting bald eagles. The endangered Pine Barrens treefrog, gray treefrog, and timber rattlesnake are also found in the area.

The Great Egg Harbor River has provided opportunities for hunting, trapping, and fishing since the 1700's. Remains of 17th and 18th century sawmills, papermills, and gristmills, early factories, and intact 18th and 19th century villages are common throughout the watershed. Nineteenth and twentieth century ethnic settlements are found in agricultural communities near the river. Two important local agricultural crops are cranberries and blueberries, both of which represent a significant share of New Jersey's agricultural economy.

Mr. President, the Great Egg Harbor River is remarkably diverse. It represents an ecosystem so unique that the United Nations has proclaimed it and the rest of the New Jersey Pinelands National Reserve as an international biosphere. It is a truly remarkable combination of natural features that has been the focus of study by scientists of international reputation.

The Great Egg Harbor River is one of New Jersey's greatest and most beautiful natural resources. Those who live in southern New Jersey would like to assure that the river's water quality and recreational opportunities are maintained through sound planning and management. The Wild and Scenic Rivers Act provides this protection through the development of a management plan. The proposed study has the support of 14 local municipalities and none has opposed the study. Subsequent hearings and the study itself will give local supporters and opponents the opportunity to present their views to determine the future of the river.

Mr. President, the Wild and Scenic Rivers Act has been successful in preserving a number of our Nation's free-flowing rivers. The Great Egg Harbor River is an ideal candidate for inclusion with these natural wonders. 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. 2287

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

SECTION 1. GREAT EGG HARBOR RIVER.

(a) STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) is amended by adding at the end thereof the following new paragraph:

"(92) Great Egg Harbor River, New Jersey: The entire river.".

(b) COMPLETION DATE.—Section 5(b)(3) of such Act is amended by adding at the end thereof the following: "The study of the river named in paragraph (92) of subsection (a) shall be completed not later than three years after the date of the enactment of this sentence.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Paragraph (4) of section 5(b) of such Act is amended by adding at the end thereof the following: "Effective October 1, 1986, there are authorized to be appropriated for the purpose of conducting the study of the river named in paragraph (92) such sums as may be necessary.".●

● Mr. LAUTENBERG. Mr. President, I am pleased to join my distinguished colleague from New Jersey, Senator BRADLEY, in introducing legislation directing the National Park Service to study the Great Egg Harbor River for potential addition to the National Wild and Scenic Rivers System. A similar measure, introduced in the House by our distinguished colleague, Representative BILL HUGHES, was adopted yesterday by that body.

The Wild and Scenic Rivers Act, enacted in 1968, expressed the national policy of balancing the need for dams and other construction at appropriate sections of rivers with the need to preserve other selected rivers and sections of rivers in their free-flowing condition. It was the intent of Congress to protect such rivers and their immediate environments, which possess outstanding scenic, recreational, historic, cultural, or other similar conservation values.

In 1981, the U.S. Department of the Interior recognized the value of the Great Egg Harbor River by placing it on the nationwide rivers inventory. The river was determined to have nationally significant qualities making it eligible, subject to further study, for inclusion in the National Wild and Scenic Rivers System.

The river, located in southern New Jersey, begins in Berlin Township in Camden County and flows in a general southerly direction through Gloucester and Atlantic Counties before it empties into Great Egg Harbor. A large portion of the river is located in the Pinelands National Reserve, one of our greatest natural resources. It is the longest canoeable river in the Pinelands, running through wetlands abundant with wildlife, including many threatened or endangered species. Aquatic life in the watershed is selectively suited to the unique environment of the Great Egg Harbor River. Herring and striped bass return from the Atlantic Ocean to spawn in the gravel of the river's tidal reach.

Historic settlements, residential homes, campgrounds and several State and local parks are located along the river bank. Its unique environment affords a wilderness experience seldom found within proximity to populated centers.

Mr. President, the National Park Service strongly supports this legislation. The municipalities along the River support this effort to protect this great natural resource, as does the State of New Jersey.

The act provides flexibility in the levels of protection and conservation management for a river included in the Wild and Scenic Rivers System. The process for development of a management plan under the Act must involve considerable participation by local citizens and municipalities, along with the State and Federal governments.

The Great Egg Harbor River is an ecosystem which is so unique that the United Nations has proclaimed it and the rest of the Pinelands National Reserve as an "international biosphere", a "truly remarkable combination of natural features that merits preservation and study by scientists of international repute."

Mr. President, the Great Egg Harbor River is a resource enjoyed by nature enthusiasts throughout New Jersey and the United States. I look forward to working with the National Park Service, the State, municipalities, and local citizens to assure that this priceless and beautiful resource is preserved for us and our future generations, and urge my colleagues to support this bill.●

ADDITIONAL COSPONSORS

S. 524

At the request of Mr. ARMSTRONG, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 524, a bill to recognize the organization known as The Retired Enlisted Association, Inc.

S. 2087

At the request of Mr. PROXMIRE, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 2087, a bill to amend part B of title XIX of the Public Health Service Act to specify the method of determining State allotments.

S. 2190

At the request of Mr. SARBANES, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2190, a bill to provide that the full cost-of-living adjustment in benefits payable under certain Federal programs shall be made for 1987.

S. 2191

At the request of Mr. ROTH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 2191, a bill to amend the Federal Aviation Act of 1958 so as to prohibit reprisals against certain officers, employees, or contractors of air carriers.

S. 2197

At the request of Mr. ROTH, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2197, a bill to amend title 5, United States Code, to establish an optional early retirement program for Federal Government employees, and for other purposes.

S. 2198

At the request of Mr. TRIBLE, the name of the Senator from Maryland [Mr. MATHIAS] was added as a cosponsor of S. 2198, a bill to provide that the full cost-of-living adjustment in benefits payable under certain Federal programs shall be made for 1987.

S. 2224

At the request of Mr. HUMPHREY, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 2224, a bill to limit the uses of funds under the Legal Services Corporation Act to provide legal assistance with respect to any proceeding or litigation which relates to abortion.

S. 2255

At the request of Mr. WILSON, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 2255, a bill to prohibit the expenditure of Federal funding for Congressional Newsletters.

S. 2269

At the request of Mr. D'AMATO, the names of the Senator from Pennsylvania [Mr. SPECTER], and the Senator from California [Mr. WILSON] were added as cosponsors of S. 2269, a bill to amend title 10, United States Code, to permit members of the Armed Forces to wear, under certain circumstances, items of apparel not part of the official uniform.

S. 2273

At the request of Mr. KASTEN, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 2273, a bill to amend the Internal Revenue Code of 1954 to deny the tax exemption for interest on industrial development bonds used to finance acquisition of farm property by foreign persons.

SENATE JOINT RESOLUTION 241

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. ABDNOR] was added as a cosponsor of Senate Joint Resolution 241, a joint resolution designating the week beginning on May 11, 1986, as "National Asthma and Allergy Awareness Week."

SENATE JOINT RESOLUTION 287

At the request of Mr. BOREN, the name of the Senator from Arizona [Mr. GOLDWATER] was added as a cosponsor of Senate Joint Resolution 287, a joint resolution designating September 29, 1986, as "National Teachers Day."

SENATE JOINT RESOLUTION 289

At the request of Mr. ROTH, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of Senate Joint Resolution 289, a joint resolution to designate 1988 as the "Year of New Sweden" and to recognize the New Sweden '88 American Committee.

SENATE JOINT RESOLUTION 299

At the request of Mr. COCHRAN, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Georgia [Mr. MATTINGLY] were added as cosponsors of Senate Joint Resolution 299, a joint resolution to designate the week of December 7, 1986, through December 13, 1986, as "National Alopecia Areata Awareness Week."

SENATE JOINT RESOLUTION 312

At the request of Mr. D'AMATO, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 312, a joint resolution designating the week beginning April 13, 1986, as "National Medical Laboratory Week."

SENATE RESOLUTION 379—RELATING TO ADVERSE AFFECTS OF THE MILK PRODUCTION TERMINATION PROGRAM

Mr. ABDNOR (for himself, Mr. NICKLES, Mr. SYMMS, Mr. MCCLURE, Mr. ANDREWS, Mr. BOREN, Mr. HECHT, Mr. GORE, Mr. DURENBERGER, Mr. BOSCHWITZ, Mr. HEFLIN, Mr. DENTON, Mr. ARMSTRONG, Mrs. HAWKINS, and Mrs. KASSEBAUM) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 379

Resolved,

(a) DEFINITIONS.—As used in this section:

(1) The term "milk production termination period" means—

(A) the period beginning April 1, 1986, and ending August 31, 1986;

(B) the period beginning September 1, 1986, and ending February 28, 1987; or

(C) the period beginning March 1, 1987, and ending August 31, 1987.

(2) The term "milk production termination program" means the milk production termination program established under section 201(d) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)).

(3) The term "Secretary" means the Secretary of Agriculture.

(b) BALANCED PURCHASES.—During each milk production termination period, the Secretary should use to carry out clauses (1) and (2) of section 214 of the Food Security Act of 1985 (7 U.S.C. 1446 note) a percentage of the aggregate amount of funds required to be used to purchase and distribute red meat under such clauses that is equal to the percentage of the total number of dairy cattle the Secretary estimates will be marketed for slaughter as a result of the milk production termination program.

(c) ADDITIONAL ACTIONS.—During each milk production termination period, if the Secretary estimates that the quantity of meat purchased under section 214 of such Act will be less than the amount of red meat marketed as a result of the milk production termination program, to ensure that the quantity of red meat marketed does not increase during the milk production termination period as the result of the milk production termination program, the Secretary should—

(a) increase the quantity of red meat purchased under clause (1) or (2), or both, of section 214 of such act, with the use of funds referred to in such clause;

(2) utilize programs operated by the Secretary for the purpose of encouraging or enhancing commercial sales in foreign export markets of United States agricultural commodities or the products thereof (including the payment of a bonus or incentive (in cash, commodities, or other benefits) provided to a purchaser) to encourage and enhance the export sales of live animals, red meat, or red meat food products;

(3) decrease the aggregate quantity of meat articles otherwise estimated by the Secretary under section 2(e)(1) of the Meat Import Act of 1979 (19 U.S.C. 2253 note); or

(4) implement any combination of clauses (1) through (3).

(d) HISTORICAL MARKETINGS.—During each milk production termination period, the Secretary should ensure that dairy cattle be marketed for slaughter as a result of the milk production termination program in an orderly manner consistent with the historical relationship of marketed dairy cattle to marketed beef cattle. In carrying out this paragraph, the Secretary should consider regional patterns for marketing beef cattle.

(e) BALANCED MARKETINGS.—To the extent feasible, the Secretary should adjust the number of dairy cattle marketed for slaughter as a result of the milk production termination program during each milk production termination period to provide for a more even distribution of such marketings over all such periods.

● Mr. ABDNOR. Mr. President, today I am introducing, along with my colleague Senator NICKLES of Oklahoma and several other Senators, legislation designed to reduce the adverse effects the Dairy Termination Program has had on livestock producers.

The implementation of the Dairy Termination Program has resulted in severe market disruptions for the livestock industry—particularly the beef cattle industry. After the U.S. Department of Agriculture [USDA] announced the acceptance of bids under the dairy herd buy-out program, cattle markets reacted by plummeting the limit for close to a week, thus costing cattlemen hundreds of thousands of dollars.

I ask my colleagues in the Senate to consider for a minute the financial pain the Dairy Termination Program has inflicted upon beef producers. Take for instance the case of a Mission, SD, rancher who has 200 head of steers ready to go to market. Immediately after USDA announced the acceptance of bids under the whole herd buy-out program, the market price for cattle dived. The market has continued to decline since that time and today those 200 head of steers are worth $190,000 less than they were 2

weeks ago! And this is but one example of the financial ruin which has occurred among our cattlemen in recent weeks.

Is anyone in this Chamber willing to tell me that this is fair? Can anyone argue that a $190,000 loss in less than 2 short weeks would not ruin a rancher, farmer, or small businessman?

Why did the markets drop so abruptly? What caused the $190,000 loss to the cattleman from Mission or the hundreds of millions in losses to other ranchers in South Dakota and across the Nation?

Clearly the answer is higher than expected signup in the Dairy Termination Program, USDA's failure to implement an orderly marketing plan for the whole-herd buyout program, and the volatility of the cattle futures market.

The 1985 farm bill included a provision requiring USDA to pull 400 million pounds of red meat off the market in order to neutralize the impact of the termination program upon livestock markets. This obviously has not provided the markets the assurances needed to prevent a drop in red meat prices. I am concerned that the purchase of 400 million pounds over an 18-month period may fall short of providing the beef industry the protection Congress intended.

The legislation we are offering today, in both bill S. 2284, and resolution forms, directs the Secretary of Agriculture to take steps to entirely offset the meat marketed under the dairy program. If the 400 million pound removal as required in current law is inadequate, then the Secretary would be required to take any one or a combination of the following steps:

First, increase the quantity of red meat purchased.

Second, increase the quantity of meat or live animals exported.

Third, decrease meat imports.

Additionally, our legislation contains several provisions dealing with the orderly marketing of dairy cattle as well as the removal of beef. First, it directs the Secretary to purchase a percentage of the 400 million pounds of red meat in proportion to the percentage of dairy cattle to be marketed during each disposal period. Additionally, it requires the Secretary, to the extent feasible, to make adjustments in the marketing of dairy cattle under the Dairy Termination Program to provide for orderly marketing. The goal is not to disrupt the historic and regional marketing trends of beef and dairy cattle.

Mr. President, this legislation has the support of cattlemen from my home State of South Dakota as well as from across the Nation. It is desperately needed to remedy an unfair situation created by the Government—the Dairy Termination Program—and an ill-conceived marketing plan announced by USDA. I urge my colleagues to give this legislation their full consideration and invite their support and cosponsorship.●

SENATE RESOLUTION 380—PROTECTION OF THE FREE MARKET WITH RESPECT TO OIL PRICES

Mr. LAUTENBERG (for himself and Mr. WEICKER) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 380

Whereas the OPEC oil cartel has conspired to interfere with the free market to raise the price of crude oil;

Whereas the increase in crude oil prices resulted in lower economic growth, higher consumer prices and interest rates, and economic dislocation in the United States and in other nations;

Whereas the OPEC oil cartel can no longer control oil prices and the worldwide price of oil has dropped by nearly two-thirds since the summer of 1985;

Whereas the drop in oil prices has reduced inflation and produced large savings for consumers of gasoline and heating oil;

Whereas the drop in oil prices has lowered interest rates, stimulated investment in the United States, reduced costs for those segments of the economy which are major energy users such as the airline and petrochemical industries and stimulated the domestic travel and tourism industries;

Whereas the drop in oil prices has significantly reduced the value of oil imports which helps to reduce the overvaluation of the dollar in foreign exchange markets and thereby makes United States industrial goods more competitive in the world market;

Whereas the drop in oil prices has benefited less developed nations by lowering their bills for imported fuel and lowering interest charges on foreign debt, both of which stimulate economic growth in these countries;

Resolved, That it is the sense of the Senate of the United States of America that the United States Government should not undertake any efforts to interfere with the free market by encouraging OPEC or its members to adopt production controls to artificially raise oil prices.

● Mr. LAUTENBERG. Mr. President, I am today submitting a Senate resolution with my distinguished colleague from Connecticut, Senator WEICKER, which expresses the sense of the Senate that the U.S. Government should not undertake any efforts to interfere with the free market by encouraging OPEC to adopt production controls to artificially raise oil prices.

Over the last 15 years, OPEC [Organization of Petroleum Exporting Countries] has conspired to establish production controls for oil to raise the price of oil far above what it would be in a free market. These price increases had a severe impact, both in this country and other oil-importing nations. Billions upon billions of dollars were transferred from consuming to producing countries. Growth slowed, and inflation and unemployment increased. In consuming nations, the rise in oil prices led to economic dislocations. Certain areas of the United States and certain petroleum dependent industries suffered greatly.

The world oil market has changed radically since the oil shock caused by the Arab oil embargo in 1973. Non-OPEC oil production has increased, providing alternatives to OPEC oil. These alternatives, combined by a significant decline in energy consumption as a result of conservation efforts, have had a dramatic effect. OPEC's crude oil production fell during 1985 to half its 1977 peak. This was the lowest level of OPEC crude oil production since 1967.

Today, the OPEC oil cartel can no longer control oil prices and the worldwide price of oil has dropped significantly. This decline has had significant benefits for the United States and the world economy. It has:

Reduced inflation and produced large savings for consumers of gasoline and heating oil;

Lowered interest rates, stimulating investment in the United States, reduced costs for those segments of the economy which are major energy users and stimulated the domestic travel and tourism industries;

Reduced the value of oil imports significantly, which is helping to reduce the overvaluation of the dollar in foreign exchange markets, thereby making U.S. industrial goods more competitive in the world market; and

Benefited less developed oil importing nations by lowering their bills for imported fuel and lowering interest charges on foreign debt, both of which stimulate economic growth in these countries.

Mr. President, these effects are dramatic. The price decline will act like a huge tax cut. American consumers would save $69 billion in 1986 if the average price of crude oil stabilizes at $15 per barrel, according to a Department of Energy study. Some economists see the U.S. economy growing at 4 to 5 percent by the end of the year. Increased growth also will reduce our Nation's budget deficits.

The 0.4-percent fall in February's Consumer Price Index, which was largely the result of dropping oil prices, was the biggest decrease since 1953. The inflation rate of 1986 is expected to drop to levels not seen since the midsixties.

The U.S. trade deficit may decline by $30 billion this year because of less costly oil imports, according to some economists.

Finally, just yesterday, Treasury Secretary James Baker said that lower oil prices, together with lower interest rates and a cheaper dollar, are resulting in the best economic outlook for Third World nations in over a decade.

Mr. President, the oil price decline will also help our farm economy. The

Department of Agriculture has estimated that U.S. farmers will save over $1 billion on gasoline and diesel fuel this year. Additional savings will be realized for price decreases for petroleum based fertilizers and pesticides.

Some may argue that a free market price of oil leaves the United States vulnerable if OPEC is able to regain control of the market. This argument ignores the changes in the United States over the last 15 years. First, conservation efforts have led to more efficient use of energy. The U.S. economy needs far less energy in 1986, less than 21,000 Btu's to produce $1 of gross national product, than it did in 1973 when over 26,000 Btu's were required to produce $1 of gross national product. These conservation efforts, such as more energy efficient cars, houses and appliances, are now institutionalized in the United States and will help prevent a significant increase in energy usage.

The United States also now has a 500-million-barrel strategic petroleum reserve. This reserve will help protect the United States against any attempts by the OPEC cartel to cut off our energy supplies. We must continue filling the strategic petroleum reserve.

In addition, there no longer are any price controls on oil. During the 1970's, controls discouraged production because prices were kept critically low. The absence of oil price controls today has removed artificial barriers to the marketplace setting prices adequate to elicit necessary production.

Finally, non-OPEC oil production has increased, providing alternatives to OPEC oil. Non-OPEC oil production weakens OPEC's ability to control the market. And, Mr. President, I must say that our Government should not support measures that will enrich the coffers of Mu'ammar Qadhafi, a major OPEC oil producer.

Mr. President, it is true that some sectors of our economy will suffer because of the oil price decline. But dislocations sometimes occur when the free market is working. Some sectors suffered when the price of oil escalated. But over time, a free market will lead to a readjustment in the economy. More importantly, the Nation as a whole will achieve significant gains from oil price declines.

Mr. President, the worst thing we could do would be to encourage OPEC to raise the price of oil again.

This sense of the Senate resolution makes clear that the United States should not work to strengthen OPEC and weaken America.

Mr. President, I ask unanimous consent that an editorial on this topic from Business Week be inserted in the RECORD.

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

[From Business Week, Apr. 14, 1986]

WHY UPSET THE OIL CART?

What's going on with the Reagan Administration's energy policy? First, Energy Secretary John S. Herrington sounds the alarm over the "political ramifications" of rapidly falling oil prices. Then Vice-President Bush, reveals that he intends to discuss oil prices with the Saudis and point out to them the importance of "stability in the market" (page 45). Despite his denial, most people interpret that to mean he intends to ask the Saudis to scale back production. (The fact is, the Saudis are producing at only 40% of capacity, while Britain, Mexico, and other non-OPEC producers are running at full speed.) Asked about Bush's comments, the White House says the free market should set oil prices. Still, it looks as if the Administration wants to rescue the oil patch by propping up OPEC. If that's the case, it makes no sense whatever. Even the political benefits the Administration may derive from bailing out the oil-producting states will probably be offset by outrage in other parts of the country.

Yes, attention should be paid to the distress the oil-price decline is causing. But there are far better ways to do this then encouraging Middle Eastern Oil producers to push up prices. Some people favor an import duty on foreign oil. True, that would allow domestic producers to raise prices, and it would transfer revenue to the U.S. Treasury rather than foreign producers. But it would also amount to a subsidy for the U.S. oil industry at the expense of the rest of the economy. What the Administration should do, if it becomes necessary, is provide direct adjustment aid to domestic oil-producing areas. That, too, would be a subsidy—but a more benign one that everybody could see for what it is.

Lower oil prices confer benefits on the economy that far outweigh regional or sectoral dislocations. The Reagan Administration and business must remember that above all else.●

SENATE RESOLUTION 381—RELATING TO UNITED STATES CORPORATE BUSINESS IN ANGOLA

Mr. DECONCINI submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 381

Whereas the Marxist Popular Movement for the Liberation of Angola (hereafter in this resolution referred to as the "MPLA") has failed to hold fair and free elections since assuming power in Angola in 1975;

Whereas Angola currently harbors more than 35,000 Soviet and Cuban troops and advisers;

Whereas the Cubans and Soviets have channeled more than $4 billion in assistance and military aid in furtherance of this intervention in Africa;

Whereas the MPLA government of Angola obtains more than 90 percent of its foreign exchange from the extraction and production of oil;

Whereas most of Angola's oil is extracted in Cabinda Province, where 75 percent of it is extracted by the Chevron-Gulf Oil Company;

Whereas the MPLA has refused to take meaningful steps to end its dependency on Soviet and Cuban forces, engage in rational reconciliation efforts within Angola, or encourage the independence of Namibia;

Whereas United States business interests are in direct conflict with United States foreign policy objectives in aiding the MPLA government of Angola, which directly opposes Jonas Savimbi and UNITA, recipients of United States support; and

Whereas imposition of severe economic sanctions will encourage the MPLA to promote a fair political solution and negotiate with the United States toward a peaceful settlement: Now, therefore, be it

Resolved, That it is the sense of the Senate that the interests of the United States are best served when United States business transactions conducted in Angola do not directly or indirectly support Cuban troops and Soviet advisers.

SEC. 2. The Senate hereby requests that the President use his special authorities under the International Emergency Economic Powers Act to block United States business transactions which conflict with United States security interests in Angola.

SEC. 3. The Secretary of the Senate shall transmit a copy of this resolution to the President.

AMENDMENTS SUBMITTED

METROPOLITAN WASHINGTON AIRPORT TRANSFER

HOLLINGS (AND MATHIAS) AMENDMENT NO. 1745

Mr. HOLLINGS (for himself and Mr. MATHIAS) proposed an amendment to the bill (S. 1017) to provide for the transfer of the Metropolitan Washington Airports to an independent airport authority; as follows:

AMENDMENT NO. 1745

On page 29, strike all from line 21 through line 6 on page 30, and insert in lieu thereof the following:

(2)(A) Basic lease payments shall be sufficient to repay to the United States an amount equal to the fair market value of Washington Dulles International Airport and Washington National Airport, at an imputed interest rate for such repayment, within thirty-five years after the date of transfer.

(B) In order to assist in determining such fair market value, the Secretary shall solicit three independent appraisals of the value of the Metropolitan Washington Airports, and any such appraisal shall be conducted within six months after the date of enactment of this Act. The Secretary shall determine the fair market value of the Metropolitan Washington Airports by calculating the average of the values specified in such appraisals, except that in no event shall such amount be fixed at less than $111,400,000.

HOLLINGS AMENDMENT NO. 1746

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 1017, supra; as follows:

On page 49, strike lines 4 through 14 and insert in lieu thereof the following:

(1)(A) title to all real property leased to the Airports Authority pursuant to this Act shall be retained by the United States, and (B) the Airports Authority shall manage and operate all such property in accordance with the provisions of this Act, except that real property that is not then in use for airport purposes as defined in section 8(a)(1) of this Act shall instead be reported to the General Services Administration for disposition under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.);

SARBANES AMENDMENTS NOS. 1747 THROUGH 1753

(Ordered to lie on the table.)

Mr. SARBANES submitted seven amendments intended to be proposed by him to the bill S. 1017, supra; as follows:

AMENDMENT No. 1747

On page 39, line 9, insert before the period "and that the nighttime noise limitation standards currently set out at 14 CFR 159.40 may not be amended".

AMENDMENT No. 1748

On page 37, strike out lines 1 through "such" on line 3.

AMENDMENT No. 1749

On page 38, line 4, strike out all after "charge" through line 8 and insert in lieu thereof a period.

AMENDMENT No. 1750

On page 37, line 25, strike out "at Federal expense".

AMENDMENT No. 1751

On page 49, line 10, after (40 U.S.C. 471 et seq.): add: "provided further that real property in use for airport purposes shall continue to be used for such purposes."

AMENDMENT No. 1752

On page 38, line 9, strike out "All" and insert in lieu thereof "Notwithstanding the lease authorized pursuant to section 5 of this Act, all".

On page 38, line 10 strike out ", during the term of the lease,".

AMENDMENT No. 1753

On page 35, line 7, strike out "Five" and insert in lieu thereof "Three".

On page 35, line 10, strike out "two" and insert in lieu thereof "three".

On page 35, line 11, strike out "one member" and insert in lieu thereof "two members".

On page 36, lines 5 through 7, strike out ", in the case of the Commonwealth of Virginia and the District of Columbia,".

On page 36, line 8, beginning with "The" strike out all through "appointees" on line 12, and insert in lieu thereof "The President shall make an initial appointment of one member for a 6-year term, and a second member for a 3-year term. All subsequent appointments by the President shall be for a 6-year term. Such Federal appointees shall be".

SARBANES (AND MATHIAS) AMENDMENT NO. 1754

Mr. SARBANES (for himself and Mr. MATHIAS) proposed an amendment to the bill S. 1017, supra; as follows:

On page 40, inset after line 25, the following new subparagraph:

(D) Before the date of transfer, the Secretary shall assure that the Airports Authority has agreed to a continuation of all collective bargaining rights enjoyed before the date of transfer by employees of the Metropolitan Washington Airports.

On page 43, line 24, insert "(1)" after "(b)".

On page 44, insert between lines 9 and 10 the following new paragraph:

(2) The arrangements made pursuant to this section shall assure, during the 35-year lease term, the continuation of all collective bargaining rights enjoyed by transferred employees retained by the Airports Authority.

SARBANES AMENDMENT NO. 1755

Mr. SARBANES proposed an amendment to the bill S. 1017, supra; as follows:

On page 42, line 20, strike out "2-year" and insert in lieu thereof "5-year".

On page 43, line 1, strike out "2-year" and insert in lieu thereof "5-year".

On page 43, line 7, strike out "2-year" and insert in lieu thereof "5-year".

On page 43, line 10, strike out "2-year" and insert in lieu thereof "5-year".

On page 43, line 19, strike out "2-year" and insert in lieu thereof "5-year".

On page 44, line 1, strike out "2-year" and insert in lieu thereof "5-year".

On page 44, line 4, strike out "2-year" and insert in lieu thereof "5-year".

On page 44, line 5, strike out "2-year" and insert in lieu thereof "5-year".

On page 44, line 11, strike out "2-year" and insert in lieu thereof "5-year".

On page 44, line 24, strike out "2-year" and insert in lieu thereof "5-year".

SARBANES AMENDMENT NOS. 1756 THROUGH 1762

(Ordered to lie on the table.)

Mr. SARBANES submitted seven amendments intended to be proposed by him to the bill S. 1017, supra; as follows:

AMENDMENT No. 1756

On page 35, line 5, strike out "eleven" and insert in lieu thereof "fourteen".

On page 35, line 10, strike out "two" and insert in lieu thereof "three".

On page 35, line 11, strike out "one member" and insert in lieu thereof "three members".

On page 35, line 22, strike out "member" and insert in lieu thereof "members".

On page 36, lines 5 through 7, strike out ", in the case of the Commonwealth of Virginia and the District of Columbia,".

On page 36, line 10, strike all after the period through "appointees" on line 12, and insert in lieu thereof "The President shall make an initial appointment of one member for a 6-year term, a second member for a 4-year term, and a third member for a 2-year term. All subsequent appointments by the President shall be for a 6-year term. Such Federal appointees shall be ".

On page 36, line 14, strike out "Seven" and insert in lieu thereof "Nine".

AMENDMENT No. 1757

On page 35, line 5, strike out "eleven" and insert in lieu thereof "fifteen".

On page 35, line 10, strike out "two" and insert in lieu thereof "three".

On page 35, line 11, strike out "one member" and insert in lieu thereof "four members".

On page 35, line 22, strike out "member" and insert in lieu thereof "members".

On page 36, lines 5 through 7, strike out ", in the case of the Commonwealth of Virginia and the District of Columbia,".

On page 36, line 10 strike all after the period through "appointees" on line 12, and insert in lieu thereof "The President shall make an initial appointment of one member for a 6-year term, a second member for a 5-year term, and a third member for a 4-year term, and a fourth member for a 3-year term. All subsequent appointments by the President shall be for a 6-year term. Such Federal appointees shall be ".

On page 36, line 14, strike out "Seven" and insert in lieu thereof "Nine".

AMENDMENT No. 1758

On page 41, strike out lines 17 and 18 and insert in lieu thereof the following: "no revenues, regardless of how derived—".

On page 41, line 20, beginning with "maintenance" strike out all through the parenthesis on line 22 and insert in lieu thereof "any expenses".

On page 41, line 24, beginning with "maintenance" strike out all through the parenthesis on line 2 on page 42 and insert in lieu thereof "any expenses".

AMENDMENT No. 1759

On page 41, strike out lines 17 and 18 and insert in lieu thereof the following: "no revenues, regardless of how derived—".

On page 41, line 20, insert after "operating" the following: "or capital".

On page 41, line 21, strike out "excluding" and insert in lieu thereof "including".

On page 41, line 24, strike out all after "operating" through "debt" on line 1 on page 42 and insert in lieu thereof "on capital expenses (including debt".

AMENDMENT No. 1760

On page 41, strike out lines 17 and 18 and insert in lieu thereof the following: "no revenues, regardless of how derived—".

On page 41, line 21, strike out "excluding" and insert in lieu thereof "including".

On page 41, line 24, strike out all after the parenthesis through "debt" on line 1 on page 42 and insert in lieu thereof "including debt".

AMENDMENT No. 1761

On page 41, line 17, strike out "or" and insert in lieu thereof a comma.

On page 41, line 18, insert after "automobiles" the following: ", or leasing any property".

On page 41, line 20, insert after "operating" the following: "or capital".

On page 41, line 21, strike out "excluding" and insert in lieu thereof "including".

On page 41, line 24, strike out all after "operating" through "debt" on line 1 on page 42 and insert in lieu thereof "or capital expenses (including debt".

AMENDMENT No. 1762

On page 41, line 20, insert after "operating" the following: "or capital".

On page 41, line 21, strike out "excluding" and insert in lieu thereof "including".

On page 41, line 24, strike out all after "operating" through "debt" on line 1 on page 42 and insert in lieu thereof "or capital expenses (including debt".

BAUCUS AMENDMENT NO. 1763

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1017, supra; as follows:

At the appropriate place, add the following:

The Food Security Act of 1985 established a milk production termination program intended to reduce the current oversupply of milk products, and

The Food Security Act of 1985 also provided that the Secretary of Agriculture should make purchases of specified amounts of red meat in order to offset the effects of the milk production termination program on the red meat market, and

The implementation of the milk production termination program has resulted in substantial declines in both current prices of red meat and futures prices for red meat, and

Both cattle and dairy farmers would benefit from more stable red meat prices, and

Immediate action is necessary to counteract the adverse effects of the dairy diversion program;

Now, therefore,

It is the sense of the Congress that the Secretary of Agriculture shall immediately take the following steps to address the current instability in the red meat market.

(1) The Department shall increase the present purchase of red meat and defense distributions during the first bid period, which has been announced by the Department to be from April 1, 1986 to August 31, 1986. The purchases should proportionately reflect the presently scheduled 633,176 cows; 216,970 heifers; and 165,900 calves, which are to be slaughtered during each disposal period in the program. The red meat purchases should reflect the number of cattle that are slaughtered during each disposal period in the program.

Specifically, the Department should immediately begin purchasing more of the 200 million pounds of red meat that are to be purchased during the milk production termination program during the first disposal period. This purchase amount is in contrast to the 130 million pounds that the Department is presently scheduled to purchase during the first disposal period. Further, the Senate expresses its concern that the Department has not scheduled the present purchase of 130 million pounds until April 14, 1986 for canned meat and April 21 for frozen ground beef. These purchases do not correspond to the April 1 starting date of the first disposal period.

The Department should accomplish this purchase goal by expediting school lunch purchases and domestic feeding program purchases to begin in April rather than the traditional month of July. Toward the same end, the Department should act immediately on the provision of the law that requires that the meat be channeled through the Department of Defense.

(2) The Department should move approximately 200,000 dairy cows and corresponding heifers and calves, which are presently scheduled during the first disposal period, to later periods by moving those producers who submitted multiple bids at the same price. The move should be conducted on a voluntary basis. And changes in the disposal period should be consistent with the existing contracts with dairy producers who are participating in the program.

(3) The Department immediately should take additional steps as necessary to alleviate the concerns in the red meat industry regarding the adverse impact on total red meat supplies due to the additional dairy cattle that are being slaughtered. The Department should implement a plan to encourage proportional spacing of dairy cattle slaughter within each disposal period for producers in the program. This could include monthly and weekly targets for dairy cattle slaughter during the disposal periods to minimize jamming of slaughter house facilities occurring in some parts of the country. The Department should also include the actual count of all dairy cattle which are marketed as a result of this program in the published weekly slaughter reports.

(4) The Department also should take further steps that would offset any further damage to the red meat industry. Producers must be assured that the Federal Government will purchase a pound of red meat to offset every pound of red meat which enters the market as a result of the milk production termination program, and that the Department is taking other steps to provide for the orderly marketing of dairy cattle slaughtered under the program.

SYMMS (AND OTHERS) AMENDMENT NO. 1764

Mr. SYMMS (for himself, Mr. BOSCHWITZ, Mr. HELMS, Mr. WEICKER, Mr. NICKLES, and Mr. MATTINGLY) proposed an amendment to the bill S. 1017, supra; as follows:

At the appropriate place, add the following:

As recently as February 4, 1985, the Office of Management and Budget projected that deficits for Fiscal Years 1986 through 1990 would increase the federal debt by $697,289,000,000;

Congress sought to remedy this problem of escalating debt by enacting the Gramm-Rudman-Hollings deficit reduction program, which was passed by both Houses of Congress and signed into law by the President on December 12, 1985;

Even under Gramm-Rudman-Hollings, the federal debt is projected to grow to $2,323,100,000,000 in fiscal year 1987, $2,523,000,000,000 in fiscal year 1988, and $2,697,700,000,000 in fiscal year 1989;

As a result, even Gramm-Rudman-Hollings will produce a federal debt which, by fiscal year 1989, will represent well over $10,000 for every man, woman, and child in the United States;

The financial markets of the United States and the other industrialized nations of the world look to the government of the United States for leadership in the resolution of its deficit crisis; and

The consideration of tax reform by the Senate of the United States without first making serious efforts to control the deficit will only succeed in enhancing the uncertainty in financial markets which those deficits create: Now, therefore, it is the sense of the Senate that tax reform should not be considered or debated by the United States Senate until a firm, definite budget agreement has been reached between the President and the Congress of the United States.

BAUCUS (AND OTHERS) AMENDMENT NO. 1765

Mr. BAUCUS (for himself, Mr. EXON, Mr. HEFLIN, Mr. ANDREWS, Mr. ZORINSKY, Mr. GORE, Mr. MELCHER, Mr. BOSCHWITZ, Mr. HARKIN, Mr. SYMMS, Mr. HELMS, Mr. NICKLES, Mr. MATTINGLY, Mr. PRESSLER, Mr. WILSON, Mr. BENTSEN, Mr. BOREN, Mr. DOLE, Mr. GRASSLEY, Mr. ABDNOR, Mr. BURDICK, Mr. DENTON, Mr. BINGAMAN, Mr. MCCLURE, and Mr. HATCH) proposed an amendment, which was subsequently modified, to amendment No. 1764 proposed by Mr. SYMMS (and others) to the bill S. 1017, supra; as follows:

At the end of the amendment, add the following:

The Food Security Act of 1985 established a milk production termination program intended to reduce the current oversupply of milk products, and

The Food Security Act of 1985 also provided that the Secretary of Agriculture should make purchases of specified amounts of red meat in order to offset the effects of the milk production termination program on the red meat market, and

The implementation of the milk production termination program has resulted in substantial declines in both current prices of red meat and futures prices for red meat, and

Both cattle and dairy farmers would benefit from more stable red meat prices, and

Immediate action is necessary to counteract the adverse effects of the dairy diversion program; Now, therefore,

It is the sense of the Senate that the Secretary of Agriculture should immediately take the following steps to address the current instability in the red meat market.

(1) The Department should increase the present purchase of red meat and defense distributions during the first bid period, which has been announced by the Department to be from April 1, 1986 to August 31, 1986. The purchases should proportionately reflect the presently scheduled 633,176 cows; 216,970 heifers; and 165,900 calves, which are to be slaughtered during each disposal period in the program. The red meat purchases should reflect the number of cattle that are slaughtered during each disposal period in the program.

Specifically, the Department should immediately begin purchasing more of the 200 million pounds of red meat that are to be purchased during the milk production termination program during the first disposal period. This purchase amount is in contrast to the 130 million pounds that the Department is presently scheduled to purchase during the first disposal period. Further, the Senate expresses its concern that the Department has not scheduled the present purchase of 130 million pounds until April 14, 1986 for canned meat and April 21 for frozen ground beef. These purchases do not correspond to the April 1 starting date of the first disposal period.

The Department should accomplish this purchase goal by expediting school lunch purchases and domestic feeding program purchases to begin in April rather than the traditional month of July. Toward the same end, the Department should act immediately on the provision of the law that requires that the meat be channeled through the Department of Defense.

(2) The Department should move approximately 200,000 dairy cows and corresponding heifers and calves, which are presently scheduled during the first disposal period, to later periods by moving those producers who submitted multiple bids at the same price. The move should be conducted on a

voluntary basis. Any changes in the disposal period should be consistent with the existing contracts with dairy producers who are participating in the program.

(3) The Department immediately should take additional steps as necessary to alleviate the concerns in the red meat industry regarding the adverse impact on total red meat supplies due to the additional dairy cattle that are being slaughtered. The Department should implement a plan to encourage proportional spacing of dairy cattle slaughter within each disposal period for producers in the program. This could include monthly and weekly targets for dairy cattle slaughter during the disposal periods to minimize jamming of slaughter house facilities occurring in some parts of the country.

(4) The Department also should take further steps that would offset any further damage to the red meat industry. Producers should be assured that the Federal Government will purchase a pound of red meat to offset every pound of red meat which enters the market as a result of the milk production termination program, and that the Department is taking other steps to provide for the orderly marketing of dairy cattle slaughtered under the program.

SEC. . (a) the Senate also finds and declares that:

(1) the Food Security Act of 1985 established the Dairy Termination Program intended to reduce the current oversupply of dairy products, and

(2) the Food Security Act of 1985 directs the Secretary of Agriculture to minimize the adverse price effect of the Dairy Termination Program on red meat producers through the use of timely and judicious administrative actions, and

(3) the implementation of the Dairy Termination Program has resulted in substantial declines in both the current and future prices for meat, and

(4) immediate corrective action by the Secretary of Agriculture, utilizing the broad discretionary authority available to the Secretary under the Food Security Act of 1985, is necessary to abate the precipitous decline in meat prices:

(b) it is therefore the sense of the Senate that the Secretary of Agriculture should immediately significantly modify the Department of Agriculture's policies relating to the Dairy Termination Program, report to the Congress not later than April 15, 1986, what corrective actions, have been taken, and what legislative changes, if any, are necessary to further modify this program to abate the decline in meat prices in a reasonable and judicious manner.

MATHIAS (AND SARBANES) AMENDMENT NO. 1766

Mr. MATHIAS (for himself and Mr. SARBANES) proposed an amendment to the bill S. 1017, supra; as follows:

On page 41, strike out lines 17 and 18 and insert in lieu thereof "and in conformance with section 511 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2210), no landing fee, automobile parking concession, terminal area or other building rental, land lease, or any other concession, rent of user charge providing operating revenue to the authority—".

On page 41, line 19, insert "generated" after "(A)".

On page 41, line 20, insert after "operating the following: "or capital.

On page 41, line 21, strike out "excluding" and insert in lieu thereof "including".

On page 41, line 23, insert "generated" after "(B)".

On page 41, line 24, insert after "operating" the following "or capital"

On page 41, line 24 continuing on page 42, line 1, strike out "excluding" and insert in lieu thereof "including".

On page 42, insert between lines 2 and 3 the following new paragraph:

(9) To further the intent of paragraph (8), the Airports Authority shall—

(A) maintain separate financial records for Washington National Airport and Washington Dulles International Airport;

(B) prepare an annual report on the operation of the Metropolitan Washington Airports in accordance with the audit procedures set forth in paragraph (6) of this subsection; and

(C) submit such report to the Congress.

On page 42, line 3, strike out "(9)" and insert in lieu thereof "(10)".

TRIBLE AMENDMENT NO. 1767

Mr. TRIBLE proposed an amendment to the bill S. 1017, supra; as follows:

On page 49, strike lines 2-3, and insert in lieu thereof the following:

SEC. 11. (a) The Airports Authority may extend the lease entered into under section 5(a) of this Act for an additional term of 15 years for the sole purpose of continuing to operate the airports under the terms and restrictions established in this Act.

(b) During the period of the lease the Secretary and the Airports Authority may negotiate a contract of sale for the transfer of the properties constituting the Metropolitan Washington Airports. Such properties shall not be sold until the Congress approves legislation implementing the terms of such contract.

(c) Upon approval by the Congress of legislation implementing the terms of such contract—

TRIBLE AMENDMENT NO. 1768

Mr. TRIBLE proposed an amendment to the bill S. 1017, supra; as follows:

On page 36, line 14, strike "Seven" and insert in lieu thereof "Nine".

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY REGULATION AND CONSERVATION

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public, that the Subcommittee on Energy Regulation and Conservation of the Committee on Energy and Natural Resources has added an additional measure on which the subcommittee will receive testimony at its hearing scheduled for Tuesday, April 15, 1986, beginning at 10 a.m. in room SD-366 of the Senate Dirksen Office Building, Washington, DC.

The additional measure is S. 2285, to promote competition in the natural gas market, to ensure open access to transportation service, to encourage production of natural gas, to provide natural gas consumers with adequate supplies at reasonable prices, to eliminate demand restraints, and for other purposes. As previously announced, the subcommittee also will receive testimony on S. 1302, S. 1251, and S. 2205.

For further information regarding this hearing, please contact Ms. Debbi Rice or Mr. Howard Useem at 202-224-2366.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. TRIBLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, April 10, to hold a hearing on the nomination of Robert Gates, to be Deputy Director of Central Intelligence.

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

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. TRIBLE. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 10, to consider the Department of Energy's proposed Uranium Enrichment Service Criteria; 10 CFR Part 762, contained in the Federal Register volume 51, No. 19; the amendments to S. 1004, Uranium Mill Tailings Reclamation Act of 1985; the viability of the uranium industry; and any other legislation relating to this subject which is pending before the subcommittee at the time of the hearing.

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

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mr. TRIBLE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 10, in closed session, to hold a hearing on theater nuclear forces.

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

Mr. TRIBLE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 10, 1986, in open session followed by a closed session, on chemical modernization.

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

SUBCOMMITTEE ON SEA POWER AND FORCE PROJECTION

Mr. TRIBLE. Mr. President, I ask unanimous consent that the Subcom-

mittee on Sea Power and Force Projection and the Subcommittee on Military Construction of the Committee on Armed Services be authorized to hold a joint meeting to conduct an open hearing followed by a closed session, on U.S. security interest in the Philippines, during the session of the Senate on Thursday, April 10, 1986.

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

SUBCOMMITTEE ON PREPAREDNESS

Mr. TRIBLE. Mr. President, I ask unanimous consent that the Preparedness Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 10, in open session, followed by a closed session, to conduct a hearing on Air Force readiness status, and ONM.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. TRIBLE. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, April 10, to conduct a hearing on the reauthorization of the National Bureau of Standards.

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

Mr. TRIBLE. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on Thursday, April 10, to conduct a hearing on legislation to authorize the National Aeronautics and Space Administration.

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

SUBCOMMITTEE ON ENERGY AND NUCLEAR PROLIFERATION

Mr. TRIBLE. Mr. President, I ask unanimous consent that the Subcommittee on Energy and Nuclear Proliferation of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, April 10, to hold a hearing on the review of the 1985 Government nonproliferation activities.

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

COMMITTEE ON FINANCE

Mr. TRIBLE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 10, in order to continue markup on H.R. 3838, the tax reform bill.

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

ADDITIONAL STATEMENTS

CALL TO CONSCIENCE: THE CASE OF VLADIMIR FELTSMAN

● Mr. MITCHELL. Mr. President, I rise today to share with you and the world the tragic story of Vladimir Feltsman. Mr. Feltsman is a virtuoso concert pianist whose artistry is now censored and controlled by the Soviet Government.

Until 1979, when Vladimir Feltsman and his wife Anna applied for emigrant visas Mr. Feltsman played with the finest Soviet orchestras and appeared in many concert tours around world. He recorded extensively on the Melodia label. His interpretations of Chopin are particularly well noted. All this, however, has come to an end.

His records and tapes can no longer be found in the Soviet Union and his concerts have been limited to small Soviet cities. The Feltsman family presently lives on a monthly pension of 120 rubles from the Musician's Union. But the frustration and humiliation does not end there. In February, a concert Mr. Feltsman was to give at the American Embassy residence was disrupted when it was discovered that several of the piano's strings had been severed by vandals. In addition, Soviet guests at the Embassy were subjected to an unusual level of harassment. No Soviet officials were in attendance. In a final show of official hooliganism, Mr. Feltsman also found that the tires of his car had been slashed.

Perhaps most frustrating of all, however, is the fact that Soviet officials of the Department of Emigration have three times refused the Feltsmans the visas they need to join their family in Israel. Although Mrs. Feltsman's brother and aunt both reside in Israel, the visas have been denied under the sentence: "No close relatives in Israel."

This story is not unique. Thousands of Jews in the Soviet Union have expressed their desire to emigrate to Israel—as is their right under the Helsinki accords. Instead of getting visas they lose their jobs, their friends, and put tremendous strains on families as they commit their lives to their decision. This is not right and I call on the leaders of the Soviet Union to search their consciences for ways to change this situation.●

SHAPING TOMORROW TODAY—ADDRESS BY CHARLES M. WEST

● Mr. SIMON. Mr. President, earlier this year the remarks given by Charles M. West, the executive vice president of the National Association of Retail Druggists, to the Illinois Pharmacists Association brought into keen focus our need to look to the future. The remarks clearly set forth the role of pharmacists in that future. I think many of my colleagues would find Mr. West's remarks helpful and I ask that his speech be printed in the RECORD.

The speech follows:

SHAPING TOMORROW TODAY

(By Charles M. West)

Have you ever noticed how difficult it is to make it through a single working day without being confronted—in a newsletter, magazine, or periodical of some sort—with yet another forecast of the future? Predicting the future has become a veritable growth industry. We predict everthing: what's going to become of our domestic auto industry, how big the federal deficit is likely to get, how long mechanical heart transplant patients will survive, who's going to win the World Series, the Super Bowl, the Stanley Cup, what's going to become of the pharmacy profession . . .

That last one got your attention, didn't it? It always does, because all of a sudden the predictions aren't arcane or abstract, they're about you, about your livelihood. Forecasts like these never fail to sell magazines; that's why we keep getting confronted with them. But of what enduring value are they to you really as a pharmacist?

If you pick up a magazine tomorrow and read an article by a seemingly well-informed pharmacy thinker who tells you that in-house HMO pharmacies are going to dominate the pharmacy landscape by 1990, what are you going to do? Fold up shop? What if the nation's independents had taken as gospel FDA Commissioner James Goddard's prediction in the 1960s that the independent corner drugstore would disappear from the American scene within 20 years? Well, if they had taken it as gospel, I wouldn't be here talking to you today. Just for the record, A.C. Neilsen has reported that the number of independent drugstores has in fact held steady at more than 33,000 in each of the last three years.

No, it's best not to take these predictions too seriously. The future is not determined by prognosticators. It is shaped by you and me. The trends the soothsayers divine are of value to us only insofar as they help us see where our next challenges may be coming from and where our next opportunities are likely to arise.

For example, if we were to look, we would see that there are now several very encouraging trends pointing to a bright future for the independent. These trends include:

The aging of the Americn population. This will likely mean an increasing demand for pharmaceuticals from readily accessible, convenient sources like the neighborhood drugstore.

The deinstitutionalization of health care services. More and more patients are going to be cared for at home in the decades ahead. This should result in a greater reliance than ever on community-based health care services such as those provided by independent retail pharmacists.

The self-care movement. A better educated, more health conscious public is increasingly taking their health into their own hands. They are no longer content to shop for price alone. They will ask for and expect quality and service from their health care providers—standards that have always distinguished the independent.

A renewed faith in the marketplace. The conservative revolution has rekindled the entrepreneurial spirit and contributed to a surge in the small business community.

I could continue. There are many promising signs for the future of the independent.

But just as the nation's independents turned the other cheek to the predictions of former Commissioner Goddard, I would suggest that we not let our heads be turned by these more positive prognostications. The elderly will not come running to our stores just because we're there. The growing numbers of patients being cared for at home are under no obligation to turn to us for their health care needs. As always, the competition for those patients and for a prosperous future will be keen. The future will be what we make of it.

The battle for pharmacy's future will be waged on two fronts: in the marketplace and in the political arena. The nation's independents demonstrate every day that they are indeed tough competitors in the marketplace. But traditionally pharmacists have been less than willing to take to the political trenches. This is understandable enough, but seriously short-sighted. As long as pharmacy is a health profession, it will be regulated, and as long as it is regulated, politics and pharmacy will be inseparable.

Bold, decisive action must be taken in the political arena as well as the marketplace if we are to be masters of our profession's future. I can think of no better example of the need for such action than our recent victory in the earned discounts battle with HCFA.

For one full year—from the day our House of Delegates passed a resolution on the matter at our 1984 annual convention in Miami Beach—NARD, assisted by several state and national pharmacy groups, waged an all-out war to prevent the implementation of HCFA's proposed policy change that would have confiscated pharmacists' earned discounts from the Medicaid drug program. If we had chosen to stand on the political sidelines, the recommendations of the HHS Inspector General to take as much as 15 percent off AWP would have gone into effect as early as January, 1985 in Region VI. The cost to the nation's pharmacists, by the government's own conservative estimates, would have been $128 million annually. Please note, I said annually. That figure would have been multiplied the next year and the next year, and the next year, without end. The cost of standing clear of the political arena would have been catastrophically high for the nation's pharmacists.

Battles like this one illustrate clearly that pharmacists do indeed control their own destinies. That cannot be said enough. Too many pharmacists have succumbed to the numbing forces of negativism in the profession. They've let themselves be fooled into believing that they are not the masters of their own fate. Well, I can assure you the folks at HCFA know better than that.

It is critically important that the can-do attitude so evident in the earned discounts battle be brought to bear on all the issues confronting the profession. The challenges we face are indeed formidable. The ongoing drug diversion hearings in the House of Representatives, for example, are calling into question no less than the integrity of the entire drug distribution system. CBS News carried a piece on the topic just this week, and more revelations are still to come. Already a wide range of criminal and civil violations of the price discrimination provisions of the Robinson-Patman Act and other illegal drug diversion activities have been revealed.

This Congressional investigation is both a challenge and an opportunity for pharmacy. The burden will be on us to do the right thing, to live up to the high standards for the profession we have set for ourselves, and the public expects of us.

Throughout my career—as a practicing independent retail pharmacist, as a state exec, and as NARD's executive vice president—I have heard no complaint voiced more persistently by independents than that of discriminatory pricing. But, as often as not, that's all we did: complain. Then we threw up our hands, convinced there was nothing we could possibly do to change those seemingly immutable, inequitable laws governing drug prices.

Well, this Congressional investigation is exposing rampant abuses of the Robinson-Patman Act exemption by so-called "commercial nonprofits," including nonprofit hospitals, clinics and HMOs. These institutions—in competition with for-profit independents—have used the exemption to purchase drugs at prices many times below that available to the average retailer.

Here, a quote from the House subcommittee's July report: "An entire industry has sprung up whose sole purpose appears to be to solicit nonprofit hospitals to purchase excess pharmaceuticals using their special discount, which products are then immediately resold to the broker for ultimate resale to a retailer. The current head of the California Board of Pharmacy told the subcommittee staff that it was his guess that hospital diversion was the leading source of products for the diversion market in his state."

You heard it right: "the leading source." We could not have asked for a more clear confirmation of our decision last fall to make discriminatory pricing our top legislative priority for 1985 and for 1986 as well.

We are no longer sitting on our hands convinced that nothing can be done about this longstanding problem. We have resorted to political action. We have petitioned Congress to sponsor legislation that restates the original intent of Congress when it passed the 1938 Nonprofit Institutions Act. Congress did not intend with that legislation to destroy retailers and reward nonprofits actively competing in the marketplace. And it certainly did not intend to provide the catalyst for an illegal, life-threatening marketplace for diverted drugs. As one House subcommittee member put it during the hearing, we are talking here about "the most criminal activity possible."

So, to repeat, an extraordinary opportunity is now before us. Will we be ready to seize it? Political action will again be vital to our success. We can shape our tomorrow with bold, decisive action today.

Another formidable challenge we face is the proliferation of mail order drug programs. These programs are a threat to public health. NARD's Mail Order Task Force and its Mail Order Clearinghouse have already collected disturbing examples of dangerous deficiencies inherent in mail order drug delivery programs. There is simply no way for a mail order drug program, which lacks face-to-face communication between the pharmacist and the patient, to provide comprehensive drug services to their patients.

Independent retail pharmacists know and observe their patients. They are there to determine patient compliance with prescriptions and maintain complete patient profiles—they have a comprehensive view of the patient. This process is reinforced by the personal interaction inherent in pharmacy practice. Proper health care involves more than the delivery of drugs.

Mail order firms, by contrast, can only address one aspect of the patient's drug regimen—maintenance drugs. They cannot examine the patient's entire drug therapy and never see the individuals enrolled in their programs. In addition, we have to question the integrity of a distribution system that relies exclusively on the mails, and cannot help but wonder about the quality of drugs exposed to extreme temperatures, mishandled, delayed, or otherwise compromised.

We consider these problems sufficient threats to the public health that earlier this year we initiated a campaign to further document these abuses through NARD's Mail Order Clearinghouse. We plan to collect more data during the coming year and will use this information to educate consumers and to guide appropriate legislative and regulatory reforms.

Our education efforts on the potential health hazards of mail order drugs cannot stop with consumers, however. They must extend to the group purchasers of mail order drug services—to unions and to employers large and small. The danger mail order drug programs pose is insidious. Decisions affecting the health and well-being of consumers are being made in the quiet of corporate boardrooms without full appreciation of the risks of such programs. The public health is being jeopardized in the guise of cost containment.

We must gain *entrè* to those boardrooms and educate the purchasers of prescription drug services about the vital importance of face-to-face interaction between pharmacist and patient and the sizable risk of mail order drug delivery.

All of us have spent several years in pharmacy school learning to be drug experts. Once we graduate and begin our careers, we are asked to abide by the laws and regulations governing pharmacy practice in our state. Those laws and regulations exist because it is a health profession we have chosen to practice, and no less than the safety of our patients depends upon our adherence to those standards. Is it too much to ask then that those who work in mail order pharmacies abide by the same standards if they wish to dispense drugs in state? After all, we are talking about the health and welfare of the public here, not mail-order widgets.

These are just a few of the challenges we face. None are insurmountable. Let us resolve not to forfeit control of our fate to those outside the profession. Let us resolve not to stand on the sidelines. It is we who will shape our tomorrow, no one else. Our destiny is in our hands.

You know, we do have a great deal to protect. No other secular profession is held in as high public esteem as pharmacy. We provide life-saving, life-extending, and health-restoring products and a wide range of professional services to a grateful public. All of which gives us the satisfaction of being able to enjoy not only the basics of life, but many of the luxuries as well. Pharmacy is rightfully a profession that fills us with pride, without which no man or woman is truly successful.

We have every right to love pharmacy, so let's take it upon ourselves to fight in the marketplace and in the political trenches to preserve, protect, and enhance our profession—to, in short, leave this fine profession better than we have found it.

Thank you.●

MARGARET E. MUIR—A VERY SPECIAL EDUCATOR

● Mr. LEVIN. Mr. President, Miss Margaret E. Muir will be honored in a very special way on May 22, 1986. On that day, just 2 months shy of her 90th birthday, she will be a featured speaker at a Michigan Education Day event.

Miss Muir was a public school teacher for 52 years. Her career began in a one-room schoolhouse, but she is no stranger to the big, modern schools we see today. Over the years nearly 2,000 students passed through her classrooms—that's a lot of names to remember.

Miss Muir retired in 1966. On May 22 of that year, the Huron Valley school system named a new junior high school in the Village of Milford in her honor. It is in the Margaret E. Muir Junior High School that a rededication ceremony will take place on May 22. Over 1,000 people—many her former students—are expected to attend.

During Miss Muir's teaching days, she also helped run a 100 milk cow family farm. In her retirement years, she stays busy with gardening, baking, social clubs, and church activities. She keeps in constant touch with friends and relatives.

Margaret Muir has led a remarkable and busy life. It is fitting that Education Day in Michigan will be celebrated in Milford by honoring once more such an outstanding educator.

I am pleased to join so many others in paying tribute to a remarkable person.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. RUDMAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for Mr. Edwin S. Jayne, Jr., a member of the staff of Senator JEFF BINGAMAN, to participate in a program in Taipei, Taiwan, sponsored by Tamkang University, from March 28–April 6, 1986.

The committee has determined that participation by Mr. Jayne in the program in Taipei, Taiwan, at the expense of Tamkang University, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Roy Neel, a member of the staff of Senator ALBERT GORE, JR., to participate in a program in Taipei, Taiwan, sponsored by Tamkang University, from March 28–April 6, 1986.

The committee has determined that participation by Mr. Neel in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Kirk Robertson, a member of the staff of Senator THOMAS EAGLETON, to participate in a program in Taipei, Taiwan, sponsored by Tamkang University, from March 28–April 6, 1986.

The committee has determined that participation by Mr. Robertson in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Sandra E. Taylor, a member of the staff of Senator JOHN H. CHAFEE, to participate in a program in Seoul, South Korea, sponsored by the Seoul National University, from March 28–April 7, 1986.

The committee has determined that participation by Ms. Taylor in the program in Seoul, South Korea, at the expense of the Seoul National University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Judith Freedman, a member of the staff of Senator BARRY GOLDWATER, to participate in a program in Taipei, Taiwan, sponsored by the Chinese Culture University, from March 28–April 5, 1986.

The committee has determined that participation by Ms. Freedman in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Susan Schwab, a member of the staff of Senator JOHN C. DANFORTH, to participate in a program in Seoul, South Korea, jointly sponsored by Korea's Ilhae Institute and the Brookings Institution, from March 29–April 2, 1986.

The committee has determined that participation by Ms. Schwab in the program in South Korea, at the expense of Korea's Ilhae Institute and the Brookings Institution, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. John E. Hall, a member of the staff of Senator JOHN C. DANFORTH, and Mr. John Starrels, a member of the staff of the Joint Economic Committee, to participate in a program in Seoul, South Korea, sponsored by Seoul National University, from March 28–April 7, 1986.

The committee has determined that participation by Messrs. Hall and Starrels in the program in Seoul, South Korea, at the expense of Seoul National University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. David M. Strauss, a member of the staff of Senator QUENTIN N. BURDICK, to participate in a program in Taipei, Taiwan, sponsored by Tamkang University, from March 28–April 6, 1986.

The committee has determined that participation by Mr. Strauss in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.●

ROYKO'S NICARAGUAN PROPOSAL

● Mr. SINON. Mr. President, one of the most effective columnists on the American scene today is Mike Royko.

He deals with serious subjects but in a way that can cause us all to chuckle or become infuriated.

Recently, he wrote a column on the Nicaraguan situation which I think my colleagues in the House and Senate would enjoy reading.

And it is not only the fact that they would enjoy it, I think we can profit by reading it.

I ask that Mike Royko's column be inserted in the RECORD.

The column follows:

BUCHANAN TRIP NOT IN THE SCRIPT

(By Mike Royko)

My recent proposal to send Patrick Buchanan to Nicaragua to help the right-wing contras overthrow the left-wing Sandinistas has struck a responsive chord in the White House.

According to a Washington source whom I can identify only as Deep Ear, President Reagan called Buchanan into the Oval Office and the following conversation may or may not have taken place:

"Patrick, I think this is a good idea. Since you're the moving force behind our efforts to overthrow the Sandinistas, you should be there leading the way."

"Uh, Mr. President, as much as I would like to get out there in the front lines, I have to remind you that I have this bad knee. It's the reason I couldn't go to Vietnam, as deeply as I yearned to clang the Cong."

"The knee should be no problem, Patrick. Here, read this secret military document, which I have been studying for the last few hours."

"Mr. President, this document looks like an old movie script. On the cover page, it says the title is 'Nipping the Nips.' "

"Let me see. Ah, you're right, it is an old movie script. Same difference, though. The important thing is that in this scene here, the platoon leader's entire leg is blown off. But that doesn't stop him. He just wraps a tourniquet on it and leads an attack hopping on one foot and firing a bazooka with one hand and tossing grenades with the

other, all the while singing the Marine Corps Hymn. I auditioned for that role. Would have had it, too, if I hadn't developed a painful case of tennis toe while rehearsing the one-legged hop. But it shows what can be done to overcome physical adversity."

"Mr. President, sir, I have to point out that that was a movie."

"Same difference. We can arrange for you to be dropped in by parachute at night. That's the way to go. Blacken your face and always remember to bury the chute so the Nazis don't find it. Look, that's how it's done in this military manual."

"Mr. President, that manual is another old script called "Gung-Ho Way to Go."

"But I've never made a parachute jump. And with this chronic knee . . ."

"Nothing to it. Look at this page. All you do is say to the guy behind you: 'See you in Berlin, Mack.' Then you give a thumbs up, yell 'Geronimo' and jump. Gravity takes care of the rest. But try to avoid landing in a tree. I saw that happen to Red Buttons once. He was a sitting duck for the S.S., poor devil."

"Mr. President, I haven't had any combat experience, much as I yearned for it during Vietnam, when this knee frustrated my desire to fight the Red Menace."

"No problem, Patrick. I can arrange with the contras for you to get a battlefield commission. Maybe the rank of El Supremo. I think that's higher than El Commandante. Or maybe it's the other way around. Either way, you get to ride in a jeep with your own driver."

"Mr. President, I'm proud that you have such confidence in me, but I'm not sure that I'm fully qualified for a command position."

"Don't be silly. The Duke was a bird colonel. Hank Fonda was at least an admiral. Bob Mitchum was a one-star general. And George Scott had four stars when his tanks romped across Germany. Say, maybe you could wear a pair of pearl-handled pistols like Scott did."

"Mr. President, as eager as I am to take to the jungle and overthrow those tools of the Kremlin, those spreaders of the Marxist plague, those liberal-loving lackeys of Lenin, I really feel that I can be of greater use in this struggle with the Sandinistas if I remain here and fight in the White House."

"Fight here? You mean the Sandinistas have advanced this far? Are they in Virginia? Why wasn't I told? I left orders that in an emergency I should be awakened, regardless what time of the day it is. Or at least Nancy should be told."

"No, Mr. President, I meant in the fight against the liberals, the Democrats, the New York Times. I'll fight it with every weapon at my disposal—the White House leak, the op-ed page thunder, the speech writing. I'll fight it in the cloakroom of Congress, the studios of "Night Line," the National Press Club, wherever the forces of the enemy are gathered."

"Maybe you're right, Patrick. I suppose there is some truth in the saying: 'They also serve, who stay behind at the Georgetown cocktail parties.' "

"Not that I don't want to go. But this pesky knee . . ."

"I understand, Patrick. And on your way out, please turn on my VCR and put in the cassette of "Green Berets." Some good military strategy there."

"Yes, Mr. President."

"And Patrick?"

"Yes, sir?"

"You're . . . not . . . limmmpinggg."●

DOMESTIC AND FOREIGN BARRIERS TO U.S. TRADE

● Mr. MURKOWSKI. Mr. President, we are all aware of the impact on U.S. industry and labor of extreme foreign competition. The most recent graphic illustration comes in the April 28 issue of Fortune magazine, which reports on the leading 500 industrial concerns. Not only are there more changes in rankings than one would expect, but there are indications of slowing in productivity. Sales this last year advanced less than the inflation rate, and profits are at their lowest levels since the 1982 recession.

I would like to direct the attention of my colleagues in the Senate to the relationship between competition in the international marketplace and the reversals many U.S. firms and employees are suffering. To develop an understanding of what American firms and labor unions are undergoing, the Task Force on International Trade Policy of the Republican Conference, which I chair, conducted a survey. We asked chief executive officers—of Fortune and Service 500 firms—and labor union leaders what they thought accounted for the trade deficit—and what role domestic barriers to productivity as well as foreign barriers to trade played.

I submit for the RECORD the preliminary report of survey results. I think that my distinguished colleagues will find pause for thought in what business and labor leaders have to say.

The report follows:

DOMESTIC AND FOREIGN BARRIERS TO U.S. TRADE: PRELIMINARY REPORT

U.S. SENATE REPUBLICAN CONFERENCE TASK FORCE ON INTERNATIONAL TRADE POLICY

Senator FRANK H. MURKOWSKI, Chairman, Senators JOHN C. DANFORTH, NANCY LANDON KASSEBAUM, MACK MATTINGLY, JAMES A. MCCLURE, DON NICKLES, WILLIAM V. ROTH, Jr., STEVE SYMMS, PAUL S. TRIBLE, Jr., and JOHN H. CHAFEE, ex-officio.

OVERVIEW

American business and labor leaders are sending a clear message to Congress regarding the United States' growing international trade deficit. The majority is not opposed to certain types of changes in international trade law. But private sector leaders want Congress to consider their views carefully and avoid drastic action.

This message was determined from the responses to a survey conducted by the U.S. Senate Republican Conference Task Force on International Trade Policy, chaired by U.S. Senator FRANK MURKOWSKI of Alaska. Other Senators on the Task Force are JOHN C. DANFORTH of Missouri, NANCY LANDON KASSEBAUM of Kansas, MACK MATTINGLY of Georgia, JAMES A. MCCLURE of Idaho, DON NICKLES of Oklahoma, WILLIAM V. ROTH, Jr. of Delaware, STEVE SYMMS of Idaho, PAUL TRIBLE of Virginia, and JOHN H. CHAFEE of Rhode Island.

The Task Force soon will make recommendations on trade policy to the Republican Conference, the organization of all the Senate Republicans.

Senator MURKOWSKI, a former banking executive, believes Congress must know what those on the "front lines" of the trade action think about the trade deficit, and conducted this survey in order to fully understand what barriers existed to equitable access in foreign markets.

Senator Murkowski contacted the Chief Executive Officers (CEOs) of America's largest firms and labor unions in December 1985, and asked their views on barriers to export trade in the United States and abroad. To date, nearly one-fourth of the private sector leaders have responded—a high response rate for this type of survey.

In summary, the business leaders said three things:

Stop reacting to protectionist sentiment and develop aggressive, positive policies that will spur U.S. global competitiveness,

Look at domestic as well as foreign barriers to U.S. export trade, and

Listen to the problems exporters have with foreign governments and with the way U.S. policy is implemented.

CONCLUSIONS

Business and trade union leaders shared their views on international trade policy because the trade deficit affects them directly—it cuts into their profits and reduces jobs for Americans. Each brought the perspective of his firm or organization, and discussed national policy in terms of its individual effects. Nonetheless, by grouping the comments together as we have done, it is possible to see a pattern and, in some areas, a degree of consensus.

Business leaders attribute much of the export problems to fiscal and monetary policies. They expect that by reducing the federal budget deficit and adjusting the dollar's value relative to other currencies, sales of U.S. products abroad (and domestic manufacturers at home) will rebound. Most leaders could point to laws, regulations, and policies that inhibited their exports, but no single law or regulation was mentioned by the majority of CEOs. Nevertheless, there appeared to be consensus that some domestic laws and regulations were having adverse impacts on international trade. These "domestic barriers", said CEOs, should be evaluated with a view toward reducing if not, eliminating their negative effects.

Comments about foreign barriers to U.S. exports were often vitriolic: CEOs felt tarriffs and duties were unreasonably high and that non-tariff restrictions delayed or denied market access to U.S. exporters. This was only part of the frustration, however. If firms approached foreign government departments, they might not reduce the offending barrier; and U.S. government officials, in the view of most CEOs, were powerless in gaining access to markets abroad. What to do? Suprisingly, most executives rejected protectionism. Legislatively, there appeared to be consensus on rationalizing, modernizing, streamlining trade laws. There was even stronger support for taking a hard-nosed approach to bilateral and multilateral trade negotiations. Throughout CEO comments ran the sentiment that trade policy must take center stage: the government had an obligation to insure that U.S. goods and services competed on an equal footing. But, CEOs implied that for the U.S. government to attempt to referee trade conflicts, when the marketplace had become global, was not enough. Government needed a comprehensive policy to make the U.S. more competitive globally.

DOMESTIC BARRIERS TO U.S. EXPORT TRADE

Less than one of ten organization leaders saw no domestic obstacles that got in the

way of U.S. export trade, and this decidedly was the minority point of view. The single largest block of respondents—about one-third—pointed to fiscal and monetary policy as the chief cause of U.S. trade deficits. Specifically, they mentioned the federal budget deficit, high interest rates, the overvalued dollar, and G-5 monetary policies—saying these priced American products out of the global market.

Most business leaders (61 percent) pointed to American laws or regulations that restricted export of U.S. goods (or stimulated imports). Laws mentioned most often were: Export Administration Act; Trade Act remedy provisions; Anti-Boycott Act; Foreign Corrupt Practices Act; Antitrust, Patent, and Embargo laws.

Only one regulation or policy was mentioned by more than three respondents, and that was the controlled item list (a list of items that it is illegal to export), which 17 percent found fault with. Other objectionable regulations or policies included: Overseas Private Investment Corporation (OPIC) and related procedures; short supply validated license procedures; DOD munitions control regulations; Ex-Im Bank policies; domestic content requirements; EEO, OSHA, and EPA procedures; farm and labor policies; and tax policy.

Several executives reflected general dissatisfaction with the domestic scene as it relates to trade. One such concern was "free trade" policy that, in the opinion of some CEOs, created export trade barriers and invited dumping of foreign subsidized goods into U.S. markets. Some objected to high U.S. labor costs; others complained that multinationals were exporting U.S. jobs abroad; still others said U.S. firms weren't competitive enough.

What to do about domestic barriers? Opinions varied, but a majority favored amending or repealing the offending laws and regulations. Recommendations made by at least 5 percent of the executives were:

	Percent
Improve Ex-Im Bank financing	20
Reduce items on controlled items list/lift export controls	10
Amend Foreign Corrupt Practices Act	9
Strengthen U.S. trade laws (secs. 201/301)	7
Extend investment tax credits	7
Cut technology transfer taxes	6
Amend antiboycott laws	6
Cut regulatory powers	6
Create a wage floor for U.S. labor	6
Enact textile and apparel legislation	5

NOTE.—Other suggestions were to amend antitrust laws, repeal embargoes, terminate OPIC, and the like.

Although a slight majority of respondents wanted changes in law or regulation, a plurality—nearly 45 percent—thought this was not needed. Instead, they proposed changes in U.S. policy and practice. The largest single group urged Congress to cut the federal budget deficit and seek monetary reforms to lower the value of the dollar. Other suggestions were to strenghten domestic production, aid structural changes in U.S. industry, and vigorously promote exports.

In sum, business and labor leaders attribute much of the trade deficit to domestic causes. Fiscal and monetary policies are significant contributing factors. So too are laws, regulations, and policies that, in the opinion of CEOs, shackle U.S. productive forces.

FOREIGN BARRIERS TO U.S. EXPORT TRADE

Almost all respondents believed U.S. products faced significant barriers to trade abroad: tariffs and quotas imposed by trading partners, non-tariff barriers to trade, foreign government promotion, and cultural obstacles to commerce.

A long list of countries imposes tariffs on U.S. products. Business and labor leaders complained of tariff rates ranging from 30 percent to well over 100 percent, the clear effect of which was to sharply reduce product competitiveness. Nearly all executives mentioned increased use of non-tariff barriers. The most universal were:

Standards, specifications, and licensing procedures, tailored to foreign countries' products, that delayed or restricted market access,

"Buy Domestic" requirements,

Restrictive import licensing requirements,

Quotas or embargoes on imports,

Local content laws,

Foreign exchange controls,

Violations of U.S. intellectual property rights, and

Demands for offsets and countertrade.

Foreign government policy also reduced market access of U.S. firms. Several executives complained of domestic subsidies that made U.S. products more expensive, and government-assisted dumping in third countries. Also, respondents objected to competition with state-owned firms that did not have to make a profit.

Cultural obstacles and restraints were mentioned less frequently, except in U.S.-Asian trade. Finally, only 4 percent of the respondents believed there were no restraints to trade at all.

Foreign barriers did not evoke a uniform response from U.S. business and labor leaders. A handful thought there was no problem. Nearly half saw serious difficulties but had not addressed the foreign government—either because they feared an even greater impact on their business or because they suspected this would not solve the problem. (Several executives said they had established foreign subsidiaries to lessen the impact of duties.) A few executives used trade associations, which represented their concerns to foreign governments.

A large number of CEOs—about 40 percent—had taken their concerns over high tariffs/duties or non-tariff barriers to the relevant foreign government department. But only one in ten of these executives was satisfied with the results.

What about U.S. action on trade complaints? Some business leaders—about one in five—had not asked for help from the government, for a variety of reasons: they wanted to establish their firm as "native" so that it might compete better; they feared more problems would result if they complained; they thought U.S. officials were unwilling to deal with the issues; or they believed the problem was caused by U.S. action.

The majority, however, had sought government help. Agencies approached most often were the U.S. Trade Representative (USTR), Commerce, International Trade Commission (ITC), State, DOD, and USDA. A small number of business and labor leaders sought out their Senators or Representatives.

Executives were not happy about their government representation. Less than 10 percent expressed satisfaction with the result. About one-third were ambivalent—believing that the result could go either way. But most were dissatisfied with actions taken by the U.S. government. Some of the disgruntled private sector leaders thought U.S. officials were not aggressive enough, or lacked local knowledge. Others believed the situation might not permit favorable U.S. action. Whatever the reason, the tenor of remarks was critical of U.S. official action.

Although one in five businesses and labor leaders said no new legislation was needed to address foreign trade problems, the majority recommended changes to U.S. law, bilateral, and multilateral agreements. Suggestions with approximate percentages include:

	Percent
GATT-related (new GATT round, broader coverage of services trade, strengthened dispute settlement mechanisms)	23
1974 Trade Act amendments (strengthen protection against deficits with trading partners—mandatory retaliation or reciprocal tariffs)	26
Amend Export Administration Act	10
Amend Foreign Corrupt Practices Act	6
Strengthen anti-dumping laws	5
Countervail natural resource subsidies	5
Modernize/clarify trade laws	7
Amend labor laws	4
Execute bilaterial, United States-Canada trade agreement	3
Other (R&D tax credits, cut anti-boycott laws, reduce regulatory burden, etc.)	11

Although several executives demanded explicitly protectionist legislation, most sought a rationalization and modernization of existing U.S. law and multi-lateral agreements. Comments on the imperative need for "fair trade," "a level international playing field," an environment in which U.S. firms would compete on an equal basis—peppered the letters, memos, and conversations of business and labor leaders.

And there was very strong interest in nonlegislative options. Nearly three-fourths of the CEOs recommended stronger enforcement of existing trade laws. They said:

USTR must negotiate hard to improve fairness,

201/301 determinations must be tougher/more aggressive,

ITC enforcement should be tightened,

GATT should be used more effectively to reduce foreign tariffs,

U.S. officials must do a better trade policing job, and

U.S. should threaten to impose import surcharges if barriers don't fall.

Other recommendations were to develop the Foreign Commercial Service into a more effective promoter of U.S. trade interests, and to use diplomatic pressure to reduce or eliminate barriers. Too, mention was made of the need for aggressive use of available trade finance, such as through the Export-Import Bank.

Several CEOs mentioned regulatory and policy changes that would enhance the U.S. trade position. These recommendations were to permit energy exports, particularly of Alaska oil; to revise government procurement policies so they would promote exports (through reciprocal provisions); and to adjust monetary, tax, and labor policies. Finally, labor leaders were unanimous in calling for protection of U.S. jobs, and pointed to the unemployment already caused by the surge in imports.

A specific question asked business leaders was whether U.S. regulatory actions affected their firms' abilities to compete internationally. About half saw no problem, and those citing difficulties mentioned the obvious and direct impediments to exporting, such as U.S. export control regulations. A significant minority, however, objected to social and environmental regulations such as those of OSHA and EPA.

ABOUT THE TRADE SURVEY

The Task Force survey went to 575 chief executive officers in December, with a follow up mailing in late January, 1986. The list of executives included all 1985 FORTUNE 500 companies plus the larger SERVICES 500 firms (except utilities) and leaders of labor unions with more than 20,000 members. Follow-ups were done by phone with many non-respondents, producing a response rate of 124 or 21 percent of the universe to date.

Most CEOs completed a brief, open-ended questionniare, or wrote letters based on questions in the survey. Some sent statements of company policy, trade association positions, testimony given in Congress, even speeches and media articles. A number of business and labor leaders or their deputies called to relay their views, and several made personal visits. Because of the different forms in which comments were expressed, some transformation of data was necessary.

This report is a preliminary statement of findings. With additional responses from CEOs, the percentages may change. A final survey report will be issued by late June, 1986. For further information, contact Dr. Gerald A. McBeath, in the office of Senator Murkowski, (202) 224-6665.●

THE AIR FORCE VERSUS THE YARMULKE

● Mr. LAUTENBERG. Mr. President, I would like to bring to my colleagues' attention an op-ed that appeared in today's New York Times concerning the Supreme Court's recent decision in Goldman versus Weinberger.

The editorial, entitled, "The Air Force vs. the Yarmulke," expresses the view that the Air Force's decision to prohibit the wearing of a yarmulke by Rabbi Goldman, an Air Force captain who was also an Orthodox Jew, and the Supreme Court's deference to that decision, came from a misplaced faith in the value of uniformity. I agree, and have introduced legislation to permit the wearing of any item of apparel that is part of the armed service member's religious observance, provided it is neat, conservative, unobtrusive, and does not significantly interfere with the performance of the member's military duty. I ask that a copy of the editorial be printed in the RECORD.

The editorial follows:

[From the New York Times, Apr. 10, 1986]

THE AIR FORCE VS THE YARMULKE

(By Zick Rubin)

WALTHAM MASS.—The yarmulke lost its latest legal battle March 25, when a black-robed but bareheaded Justice William H. Rehnquist announced the Supreme Court's 5-4 decision that the Air Force need not bend its dress code to allow a Jewish officer to wear his yarmulke while on duty.

No one doubted the sincerity of Capt. S. Simcha Goldman's beliefs, no that he had worn his small, dark skullcap with his uniform for years without objection, nor even that the inflexible application of Air Force Regulation 35-10, Section 1-6(h)(2)(f) ("headgear will not be worn . . . while indoors") would limit the religious freedom of Jewish servicemen who follow the traditional practice of keeping their head covered at all times, as a constant reminder of God's presence.

But despite Captain Goldman's strong First Amendment claim, the Court deferred to the "considered professional judgment" of the Air Force that yarmulke wearing threatened discipline and esprit de corps. "If men strictly obey the regulations about wearing the uniform," Gen. George Patton once said, "they can be held truly disciplined men." From the Air Force's point of view, wearing a yarmulke was like flying out of formation.

This was not the first time that the yarmulke has been toppled in Federal court. In a 1982 decision, a panel of the Seventh Circuit Court of Appeals gave its judicial blessing to the no-headgear rule of the Illinois state high school basketball authorities, even though the rule had the effect of preventing Sholom Menora and his Hebrew Theological Yeshivah teammates from playing interscholastic basketball.

In the Menora case, the issue was not uniformity but safety—the possibility that a hard-driving player would slip on a fallen yarmulke. Since no one could cite a single instance of a yarmulke-caused fall, some court-watchers may have felt that Judge Richard A. Posner, who delivered the ruling, was taking safety too far.

Falling yarmulkes were not an issue in Captain Goldman's case. In the lower court proceedings the Air Force did in fact advance the theory that an unauthorized piece of head-gear might fly into a jet engine and cause it to malfunction or explode. Because the captain's duties were confined to the base hospital, the courts were unpersuaded by this line of attack. But the Supreme Court's majority nevertheless concluded that the Air Force had the right to make its uniforms uniform.

In a concurring opinion, Justice John Paul Stevens expressed the fear that if yarmulkes were permitted, it would be hard for the Air Force to hold the line against more obtrusive exceptions to the dress code without seeming to favor one religion over another. If a Jew could wear a yarmulke while on duty, Justice Stevens asked, could a Sikh wear a turban or a Rastafarian wear dreadlocks? Images of a wildly coutured flying force floated to mind, with airmen of varying faiths taking to the skies in yarmulkes, saffron robes, face and body paint, amulets, jodhpurs and symbolic daggers. The idea that the Air Force might be able to make reasonable accommodations to religious expression seemed to be relegated to the wide blue yonder.

The ideals of freedom for which thousands of airmen have fought and died deserve more protection from the Supreme Court than that. "If . . . Goldman wanted to wear a hat to . . . cover a bald spot, I would join the majority," Justice William J. Brennan wrote in a stinging dissent. But Captain Goldman's yarmulke was an expression not of personal vanity but of humility before God. The freedom to express such religious convictions should be zealously guarded, in military as well as in civilian life.

The Air Force shot down the yarmulke—and the Supreme Court went along—not out of religious favoritism, but out of a misplaced faith in the value of uniformity. The Court's majority tacitly accepted the Air Force's contention that its standardized uniforms are necessary to "encourage the subordination of personal preferences and identities in favor of the overall group mission." A psychologically more plausible view, however, is that morale will be highest in a humane military force that respects individual identity and that accommodates religious conviction.●

REMARKS OF SENATOR HEINZ ON QUALITY HEALTH CARE

● Mr. GRASSLEY. Mr. President, the Senate Special Committee on Aging has devoted a great deal of time and energy in the past 12 months to investigating the quality of care provided to 29 million older Americans on Medicare under the new Prospective Payment System. The committee has found widespread problems that need our immediate attention if we are to continue this Nation's commitment to the highest quality of health care.

As a member of the Senate Special Committee on Aging, I wish to direct my colleagues' attention to a speech delivered by the committee's chairman, Senator JOHN HEINZ, before the American Hospital Association on February 3 of this year. The chairman eloquently describes the major problems uncovered by the committee and outlines a number of important solutions.

I ask that the complete text of Senator HEINZ' speech be printed in the RECORD.

The speech follows:

"PRESERVING QUALITY IN HEALTH CARE: AMERICA'S CHALLENGE FOR THE '80s"

(Senator John Heinz)

I felt a little like Daniel walking into the lion's den when I stepped up to the podium just now. The American Hospital Association and the Aging Committee have not always seen eye-to-eye on how DRGs affect quality. But if I remember my Sunday school lessons, Daniel reached an understanding with the lions and they ended up with sort of a mutual admiration society.

And so today, and in the days ahead, we need to talk to each other—to find a realistic way of maintaining high quality health care while facing severe budget constraints.

For the past 25 years, we have committed an ever growing portion of our GNP to health care. This commitment was fueled by America's resolve that all her citizens deserve the highest quality care available. In our country, so rich in financial, technical and human resources, only our ingenuity and dedication limit access, we've said, to the best medical care in the world.

Since 1960, the Federal Government's commitment to health care has risen from $5.5 billion to $100 billion and represents more than 12 percent of the Federal budget. Last year, we invested nearly $70 billion in the Medicare program alone. Our commitment paid off with longer lives and better quality life in old age.

But our financial naivete during the earlier years of growth almost brought down the

whole house of cards. Like trusting parents, sending a young child to the candy store with a blank check, we structured the Medicare program with a blank check for hospitals and put the onus on them to be prudent providers of quality care.

We further strained the financial soundness of Medicare by trying to make Medicare more than intended. We helped to pay for extended hospital stays in the absence of appropriate long-term care facilities and funneled dollars to capital expansion and graduate medical education.

We got quality—at a price we couldn't afford. By 1980, we faced Medicare's demise, eroded by runaway costs. Just three years later, Congress acted to save the program with a 180-degree legislative turn—the Prospective Payment System.

The American Hospital Association, along with this Senator, argued early on that PPS encourages a prudent buyer approach to health care services and is sound policy for cost containment. Bottom line reports for 1985 justify this confidence. We may not have broken in costs, but we've herded them into the corral and have them saddled and bridled.

Much of the credit goes to you. Congress can legislate, the Administration can regulate . . . but when it comes to doing, we've got to delegate. The hospital industry has remained steady under fire in an extremely confusing new regulatory environment.

For more than two years now you've ferreted out waste and abuse and made an effort to keep it out. That diligence paid off for the taxpayer. Hospital costs in 1985 increased only 6 percent—the lowest rate of increase in the past 20 years.

As the health care providers for America's 27 million seniors, your challenge is to streamline your operations, to be more efficient—with one caveat. Americans must receive the high quality care they deserve.

Which brings me to my point: In cutting our spurs on costs, I fear we are trampling down our commitment to quality.

In January 1985, the Senate Aging Committee launched a major investigation into reports that quality care suffered under PPS. Our Committee accumulated a thousand pages of testimony from patients and their families, doctors, hospital administrators, discharge planners, community health care providers at three hearings this Fall. We requested two General Accounting Office reports, a report from the Office of Technology Assessment, reports from the Inspector General of Health and Human Services, and conducted on-site interviews with the Peer Review Organizations in five states. Here are the Committee's findings.

First, some doctors and hospital administrators out there are discharging patients saying their Medicare benefits have run out. This is wrong. Patient stays are based on need, not days. We need to end this confusion.

Second, Medicare beneficiaries are discharged prematurely or transferred inappropriately. More than a year ago the Inspector General alerted the Administration of evidence of such abuses. Most recently, the IG cited the PROs' failure to take corrective action on the thousands of cases already on record.

A third Committee finding is that Congress's watchdog Peer Review Organization feel "hamstrung" when it comes to quality review, with only a partial "snapshot" of the whole health care continuum and too few resources available for monitoring.

Fourth, DRGs drive patients out of hospitals quicker and sicker. This truth is not dangerous in and of itself, since days-of-stay often exceeded what was medically necessary under the old system. But "quicker and sicker" can be hazardous whem combined with the fifth major Committee finding: post-hospital services are strained by the burden of more patients needing greater care. Some patients may not be getting adequate care.

Finally, DRGs do a poor job of accounting for the cost of caring for severely ill patients whose "principal diagnosis" may be complicated by other chronic conditions.

The Committee's findings polarized Administration, providers, beneficiaries. Our conclusions have been labeled as insightful or inciting, farsighted or farfetched. But we are beginning to see some agreement.

To go back to Daniel's story, we're ahead of Daniel despite our differences. We've agreed on a philsophy of health care that says quality must not bow to economy. In working together towards this end, there are some steps the Administration must take, some tasks for the Congress, and some for you in the hospital industry.

We can't predict what the new HHS leadership will do, but I personally am encouraged by Secretary Otis Bowen's open commitment to quality as a top priority for his administration. He is a real health care professional. Unfortunately, Secretary Bowen's appointment comes long after the Administration dropped the ball on quality. The failure to act has undermined public confidence in America's health care system.

In two weeks I will join with Congressman Pete Stark, Chairman of the House Ways and Means Subcommittee on Health, to try to legislate what the Administration could have done on its own.

Our bill, the Medicare Quality Assurance Act, has six major components. First, it acknowledges that DRGs are often rigid when it comes to compensating hospitals for treating patients with more complex illnesses. As difficult as it may be, we need to adjust the DRGs through some form severity of illness index.

Second, we are for the Administration's expansion of the PRO scope of work, but it is not enough. Our bill has these watchdogs look at readmissions occurring over a longer period and checking quality beyond the hospital door—in home health, nursing home, board and care homes, and outpatient settings.

Third, bad discharge planning, with patients hastily and inappropriately placed for follow up care, can be fatal for the sicker patients. We need standards for discharge planning and we need to require compliance for participation in the Medicare program. The Medicare Quality Assurance Act does that, but it can't work without you.

Here you must act. We need your commitment to improve discharge planning procedures. I'm proud of the efforts of my own State of Pennsylvania's Hospital Association for the leadership they are showing in this area.

Good discharge planning depends on having the right place to send patients. Unfortunately, our post-acute services fall woefully short of demand. Strengthening the continuum of care is the fourth component of our legislation. We increase incentives for skilled nursing facilities and home health agencies to take the heavier care patients once kept in hospitals. Hospitals should develop their own comprehensive plans for post-acute care. And the Administration must halt its cuts in home health and nursing home reimbursements.

Fifth, consumer involvement in quality assurances is limited by that old adage, "ignorance is bliss." Far from bliss, some patients and their families feel panic and rage when discharged without explanation of their appeal rights. Our bill will expand protections to patients and ensure that they know what appeals are available.

Here again, you can do more to improve patient information and ensure that patients' voices are heard. The Hospital Association and the Aging Committee, along with the American Association of Retired Persons and other groups, took a big step for patients' rights in the Beneficiary Appeals notice we sent to the Administration last week. Let's build on the momentum we've achieved and get these notices out to hospitals nationwide.

Last, we need better data to shed light on the problem created by the radical transformation of our health system. HCFA is responding to the criticisms . . . yet I admit to serious impatience with those bureaucrats who continue to say there's no data showing problems.

This reminds me of the man down on his hands and knees on the sidewalk at night under a lamp post. A passerby asks what he is doing and he replies, "I'm looking for my wallet." "Where did you lose your wallet?" the passerby asks. "Down the street," the man replies, "but this is where the light is."

The Medicare Quality Assurance Act would illuminate those areas where quality is most threatened by extending the Administration's reporting requirements in both hospital and post-hospital settings.

We've got one priority: to restore public confidence in the system and assure quality health care. Look closely at proposals for modifying Prospective Payment with this priority. The Medicare Quality Assurance Act is an important step forward and I ask that you support it.

You must take the lead on maintaining quality. Be prepared for a tough struggle with compulsive budgeteers. We're talking about the lives of present and future older Americans.●

NATIONAL ADOPTION WEEK

● Mr. D'AMATO. Mr. President, I rise today to join many of my colleagues who recognize the importance of supporting legislation, Senate Joint Resolution 306, introduced by the distinguished Senator from Utah [Mr. HATCH] designating November 23-29, 1986, as "National Adoption Week." It is most appropriate that this observance take place during the week of Thanksgiving. Thanksgiving is a time for family members, sometimes traveling great distances, to join together to share their experiences and to feel again the personal joys of the sanctuary of their family.

But what happens to the child who has no family? And to adult couples who, for whatever reason, are unable to bear children? It is indeed a sad circumstance that these people needlessly suffer the absence of family life, the absence of growing up under the guidance of loving parents, and the absence of the emotional involvement and responsibility of rearing a child. The remedy to this unfortunate situa-

tion available to all who would like, but do not have, a family is clear: Adoption.

Since the 1960's, the number of couples who wish to adopt has risen substantially. So, too, has the number of single men and women who wish—and, in some cases, are permitted—to adopt. However, these figures are small in comparison to those who are capable of adopting, but are not aware that adoptable children are available. In America today, there are roughly 55,000 adoptable children legally free for adoption, but who remain in foster care or institutions because of various public or private barriers. We must elevate the level of awareness of prospective parents to the availability of these children.

Mr. President, it is necessary that we encourage family life in America. The family unit is the most basic and most important element of our Nation's strength. The stability of the American family has a synergistic effect upon the overall stability of our Nation. I urge those of my colleagues who have not already given their support to "National Adoption Week" to do so.

Thank you, Mr. President.●

NAUM AND INNA MEIMAN: DOGGED DETERMINATION

● Mr. SIMON. Mr. President, imagine living in a place where your only desire is to leave, but you cannot because someone in authority will not grant you permission. No, this is not a prison, where an inmate has criminal tendencies or has broken the law. This is not a mental institution where a patient remains because they do not meet specific requirements of mental health. The place which I am thinking of is a country, the Soviet Union.

Although unaccused, untried, and unconvicted, Soviet Jews who wish to leave their country are prisoners. The determination of these people is remarkable. Naum and Inna Meiman has been waiting for 10 years to leave. Their tenaciousness has led to increased harassment by the Soviets. Most recently, their telephone was disconnected. Despite the years of anguish and fear, Naum and Inna have never wavered in their commitment to living in the land of their ancestors.

The Bible offers many words of faith and wisdom which are truly appropriate for the Meimans and for people everywhere who are not free. "This rather is the fasting that I wish; releasing those bound unjustly, untying the thongs of the yoke, setting free the oppressed, breaking every yoke."—Isaiah 58, 6.

I strongly urge the Soviet Government to allow Naum and Inna Meiman permission to emigrate to Israel.●

ORDERS FOR FRIDAY, APRIL 11, 1986

Mr. SIMPSON. Mr. President, after conferring with the Democratic leader, I ask unanimous consent that once the Senate completes its business today it stand in recess until the hour of 9 a.m. on Friday, April 11, 1986.

Further, I ask unanimous consent that, following the recognition of the two leaders under the standing order, there be special orders in favor of the following Senators for not to exceed 5 minutes each: Senator HAWKINS, Senator PROXMIRE, Senator QUAYLE, Senator CRANSTON, and Senator MELCHER.

I also ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Is there objection?

Mr. BYRD. Reserving the right to object.

Mr. President, I have no objection.

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

PROGRAM

Mr. SIMPSON. Mr. President, at 9:30 a.m., the Senate will resume S. 1017, the regional airport bill, and by the previous unanimous-consent agreement a final passage vote will occur no later than 12 noon tomorrow.

It will also be the intention of the majority leader to turn to Calendar item No. 355, S. 426, the hydrorelicensing bill, hopefully under a time agreement. The Senate may also be asked to turn to Calendar item No. 596, S. 1236, the crime bill, or Calendar item No. 353, S. 1774, the Hobbs Act.

Again, I emphasize that it is possible that rollcall votes could take place as early as 9:45 tomorrow morning. So our colleagues should be aware of that.

I again thank Senator SARBANES and Senator TRIBLE for their fine cooperation and, of course, the cooperation of the Democratic leader and the majority leader in resolving this matter.

RECESS UNTIL 9 A.M. TOMORROW

Mr. SIMPSON. Therefore, under the previous order, I move that the Senate stand in recess until the hour of 9 a.m. on Friday, April 11, 1986.

The motion was agreed to; and, at 8:08 p.m., the Senate recessed until Friday, April 11, 1986, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate April 10, 1986:

DEPARTMENT OF DEFENSE

Robert Clifton Duncan, of Massachusetts, to be an Assistant Secretary of Defense, vice Robert S. Cooper, resigned.

INTERNATIONAL MONETARY FUND

Mary Kate Bush, of the District of Columbia, to be U.S. Alternate Executive Director of the International Monetary Fund for a term of 2 years, reappointment.

EXTENSIONS OF REMARKS

CONGRESSIONAL SALUTE TO THE PHILIPPINE MEDICAL ASSOCIATION OF SACRAMENTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. MATSUI. Mr. Speaker, on April 5, 1986, the Philippine Medical Association of Sacramento will hold its first induction ball. The initiation of this organization stands as testimony of the professional and societal progress that Filipinos have made in our country.

I would like to take this opportunity to make special mention of the association's main goals, which are the continued educational, scientific and cultural growth of its members and the advancement of service to the community at large. In these times of skyrocketing medical costs and insufficient medical attention to the elderly, the association's aim to provide special care to the Filipino elderly is particularly noteworthy. I commend these altruistic goals and extend my every confidence that the association will excel in these endeavors.

I congratulate the Philippine Medical Association of Sacramento on their formation. On behalf of the people of Sacramento, I welcome them to our community and extend my best wishes to them for what promises to be a long and successful future.

IDA NUDEL

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. LENT. Mr. Speaker, in protest of the Soviet Union's deplorable treatment of Jews, Ida Nudel has begun her hunger strike. Ida Nudel, herself a Soviet Jew, is almost 60 and in failing health, but this has not dampened her indomitable spirit. For 15 years Ida has suffered the Kremlin's relentless persecution and brutality. Like so many other Soviet Jews, her only wish is to emigrate to Israel to be reunited with her family. Despite the pain and anguish of this separation, Ida continues to work, not just for her own freedom, but for the release of all Soviet Jews. Her selflessness and dedication to this cause has won her acclaim in the free world and has made her a heroine among her peers.

Although I have written weekly to Ida, I have rarely received a reply because of the censorship of mail in the Soviet Union. However, I have recently received a letter from Ida which eloquently describes her plight in the Soviet Union. I would like to share an excerpt from her letter with you:

The stand I have taken in defending my rights and those of other Jews wishing to emigrate to Israel has aroused the hatred of the KGB and induced them to carry out all kinds of vengeful acts. Who needs all this and why? Why does Russia need all these cries and calls for help? What benefit does Russia have from my suffering? After I leave, the world will forget my name and my story, for new tragedies and dramas develop every day all over the world.

These universal questions must be asked for all those whose voices cannot be heard above the din of repression. We, in Congress, must be the voices for those who have none. We must never give up the struggle to win freedom for those, like Ida, who are oppressed and devoid of human rights. We must never forget.

JOHN D. CALLAWAY RECEIVES THE 1986 DANTE AWARD

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues the achievements of the nationally known senior correspondent for the Public Broadcast Station WTTW-TV channel 11, John D. Callaway, who will receive the 15th Annual Dante Award of the Joint Civic Committee of Italian Americans on May 9, at a luncheon given in his honor at the Como Inn in Chicago.

John Callaway joined WTTW-TV in 1974 after 17 years as a broadcaster and news executive with CBS radio and television in Chicago and New York, and currently he is host of the Emmy-award winning program, "Chicago Tonight with John Callaway," which appears every week night on WTTW-TV.

Well-known and highly respected for his insightful and responsible interviews, and for maintaining the highest standards of integrity in his 29-year career as a broadcast journalist, John Callaway has received more than 50 awards and honors in recognition of his work, including five Emmys and the prestigious Peabody Award. He is a most deserving recipient of the Dante Award for his achievements and contributions to broadcasting have been representative of Dante Alighieri's statement in his Divine Comedy that "man should never be timid about the truth."

The Dante Award was established by the Joint Civic Committee of Italian Americans, an umbrella organization comprised of more than 40 civic organizations in the Chicago area, to extend recognition annually to an individual in the mass media communications field who has made positive contributions to the profession of journalism.

During his career, John Callaway has covered six national political conventions, and was the moderator of the Illinois Statewide Network broadcasts of the four gubernatorial election debates which took place in 1978. In addition, he has compiled an outstanding record of achievement by moderating since 1974 all the WTTW-TV special programs on the congressional, senatorial, and mayoral campaigns in Illinois.

John Callaway has distinguished himself as a most competent and thorough journalist in his coverage of the aftermath of the 1967 Arab-Israeli war, and the career and death of Mayor Richard J. Daley, as well as his coverage of the tragic 1958 fire at Our Lady of the Angels School, where 92 students and 3 nuns died.

Beginning his career in journalism in 1956 as a copy boy and police reporter for the City News Bureau of Chicago, 1 year later John Callaway became a general assignment reporter and documentary producer for WBBM-Radio and WBBM-TV, the CBS-owned station in Chicago. From 1960 to 1968, he served in several major executive positions at the radio station, including editorial director, public affairs director, and news and program director, and he also was host of the award-winning CBS radio documentary discussion and call-in program, "Nightline."

In 1964, John Callaway won seven national awards for his production and narration of a 13-part commentary series which examined the American civil rights movement. Writing, producing, and broadcasting several documentary programs about prison problems in Illinois, he became the first Chicago journalist to gain membership in the Illinois Academy of Criminology.

John Callaway was instrumental in helping to initiate WBBM-Radio's all-news format in 1968, and from 1968 until 1970, he served as vice president of program services for CBS-Radio in New York City, where he developed the expansion of CBS all-news stations throughout the country. In 1970, he began hosting the nationally broadcast interview program, "Crosstalk," and in 1973, he returned to Chicago as a reporter for WBBM-TV.

Joining WTTW-TV channel 11 in Chicago in 1974, John Callaway has hosted numerous nationally syndicated Public Broadcasting System series, including the most highly respected "John Callaway Interviews," "Campaigning on Cue," and the "Paper Chase Addendum." He has also authored two books, and has contributed articles to several newspapers and magazines.

The 15th Annual Dante Award luncheon will be held at the Como Inn, and many political dignitaries, civil leaders, and leaders of the communications industry will be in attendance. Joe Weisman, senior editor and host of WTTW's "Chicago Week in Review," will serve as master of ceremonies of the luncheon, sharing this position on the dais with Emil Venuti, a member of the antidefamation committee of the Joint Civic Committee of Italian Americans. The invocation will be offered by

the Reverend Lawrence Cozzi, C.S., administrator of Villa Scalabrini, the Italian Old Peoples Home in Melrose Park. Charles C. Porcelli, president of the JCCIA, will present the Dante Award to John Callaway.

For the 11th straight year, the John Fischetti Scholarship will also be awarded at the luncheon. The scholarship, which this year is a $1,500 award, was established by the Joint Civic Committee of Italian Americans to further the study of Italian American students in communications and is named after the Pulitzer prize-winning political cartoonist.

Mr. Speaker, I extend my warmest congratulations to John Callaway on meriting this recognition, and for the strong and constructive impact he has made on the broadcast industry. His career, his character, and his splendid record of achievement prove that he is, indeed, a "friend of truth."

HONORING THE CREW OF OUR "SHIP OF STATE"

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. GAYDOS. Mr. Speaker, this year, 1986, marks the 65th anniversary of the founding of NARFE—the National Association of Retired Federal Employees—and across the Nation local chapters of that organization are scheduling special events to mark the occasion.

Started on February 19, 1921, by just 14 people, NARFE today numbers more than a half million members in 1,500 chapters. It serves as the watchdog and voice for all Federal retirees, monitoring legislation that affects their interests and making their opinions known to the Congress.

In western Pennsylvania, two chapters—the Allegheny-Kiski Chapter No. 1556 and the Armstrong County Area Chapter No. 1997—are co-hosting an anniversary banquet on April 18. The Alle-Kiski Chapter is of particular significance to me since many of its members are residents of the 20th Congressional District, which I am privileged to represent in the House.

The Alle-Kiski Chapter was chartered on December 28, 1977, with 52 members. Its founder and first president was James G. Clark, who remains active in the organization today.

Other officers during its first year of operation included Mustafa J. Mohamed, vice president; Clement J. Roethele, secretary-treasurer, and Frank A. Chesaro, legislative chairman.

Today, the Alle-Kiski Chapter numbers 175 members and its leaders include Thomas Richardson, president; Dorothy S. Ditchko, secretary; Michael Zarichnak, treasurer; Ted Krukowski, first vice president; Walter Skohut, second vice president; Audrey K. Wilson, assistant treasurer; Bruno Salvaterra, legislative chairman; Cora P. Clark, Dom Canterna, and Lloyd E. Wilson, trustees; James G. Clark, assistant secretary and editor, and Alfred P. Rich, service officer.

Mr. Speaker, just as no ocean vessel could safely navigate the waters of the globe without skilled personnel aboard, so no administration could sail the seas of government without trained and dedicated employees. If the President is, indeed, the captain of our "Ship of State," then those who make it go—the men and women in civil service—are its crew.

The members of NARFE, the members of Allegheny-Kiski Chapter No. 1556 and Armstrong County Chapter No. 1997 have served our country well. I deem it appropriate, therefore, to take this opportunity on behalf of my colleagues in the Congress of the United States to thank them for their loyalty, recognize their service, and congratulate them on the 65th anniversary of their organization.

UNITED STATES TELECOMMUNICATIONS TRAINING INSTITUTE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. FASCELL. Mr. Speaker, perhaps nowhere in the world is the pace of technological change more appreciated than here in the Halls of Congress. Throughout this century Congress has been called on repeatedly to lend financial support to crucial research; to define the paths along which technologies can be allowed to develop; and to deal with the ethical, legal, social, and economic impact of changes rooted in technological innovation.

Today, we find all around us evidence of a series of such changes which many have labeled the information age. This refers to all the technologies growing out of the electronics revolution which has given us everything from computers to communications satellites. All of these devices have vastly increased our ability to gather, formulate, and communicate information and to do so almost instantaneously. We are only now beginning to appreciate how this revolution has already changed our society and to understand the opportunities and problems it presents not only to the United States but to all the countries of the world.

I want to bring to the attention of the House some very positive developments which have taken place in the last year with respect to one small but important aspect of the revolution in communications technology: The international aspect. The full benefits of the communications revolution cannot be realized unless there is cooperation among nations to make it possible for information, in whatever electronic form, to flow easily and economically across national boundaries. Moreover, such benefits can only be attained if there are people trained in the use and management of these often complex systems, where the information originates or is needed. In the last year, important progress has been made in each of these areas.

Within the U.S. Government, the Department of State has taken a very important step in creating a new Bureau of International Communications and Information Policy which will give the United States a more effective voice in the shaping of global policies in the many international fora which influence the development of these technologies. At the international level, the International Telecommunications Union [ITU] has served as a catalyst for the establishment of a new Centre for Telecommunications Development which would function as an autonomous body under the umbrella of the ITU. The centre will serve as a clearinghouse for the benefit of developing countries on information about such important matters as communications policies, equipment, and training opportunities.

Finally, I would like to focus attention upon the U.S. Telecommunications Training Institute [USTTI], which was established in September 1982 as a joint venture between major American telecommunications firms and the U.S. Government to share advances in telecommunications technology with developing countries.

The USTTI annually offers 30 training courses for management and technical staff of developing nation telecommunication organizations and Government agencies using telecommunications systems. For the fourth consecutive year, tuition-free courses will be provided by leading U.S. telecommunications corporations and Government agencies at various sites throughout the United States. Under the very effective leadership and inspiration of board chairman Michael R. Gardiner, the USTTI provides the key elements in fostering the benefits of any technological advance: The training of people to make it work. Thus far, the USTTI has graduated almost 600 men and women from 82 developing countries.

It should be emphasized that the Centre for Telecommunications Development and the USTTI serve very different, distinct, but complimentary purposes. There is no duplication involved, and both Government and the private sector will provide both institutions with the level of support they require.

Mr. Speaker, President Reagan has observed, and I quote:

> Our century of experience has proven that telecommunications is a flexible resource—a resource whose abundance increases in step with the development it makes possible for all mankind. We have enthusiastically shared our experience with the world for a century, and we look forward to continuing that mutually rewarding cooperation.

Both the Centre for Telecommunications Development and the USTTI constitute the means for promoting that very laudable foreign policy objective.

CONGRESSIONAL SALUTE TO MR. CARROLL E. BROCK

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. MATSUI. Mr. Speaker, I rise to call to the attention of the Congress a man who has served the business community in Sacramento with firm commitment and great distinction. Mr. Carroll E. Brock has recently ended an outstanding 40-year career with his retirement from the family firm, M.J. Brock & Sons.

His exceptional leadership capabilities and devotion to his field are evident in his numer-

ous accomplishments. Under his careful and consistent management, the firm has grown to be ranked among the top 70 homebuilders in the Nation. M.J. Brock & Sons has successfully constructed more than 14,000 attractive, high quality homes in the Sacramento area since 1952.

Far surpassing the duties of his position, Mr. Brock has worked conscientiously in the realm of his industry and in the community. This is exemplified by his impressive list of accomplishments, including president of the Building Industry Association of Superior California and the Sacramento Area Commerce and Trade Organization. He also has served as vice president of the Sacramento Metropolitan Chamber of Commerce and chairman of the National Council of the Housing Industry. In addition, former California Gov. Edmund G. Brown, Jr., appointed Mr. Brock to the California Building Standards Commission in 1982. Only recently, he was named 1985 Builder of the Year by the BIA for his commitment to the building business and community activities.

Mr. Speaker, it is with great pleasure that I thank Mr. Brock for his many years of generous, sacrificial service to the people of Sacramento and wish him the best of luck in his future endeavors.

ACCOUNTABILITY FOR MILITARY WASTE SITE CLEANUP

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. FLORIO. Mr. Speaker, as my colleagues know, the Superfund conference is proceeding and Members of both bodies are carefully considering the basic reforms that are needed to revitalize this troubled program.

One of the most important such provisions is identical language in both bills that is designed to put the Federal Government's lead agency on environmental matters—the Environmental Protection Agency [EPA]—firmly in the driver's seat regarding the nature and scope of cleanup at such facilities. This reform is needed because, during the first 5 years of the program, other Federal agencies and departments were left to their own devices regarding cleanup, accountable to no one. The result has been virtually no progress on the identification and assessment—much less cleanup action—at the thousands of Federal hazardous waste sites across the country.

Last week, the Administrator of EPA protested the language in both the House and Senate bills that seeks to give EPA this authority. EPA is apparently concerned that with such authority will come responsibility to make sure cleanup is adequately performed.

Two of our colleagues—VIC FAZIO and JIM MOODY—were the original authors of the Federal facilities provisions in the Superfund bill. They have responded to EPA with a cogent and well-reasoned analysis of the intent of these provisions. I commend their views to my colleagues' attention.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 19, 1986.

DEAR SUPERFUND CONFEREE: We urge you to oppose any effort to change the provision in the House and Senate adopted versions of the Superfund reauthorization bill that would in anyway diminish the responsibility of the Administrator of the Environmental Protection Agency to select the final remedial action at all federal sites on the National Priorities List (NPL).

As you are aware, EPA is charged with selecting the appropriate cleanup action at all privately owned sites which qualify for the NPL. EPA should have no less authority over the final remedial action selected at federal sites.

Our concern is that moving from "concurrence" to "selection" would threaten the ladder of responsibility which has been carefully constructed throughout the entire section on federal facilities. Our fear is that it would gut EPA's oversight authority. Permitting simple concurrence, as described by Lee Thomas during Tuesday's conference, would seem to allow EPA to choose a remedial action from one of several options without being held accountable for the adequacy of the cleanup. That's unacceptable. EPA and the applicable federal agency should both be held accountable for the adequacy of the remedial action selected. Using "selection" rather than "concurrence" won't require EPA's daily involvement in agency cleanup efforts. It will, however, require EPA to establish firm guidelines governing the conduct of RIFs and the selection of remedial action options as well as ensure that such guidelines are complied with fully and completely. The bottom-line is that EPA is the federal government's lead agency with respect to the cleanup of hazardous waste sites. Requiring that EPA act as such at our federal facilities is therefore not only necessary but appropriate.

Thank you in advance for your consideration of this request.

Sincerely,

VIC FAZIO,
Member of Congress.
JIM MOODY,
Member of Congress.

TRADE OPPORTUNITY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. MURTHA. Mr. Speaker, for the information of the members, I want to share my thoughts on the present trade situation and the opportunity present to make progress against the flood of imports affecting our economy.

I want to insert a copy of my recent "Weekly Column" on this subject.

TRADE OPPORTUNITY

With President Reagan meeting with Japanese Prime Minister Nakasone on April 12 and the Western Economic Summit meetings taking place in Japan in May, it is time for the President to confront our allies on the trade problems that persist.

These meetings represent a key and virtually last chance to bring our trade situation within reason.

The trade predicament continues to slow our economy, increase our unemployment, and hurt key American industries. In all of these sessions, the President will be meeting with our trading and defense partners. Yet, while we continue to carry the burden in our budget for defense, these partners refuse to make vital concessions to insure stability and jobs in the U.S. economy.

The most recent trade figures show how far we still have to go:

The March Congressional Monthly Trade Alert showed 13 or 17 key trade indicators worsened.

Export related employment declined by 1.1 million jobs between 1981 and 1983 with little improvement since and has been a key in continuing high unemployment rates.

Slow export growth and rapid import growth during 1980-1984 pushed the unemployment rates about 1.1 percent higher than they otherwise would have been.

Our trade and military partners must be made to realize that they cannot target and destroy sectors of the American economy. In steel, textiles, footwear, semiconductors, and computer chips these nations have targeted our economy, subsidized their imports, and used our markets to keep their workers on the job while our own workers have suffered.

The House of Representatives will soon be considering major trade reform and restrictions legislation. In the absence of meaningful progress in these talks on trade improvement, I believe Congress should move forcefully to guard our borders against these imports which have damaged our industrial base and robbed our Nation's workers of jobs.

One way or another, we must get this trade situation under control. America's economy will never be fully healthy until we do. The President needs to make this point forcefully and insure results at these meetings, or in the continuing absence of cooperation by our trading/military partners, to join with us in shaping legislation that will force import controls to protect our economy.

Even action at this point will have come later than I would have preferred, but we can still turn things around. The administration favors voluntary agreements—rather than strict quotas—as shown in their steel program. Even that approach in these other areas would be a plus. The key is to see action and cooperation—something that will begin moving us away from disastrous trade deficits.

Some speculation holds that the Western leaders at their summit will agree to a new round of multilateral talks. But those will stretch through the rest of the 1980's and produce no results for years. We have already waited too long. The need for results is now.

LIABILITY INSURANCE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 9, 1986 into the CONGRESSIONAL RECORD:

LIABILITY INSURANCE

The insurance liability crisis has emerged as a major issue in Congress this year. Soaring costs and a shortage of liability insur-

ance are taking their toll on businesses, professionals and local governments nationwide. Every day brings word of new repercussions: doctors raising fees, playgrounds closing, swimming meets being cancelled. The liability insurance crunch touches almost every aspect of American life.

Faced with unprecedented liability, insurers have raised premiums sharply and drastically cut coverage, sometimes pulling out altogether. While 1985 property-casualty premiums cost an average 21% more overall, some industries have been hit harder. Bus owners, for example, were charged 1985 premiums 700% larger than in 1984. Many insurers have stopped some lines of coverage. Bars, chemical companies, and nurse midwives, among others, are being refused insurance. Insurers are particularly wary of businesses with delayed liability. Insurers pulled out of day care, for instance, after publicity aroused fear that teenagers would win large awards for pain and suffering for abuse inflicted years before.

Businesses have responded by curtailing or eliminating products and services that cost too much to insure. They often operate without insurance or hike prices to cover premiums. A major corporation can draw on its resources if it is sued, but small businesses and professionals usually do not have that cushion. As a result, services once taken for granted are becoming scarce. Liability coverage for governments is so expensive that taxpayers may pay more for insurance than for police and fire protection. Many states and cities have lost all or part of their liability insurance coverage recently, resulting in cutbacks in important services.

The insurance industry blames the legal system for most of its problems. It claims that expanded legal definitions of "liability" have made it easier for injured parties to win large damage awards. In addition to compensatory damages, which repay economic losses, courts and juries have more willingly awarded damages for intangible "pain and suffering," and to "punish" defendants. Underlying these changes is a change in society's notion of risk. The growing tendency is to insist that someone—particularly someone with "deep pockets" like an insurance company or a city—must pay whenever a person suffers a loss.

Expanded liability and the growth of punitive damages have made it hard to predict a business' insurance needs. But the legal system is only partly at fault. Some of the blame belongs with the insurance industry itself. In the late 1970s, companies slashed prices and sold risky policies so they could invest the premiums at interest rates as high as 20%. These companies no longer get high interest returns, but they must still pay claims on policies sold at deep discounts.

States have primary responsibility for reforming insurance and liability laws, and most states are acting to limit damage awards and strengthen regulation of insurance practices. The most popular approach is "tort reform," which generally seeks to limit damages without restricting the right to sue. Popular ideas include limiting damages to economic loss and cap awards for pain and suffering; limiting punitive damages, or making them payable to courts instead of to plaintiffs; tightening the standard of proof for assigning blame; requiring juries to split shares of fault among several defendants; limiting attorneys' fees to reduce the incentive to seek large damages; forcing the losers in weak cases to pay the winner's legal fees; and fining attorneys who pursue frivolous cases.

Proponents insist that tort reform will allow insurers to manage risks and make policy-writing predictable. But opponents worry that such changes will deprive innocent victims of the right to seek relief in court. As an alternative, they propose overhauling insurance practices, requiring insurers to provide coverage and limiting huge premium increases. Some states have passed laws combining these approaches, limiting insurers' liability but requiring them to provide coverage to communities and small businesses.

While most reforms have been in the states, many want more federal regulation. They claim that under state regulation, insurance prices and supply have fluctuated sharply, and that the variety of state laws makes it hard to predict losses for products sold nationally. One proposal now before Congress would set national product liability standards. Other proposals would provide last-resort federal insurance for industries unable to buy insurance; supervise insurers more closely; make it easier for groups to band together to insure themselves; repeal the anti-trust exemption which, some allege, lets insurers share information and engage in collusive premium-setting. Another evolving idea is to set up alternate ways, such as binding arbitration, to compensate victims without the expense and delay of lawsuits. The President is expected to submit legislation that includes limiting attorneys' fees, capping damages for pain and suffering, and restricting liability to those found at fault. Insurance regulation is a new issue for Congress, and it is unclear what Congress will do to ease the problems of insurers and their customers.

While government discusses these questions, the private sector is trying other remedies. Some business groups have started their own "captive" insurance companies. Many states, counties and municipalities have decided to "go bare"—to operate without insurance—to escape steep premiums and to respond to cuts in coverage. But self-insurance has had only mixed success, and going bare is an act of desperation: one large judgment could financially wipe out a community.

My view is that the liability crisis must be taken very seriously. We all bear the cost of high premiums and excessive awards through taxes and prices and the disappearance of products and services lost to insurance costs. My sense is that, just as the crisis has no single cause, it cannot have a single solution. A combination of public and private measures is needed, and fast.

RESOLUTION TO OPPOSE ARMS SALES TO SAUDI ARABIA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. LEVINE of California. Mr. Speaker, yesterday the President sent to the Hill a proposal to sell to Saudi Arabia 800 Stinger handheld antiaircraft missiles and 200 launchers, nearly 1,700 Sidewinder missiles, and 100 Harpoon antiship missiles, for a total of $354 million.

Today I am introducing a resolution to prohibit this sale. Its 153 cosponsors are a bipartisan group of Members from across the political spectrum who share a deep concern over U.S. arms sales policy in the Middle East, and for our own national interests. Simply stated, we oppose this sale of more than 2,500 missiles to Saudi Arabia because of the antipathy Saudi Arabia has shown for fundamental United States national security interests in the Middle East. We do not believe this sale would further our own interests in the region.

The United States has several vital national security interests in the Middle East, in addition to just keeping the oil flowing. These interests include broadening the Camp David peace process, combating terrorism while denying terrorists any base of support, and helping our allies Egypt and Israel to maintain their military and economic security.

Saudi Arabia has not only failed to support the United States in each of these three crucial areas, but has actively opposed us.

Examples of this abound. For instance, the Saudis have undermined King Hussein's efforts to involve Jordan in the peace process, working against him in pan-Arab conferences. The Saudis continue to isolate Egypt for its willingness to pursue peace with Israel. They have bankrolled the Palestine Liberation Organization and Syria—the protectors of terrorists implicated in the murder of hundreds of Americans, including the bombing of the Marine barracks in Beirut. Monday morning's Washington Post reported that CIA Director William Casey said in a speech this past Sunday that Saudi Arabia has paid lip service to United States concerns about its funding of the PLO, and that Saudi leaders support the PLO and other terrorist-linked groups. According to State Department representatives, the Saudis give some $90 million a year to the PLO.

Under Saudi leadership, pan-Arab organizations have stepped up efforts to punish American businesses trading with Israel—imposing increasing requirements for United States aid to Israel because of boycott efforts to strangle Israel economically. Finally, the Saudis sided with Mu'ammar Qadhafi in our recent showdown with the Libyan dictator and reportedly pledged to make good on any losses incurred from the American boycott of Libya.

The arguments the administration makes to defend its proposal to sell these missiles to Saudi Arabia are (1) the sale would be a reaffirmation of United States support for and friendship with Saudi Arabia, (2) the missiles are needed to defend against the threat Iran is posing by ground advances into Iraq, and (3) the Saudis need the missiles to maintain their defense capabilities.

None of these arguments are particularly compelling.

First, nearly every transaction between Saudi Arabia and this country has been touted as a "test of friendship." What have we received in return? At what point can we expect that in return for our responsiveness to Saudi security interests, that they respond to ours?

Second, these missiles, which are not scheduled for initial delivery until 1989, will not help Saudi Arabia counter the Iranian threat. The war between Iran and Iraq is being waged on the ground between ground troops, and antiaircraft missiles would be of no use in countering that particular threat.

Lastly, the Saudis already have a full arsenal of missiles, raising significant questions about the credibility of the administration's argument that the Saudis need the missiles to maintain their defense capabilities. Their capabilities are already great.

For nearly two decades the United States has been almost reflexively granting Saudi arms requests. But our policy has neither yielded Saudi support for key United States initiatives, nor resulting in Saudi cooperation in advancing United States security interests in the Middle East. In fact, selling arms seems to be our only policy with respect to Saudi Arabia—irrespective of its sensitivity to our own interests in the region. There are no compelling reasons to continue this policy. If the Saudis want our cooperation, then let them give us theirs. This pending missile, sale, which meets no legitimate Saudi need, is an appropriate place to halt our unproductive policy.

Mr. Speaker, I would like at this point to address my special concern about the inclusion of Stinger missiles in this package. Yesterday morning the Washington Post ran a story about administration concern over the possible diversion to a terrorist group of Stingers sent to Afghanistan.

Two years ago the administration was considering sending hundreds of Stingers to Jordan and Saudi Arabia. The administration was forced to drop these plans because of congressional concern over whether they might fall into the hands of terrorist organizations or might be used against Israel. Eventually 400 Stingers were sent to Saudi Arabia, but only after a firm assurance from the Saudis that strict security would be maintained and that United States military personnel would accompany the missiles to train the Saudis and to provide an additional layer of security.

Mr. Speaker, the Stinger is sophisticated, effective and portable. It has been called the "ideal terrorist weapon," and "the terrorist's delight," and it is. While I oppose the sale of the administration's missile package to Saudi Arabia, I especially object to the inclusion of the Stingers. Terrorism is on the increase, and desperate terrorists will stop at nothing to obtain every possible means to help carry out their brutality and barbaric undertakings. We should keep these weapons under U.S. lock and key, and not send them to a part of the world where terrorism is the game of the day.

I urge my colleagues to support this resolution of disapproval.

LADY OF LIBERTY

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. DAUB. Mr. Speaker, as the renovation of the Statue of Liberty draws near its completion, I would like to take this opportunity to share with my colleagues a beautiful poem by one of my young constituents, Paul Erickson, who is an eighth-grade student at Morton Junior High School in Omaha, NE.

Paul has captured the essence of the American spirit—hope, love, and peace—in "Lady of Liberty" and I am pleased to submit it for preservation in the CONGRESSIONAL RECORD at this time.

LADY OF LIBERTY

(By Paul Erickson)

Crafted of love,
  A gift from our friends.
A symbol of hope
  Her life she lends

In the nation where souls
  And cultures are blended
Though the copper of old
  Needs to be mended.

Our symbol grows weary
  Against wind and rain,
Her eyes are bleary,
  Torch starting to wane.

Our dame needn't worry
  Our hearts hold here near.
She needn't be sorry
  Our love turns her fear.

Our hearts will be shelter
  Against wind and cold,
Our love will shine for her
  A light strong and bold

Till our beloved symbol
  The lady so fair,
Has regained strength to lead us
  To peace . . . from despair.

HIGHER EDUCATION FUNDING CHALLENGED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. FLORIO. Mr. Speaker, I wanted to express my concern about the challenges being posed to Federal funding for higher education by proposed funding reductions and qualification changes. Under restrictions imposed by the Gramm-Rudman budget measure and the administration's budget proposal, the financial aid available to needy students in the form of guaranteed student loans, Pell grants and work-study funds will be severely limited and the ability to advance and realize the dream of achieving an education will become a privilege limited to very few and an attainable dream to the majority.

I opposed the Gramm-Rudman measure and voted against the administration's budget, which was rejected by both the House and the Senate. I am concerned about the increasing threat to education programs and I would like to urge my colleagues to ensure that any budget resolution the Congress approves provide for continued funding of these education programs that have been so essential to our Nation's successful development.

The first round of cuts under the Gramm-Rudman measure has already had an impact on higher education institutions in my district and across the Nation. I recently received a document produced by the U.S. Department of Education that indicated that Gramm-Rudman has not had an equal effect on all colleges. Specifically, under the work-study funding, I was concerned to learn that several institutions in New Jersey are being asked to forfeit a higher percentage of work-study funds than the 4.3 percent originally envisoned. Work-study funds for Camden County College students in Blackwood, NJ, were cut by 12.5 percent from an estimate of $276,073 to $241,556. Funds for Gloucester County College were cut by 4.8 percent from $47,374 to $45,069. Hudson County Community College of Jersey City has suffered a 22.41 percent damage from $144,192 to $111,873; the Wilfred Academies of New Jersey a 10.98 percent reduction from $131,745 to $117,277; and the Institute of Business and Technology of Newark a 23.85 percent reduction from $92,878 to $70,727. Larger institutions in New Jersey will suffer the standard 4.3 percent cut. These varying percentages do not indicate an equal sharing of the burden of the Gramm-Rudman cuts.

These figures are taken from the "United States Department of Education Campus-Based Student Financial Assistance Programs—Comparison of Award Year 1986–1987 Tentative Awards: Actual Awards According to the Balanced Budget and Emergency Deficit Control Act of 1985." They indicate in some instances 80 percent cuts in the face of a mandated Gramm-Rudman-Hollings reduction of 4.3 percent in domestic programs.

Higher education funding has been further threatened by the administration's budget proposals which I was pleased to oppose. Under proposed modifications in the Guaranteed Student Loan Program that would have eliminated the interest subsidy, the partial elimination of the special allowance during the repayment period, the elimination of the administrative cost allowance [ACA], and the proposed cost sharing of defaulted loans, the New Jersey allowance would be decreased from $246 million to $173.8 million impacting 49,000 students. Changes in the Pell Grant Program would have eliminated or reduced the awards of 12,600 New Jersey students with a $10 million decrease. Work-study and TRIO programs were again challenged under this proposal.

Currently, the Congress is considering proposals for next year's budget. In addition, the Higher Education Reauthorization bill, H.R. 3700, which I was pleased to support when it was approved by the House last session, is progressing further in the Senate. The Senate version bars Pell grants to students with more than $30,000 in annual family income while the House bill has no income cap. A need test is implemented for the Guaranteed Student Loan Program.

Education programs in our Nation have a long history of success and can only help to enhance our growth and development. I would like to underscore my concern about the future of these vital programs in the face of challenges posed by Draconian budget cuts. Mr. Speaker, I urge my colleagues to join me in continuing to demonstrate support for these programs and in ensuring that their funding is not unjustly and inequitably jeopardized.

REFUGEES FROM NICARAGUA IN THE UNITED STATES: THEY DON'T NEED BOATS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. PACKARD. Mr. Speaker, debate on aid to the Nicaraguan Contras has focused attention on why we are involved in the affairs of a tiny Central American nation. Those of us who support aiding the anti-Communist Contras want our fellow countrymen to understand the historical parallel between this budding Marxist-Leninist regime and other such governments around the world. Examples abound for our side of the debate: the Soviet Union, Hungary, Czechoslovakia, Poland, China, North Korea, Cuba, Afghanistan, Vietnam, Cambodia, Laos, and now Nicaragua. Our opponents wish to equate intervention in Central America during the 1980's with our previous experience in Southeast Asia.

"No more Vietnams," goes the peace cry. We have a moral obligation to prevent more killing, they tell us. My response to those voices is direct and it considers the tragic consequences of extending the misery in Central America:

No policymaker with whom I have spoken wants to see more blood spilled in Nicaragua. Let us seek answers from historical example, though. Did the killing end in Southeast Asia when Americans left? Just ask Dith Pran or Dr. Haing S. Ngor. Did the killing end in the Soviet Union after Stalin strengthened his grasp there? How are Afghan citizens faring today? Has the incarceration and torture of human rights activists in the Eastern bloc ended?

Of course I ask these questions rhetorically. Turn to one of many nonpartisan publications available in the West to learn of the means by which Soviet doctors fed Dr. Andrei Sakharov—means which Sakharov equated with the dreadful torture Orwell described in his last novel, 1984. Dr. Ngor, whose real life was remarkably similar to the character he portrayed in "The Killing Fields," recently told an audience in San Diego that his movie was not bloody enough. Dan Rather's reports from inside Afghanistan have shown us the extent of Soviet atrocities committed against the men, women and children who have resisted Communist oppression there.

Many common citizens simply would rather not stay and face the uncertain future lived perilously by the people I have just mentioned. Thousands of frightened civilians leave their war-torn homes and seek refuge in the safest host country they can find. Even after the war is over and Communist reeducation begins, many more thousands flee totalitarian oppression. The following table underscores my point as it applies to the situation in Southeast Asia.

IMMIGRATION STATISTICS FOR 1973–85 FOR INDIVIDUALS ENTERING UNITED STATES FROM SOUTH EAST ASIA

	1973	1974	1975	1976	July to September 1976 [1]	1977	1978	1979	1980	1981	1982	1983	1984	1985
Country of origin:														
Kampuchea	66	40	98	103	23	126	3,677	1,432	2,801	12,749	13,438	18,120	11,856	13,563
Laos	46	61	96	137	26	237	4,369	3,565	13,970	15,805	36,528	23,662	12,279	9,133
Thailand	4,941	4,956	4,217	6,923	1,173	3,945	3,574	3,194	4,115	4,799	5,568	5,875	4,885	5,239
Vietnam	4,569	3,192	3,039	3,048	1,182	4,629	88,543	22,546	43,483	55,631	72,553	37,560	37,236	31,895
Total	9,622	8,249	7,450	10,211	2,404	8,937	100,163	30,737	64,369	88,984	128,087	85,217	66,256	59,830

[1] July to September 1976 represents the transition quarter when the federal government's fiscal year calendar was changed to its current schedule.

Note—Total immigration from S.E. Asia from 1973–85: 670,516.

Source: The numbers for each year's immigration were supplied by the U.S. Immigration and Naturalization Service, Office of Statistics.

One significant difference distinguishes Nicaragua and its neighbors from Vietnam and the countries in that region. Central America has been a long-time interest for the United States. We have diplomatic, economic and cultural links with Latin America that extend back to the earliest days of our independence. Among the first settlers in the American West were missionaries of Spanish origin and descent. They left in their trail a northward-bound path of social and commercial activity. Spanish military presence in the Caribbean and in Central America prompted President James Monroe in 1823 to warn all potentially hostile world powers that the United States sphere of influence extended into the region.

Monroe's diplomatic edict has echoed ever since that time. The 1848 Treaty of Vera Cruz gave Mexico's vast holdings north of the Rio Grande River to the United States. Cuba's importance to the United States led to the 1898 Spanish-American War. Our 1903 treaty with Colombia was a first step toward the secession of Panama and construction of the Panama Canal. Mexican revolutionaries secured American support in their 1913 war of independence.

In the early 1960's, the clearest 20th century indications of U.S. interests in Central America were set forth. Cuba presented the greatest foreign policy challenge to President Kennedy during his tenure from 1961 to 1963. Lyndon Johnson sent 14,000 troops to intervene in the Dominican Republic's civil war.

I have tried to present the legitimate historical context and lessons we must appreciate as we decide what our response should be to Nicaraguan communism. We also must see two faces on what is happening in Managua today: the interests we have in encouraging free governments and economies in the region, and the point we must make about Soviet adventurism in our hemisphere.

Efforts to promote free governments and free, healthy economies must persist among our neighbors to the South. The most disturbing side-effect of instability in Mexico today is the flood of illegal aliens who enter the United States. Border patrol officials report that 200,000 illegal immigrants per month cross the border in San Diego alone. Lucrative jobs paid for in United States dollars draw poverty-stricken immigrants from Mexico, whose oil-based economy will only get worse before it gets better. Continued political corruption and insensitivity only increase the stakes.

In this context we deal with Soviet-backed Communists in Nicaragua. Political refugees are now heading North. Best estimates gauge the Nicaraguan exile community in Miami alone at over 60,000. Of the 200,000 refugees who have left Nicaragua, up to 95,000 reside in Costa Rica—only 15,000 are officially documented; 18,000 live in U.N. camps in Honduras, 16,000 live in camps run by Friends of the Americas and an additional 50,000 are undocumented aliens in Honduras. Today more than half of the refugees head north.

Between Costa Rica and the United States border, approximately 103.25 million people live in nations threatened by various stripes of Communist insurgents, one Communist government and a region-wide condition of political instability. If Southeast Asia is a fair measure, and I believe it is if we continue to deny the need for active resistance against the Sandinista's plans for revolution beyond their borders, we can count on a massive exodus of frightened common citizens to our apparently stable land.

In the final analysis, Nicaragua is a latent threat of enormous proportions. This is especially true if we allow their foothold to consolidate and then to move on the American continent. Maybe not tomorrow, but in the very near future the economic burden of so many thousand war and political refugees will undermine our own stability.

Furthermore, a major logistical problem that prevented more Cambodians, Laotians, Thais, and Vietnamese from coming to our shores will not impede Nicaraguans, Salvadorans, Hondurans, Guatamalans, and the rest. We must never forget this about Central Americans: They don't need boats.

AMERICAN BAR ASSOCIATION CONFERENCE REPORT ON TAX REFORM

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. DUNCAN. Mr. Speaker, the American Bar Association Section of Corporation, Bank-

ing, and Business Law held a conference on tax reform in November 1985. The conference has prepared the following statement on several aspects of tax reform, including corporate income tax, capital gains, and capital investment incentives. The following is a portion of the conference report.

AMERICAN BAR ASSOCIATION SECTION OF CORPORATION, BANKING, AND BUSINESS LAW CONFERENCE

INTRODUCTION

President Reagan established as a goal for his second term a fundamental reform of the Internal Revenue Code (the Code). Criticizing the present Code as being overly complex and inequitable, the President called for simplicity, a lowering of rates and winnowing out of deductions, exemptions, credits and allowances.

The President's proposal (of May 29, 1985) has come to be known as Treasury II, since it was based on a prior Treasury Department Report of November, 1984, now referred to as Treasury I.

In view of the importance of fundamental tax reform to the members of the American Bar Association's Section of Corporation, Banking and Business Law, the Section Chairman, John Subak, appointed an ad hoc committee on tax reform.

That committee prepared a statement of the Case for Reform and Goals for Reform. It then conducted a conference on tax reform from the business perspective and submits this report of that conference.

TAX REFORM CONFERENCE, WINTERGREEN, VA, NOVEMBER 7-9, 1985

Under the sponsorship of the section, fifty-six men and women participated. There were twenty-one lawyers in private practice, seven lawyers with corporations, six academicians, eight governmental representatives, eleven persons from business and finance and three practicing certified public accountants.

The participants divided in small groups debated for one full day six specific issues relevant to business taxation. On the second day similar small groups drafted specific proposals for presentation in the final one-half day to the plenary session for final debate, revision and vote.

POSITIONS TAKEN BY THE CONFERENCE

The views expressed by the Conference are to be ascribed to the Conference as a whole and not to the American Bar Association, or any Section or Committee thereof, nor to any individual participant nor to any of the organizations with which the participants are affiliated.

SUMMARY OF CONFERENCE POSITIONS

1. Corporate Income Tax—While the Conference did not call for the outright repeal of the corporate income tax, it did endorse partial integration of the corporate income tax with the individual income tax by permitting corporate taxpayers a dividend paid deduction.

2. Capital Gains—The Conference found that the existing preferential treatment of capital gains is a significant factor in inducing investment and business growth and should be maintained at current levels. Further, there should be no distinction between the capital gains treatment permitted under the Code for corporations and individuals. Additionally there should be no distinction in the capital gains treatment of different categories of assets now eligible for taxation at capital gains rates. Finally, replacing the capital gains differential with indexing for inflation would be unduly complex and should not be adopted.

3. Capital Investment Incentives—While the Conference recognized the need for maintaining certain capital investment incentives for "over-riding social and economic considerations", it also concluded that such incentives have been afforded too readily. The Conference did agree—

(i) Generally business tax incentives should not be permitted which are likely to result in a pretax loss and an after tax gain;

(ii) Depletion deductions in excess of basis should be eliminated;

(iii) Industrial Development Bonds for non-public purposes should be eliminated;

(iv) ITC should be eliminated so long as the depreciable lives now in the law are retained; and

(v) Recapture of depreciation, including straight line depreciation, upon disposition of an asset is recommended for all property including real property.

4. Time Value of Money—The Conference recognized that there is a need for tax rules dealing with time value of money issues. Noting the complexity of such rules, the Conference called for high thresholds for any such rules to become operable and recommended the simplification of the existing provisions and consolidation of those provisions in one section of the Code.

5. Inflation Indexing—The Conference agreed that taxpayers should not be required to apply indexing formulae and procedures for purposes of calculating any income tax liability.

6. Enactment and Administration of Tax Laws—

A. The need for certainty and stability in our tax laws was emphasized by the Conference and the rapidity of change was decried.

B. Targeted tax provisions based on narrow social and economic goals (as distinguished from revenue raising) were recognized as the "heart of the complexity of the system".

C. The Conference called for better administration and enforcement of our tax laws and recognized the need for greater cooperation between tax practitioners and the Internal Revenue Service (IRS). The Conference applauded the efforts of the Treasury and the IRS to promote the general goal of voluntary compliance and recommended appropriate sections and committees within the ABA maintain ongoing contact with the Treasury, the IRS and other agencies of the Government concerned with the tax system to serve as a basis for more support of taxpayer compliance.

7. Alternative Tax Sources—

A. The Conference expressed profound concern with the way Congress determines spending and tax levels. Without improvements in procedures to control spending, the Conference was most reluctant to entrust the Congress with a Value Added Tax (VAT), or even a simplified income tax.

B. Subject to the concerns expressed in the preceding paragraph, the Conference concluded that no new tax other than a VAT is feasible. A VAT should be at a single rate with regard to all goods and services and with no exclusions and no rate differentials. Concerns with regressivity should be addressed with credits and refunds administered by existing agencies.

C. The Conference did not consider a minimum corporate income tax at a high rate an acceptable source of revenue. Such a double-track system, by its nature, is complex. A minimum tax at a high rate also destroys the incentives which Congress determined were necessary in the basic system. If changes are to be made, they should be made in the basic system.

D. The Conference urged Congress to resist pressure to make any snap decisions, particularly in selecting any alternative source of revenue such as VAT. The effective date of any structural change in the tax law, such as a VAT, should be at least one year after date of enactment.

8. Single Track Litigation System—The Conference rejected a proposal for a single track litigation system for all tax disputes.

The Planning Group's statement of the Case for Reform and Goals of Reform, the six issues prepared for the Conference's deliberations, the full report of the results of the Plenary Session and a list of Conference participants follows.

THE CASE FOR REFORM

The case for tax reform has developed from a broad consensus that the present income tax, as it is written and administered, is unsatisfactory. This consensus has spawned various proposals for change, including the administration proposal of May 28, 1985 described by the President on national television with the catchwords, fairness, simplicity and growth. No one could catalogue all the circumstances that have produced dissatisfaction with the federal income tax, but major problem areas are identified with some regularity.

Complexity, compounded by frequency of change, is a well known major problem with the federal income tax. The results are perceived to include unnecessary costs of compliance, unfair benefits to persons with access to sophisticated advisors, the creation of disrespect for the law, major difficulties in making legitimate business and investment decisions and substantial uncertainties that unnecessarily interfere with economic activity. Complexity, compounded by the accelerating rate of change, has produced advocates for revision in the tax law to make it simple, easily understood and its application known before long-term decisions are made.

The present income tax system also has received widespread criticism for its effect on the allocation of resources within our society. The charge is that the income tax system results in investments that would not otherwise be undertaken at the expense of possibly better alternatives and in unnecessary impediments to an efficient economy. The use of the tax system to influence economic activity also contributes to complexity and reduces revenue with the result that rates must be higher for other taxpayers. Recent changes in the depreciation system, together with the investment tax credit, produced large disparities in marginal tax rates across industries. Although there is agreement that there are too many economic incentives and support for the theory that the income tax should be "neutral" with respect to such matters, various groups will disagree with respect to which incentives should be retained. Incentives packaged as preserving or encouraging economic growth are currently in vogue. Growth promoted by the Code in one area or sector inevitably skews the allocation of capital away from a free market determination.

The view is widespread that the income tax system is unfair for an enormous variety of reasons, including the belief that tax breaks or shelters are the province of the powerful or wealthy. The perception is that persons in comparable circumstances should be treated alike and that special exceptions

and "loopholes" make the income tax unfair.

The public's view of the income tax, the determination of many to avoid taxes and some to evade taxes and the income tax's incredible intricacies have resulted in compliance problems for both the taxpayer and the Government. Taxpayer attitudes have contributed to the growth of tax shelter investments and are generally thought to result in an underground economy. In turn, the current Government efforts against what the IRS views as abusive tax shelters and the underground economy have consumed substantial public and private resources which could better be devoted to other purposes.

The marketing of "aggressive" tax advice by professionals has created problems not only for the Government and taxpayers, but also for professionals in their relationships with the Government, their clients and investors in various enterprises. Despite Governmental standards embodied in Circular 230, increased penalties imposed by the Code, law suits against tax advisors and professional ethics opinions, these problems have continued and are, in part, attributed to the complexities and ambiguities of the current income tax.

The problems associated with the federal income tax have led to suggestions for alternative means of raising revenues, such as a value added tax or a national sales tax. The prospect of serious consideration of such proposals is heightened currently by large deficits which limit suggestions for reform.

HONORING THE UNION CONGREGATIONAL CHURCH ON ITS 100TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. ACKERMAN. Mr. Speaker, I rise today in honor of a truly momentous occasion—the 100th anniversary of the Union Congregational Church of Richmond Hill, NY.

Located at 115th Street and 86th Avenue in Queens County, the Union Congregational Church had its beginnings when Richmond Hill was still a peaceful country village. In 1884, a group of men and women met at the association hall—a loft over a store on the northwestern corner of Myrtle and Hillside Avenues—and established the Richmond Hill Christian Association, which was later to become the Union Congregational Church and Society of Richmond Hill.

By 1946, the church had an active membership of 1,640 that included among its local luminaries the American journalist, author, and social reformer Jacob Riis and his wife, and Elizabeth and Clarissa Van Ingen—whose family members still attend the church. Today the congregation has a membership of over 300, and is an active member of the United Church of Christ and the Queens Federation of Churches. The Union Congregational Church is a well-established landmark of Richmond Hill and Queens County, a spiritual center with a distinguished legacy and a proud future.

Mr. Speaker, a communal feeling of religious devotion is especially demonstrated by the congregants of this church through their charitable works. The Men's Club and the Women's Fellowship are two church organizations whose main concerns focus on the welfare of the membership and the community. Their faith and good works are a source of inspiration to people of all faiths.

In celebration of its centennial, the church has organized a year-long series of events which will culminate with a special anniversary service on April 13. The service will be a reunion of all former members of the church and will feature several speakers and former ministers of the church.

Mr. Speaker, throughout its distinguished history, the Union Congregational Church has been a source of comfort for its congregation and strength for the entire Queens community. I would particularly like to commend the Reverend Nevin M. Kirk, the dedicated pastor; Robert K. Stower, chairman of the board of trustees; and Herman Thiene, chairman of the board of directors. Their contributions, as well as the commitment of the other fine officers and members, have made the Union Congregational Church such an outstanding institution.

Mr. Speaker, I call on all of my colleagues in the U.S. House of Representatives to join with me now in congratulating the Union Congregational Church of Richmond Hill on the auspicious occasion of its 100th anniversary.

ARIZONA STATE APPROVES MEMORIAL URGING CONGRESS TO PURSUE STRATEGIC DEFENSE INITIATIVE

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. RUDD. Mr. Speaker, the Arizona State Senate recently approved Senate Memorial 1002, urging the Congress of the United States to pursue a strategic defense initiative and to develop and construct a space-based, nonnuclear defensive system. At the same time, I would like to reaffirm my support for the strategic defense initiative, and I am taking this opportunity to submit the text of Senate Memorial 1002 for consideration.

SENATE MEMORIAL 1002

A MEMORIAL URGING THE CONGRESS OF THE UNITED STATES TO PURSUE A STRATEGIC DEFENSE INITIATIVE AND TO DEVELOP AND CONSTRUCT A SPACE-BASED, NONNUCLEAR DEFENSIVE SYSTEM

To the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, it is the constitutional duty of the United States Government to "provide for the common defense"; and

Whereas, the United States Government does not now possess any defensive means of protecting the American people against incoming enemy missiles launched from any country in the world; and

Whereas, the shift in the strategic balance in favor of the Soviet Union has undermined the credibility of our deterrent, which is based on the doctrine of mutual assured destruction and the use of offensive nuclear weapons; and

Whereas, President Ronald Reagan asked a crucial question on March 23, 1983: "Isn't it better to save lives than to avenge them?", and the United States needs a new strategy of mutual assured survival which can make nuclear weapons obsolete; and

Whereas, arms control treaties alone cannot protect us, since even a perfect agreement with the Soviet Union would leave the United States undefended against the threat of nuclear missiles launched accidentally, launched by a terrorist or launched by an irrational decision of a Third World regime; and

Whereas, the Soviet Union is moving to defend its people from nuclear attack, and we cannot afford to let the Soviet Union seize the high frontier of space and develop a defensive system before we do; and

Whereas, on June 10, 1984, the United States Department of Defense successfully conducted a test over the South Pacific which proved that we have current technology to intercept and destroy incoming missiles before they destroy us; and

Whereas, a system, commonly known as High Frontier, involving the use of nonnuclear satellites to intercept and destroy nuclear missiles targeted at the United States or the territories of our allies is currently available; and

Whereas, the Strategic (High Frontier) Defense Initiative offers the United States a way out of the continuing spiral of building more and more costly offensive weapons because it cannot kill people (it can "kill" only missiles) and it would function to keep war out of space because it is solely defensive.

Wherefore, your memorialist, the Senate of the State of Arizona, prays:

1. That the Congress of the United States give prompt attention to the development, construction and placement of a space-based, nonnuclear defensive system.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation.

TRIBUTE TO ROSE E. WATSON

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. TRAXLER. Mr. Speaker, I rise to pay tribute to a most distinguished individual, Mrs. Rose E. Watson, who has dedicated the past 30 of her 97 years to providing personal and financial support to hundreds of high school students. I am honored to recognize Mrs. Watson's outstanding contributions to her community of Saginaw, MI as businesswoman, volunteer, and generous benefactor. A devout Catholic, Mrs. Watson demonstrates her religious commitment through her lifestyle of selfless giving. As director of the Watson Foundation, established by her late husband, John Watson, to provide college scholarships to high school students, Mrs. Watson has provided over 500 students with financial assistance, amounting to over $3 million.

Even more than the monetary support, Mrs. Watson, has generously given of her personal time and friendship to each student individual-

ly, taking a special interest in his or her goals and ambitions. In return, Rose Watson receives the satisfaction of having helped needy young people to achieve their dreams. She is also rewarded through constant letters and phone calls from grateful students.

Prior to her work with the Watson Foundation, Mrs. Watson's career began at age 16 as a factory worker in her hometown of Faribault, MN. She then supported herself through work in a department store until she married John Watson, and became bookkeeper in his J.C. Penney store in Saginaw, MI. In 1953 the couple started the Watson Foundation, and Rose took on the responsibility of distributing scholarships, with the help of a board of directors she assembled. Although she had only an eighth grade education, Mrs. Watson took correspondence courses in English, math, and finance to develop skills needed for running the foundation. In 1976, she received an honorary doctor of humane letters from Aquinas College for her contributions to youth.

Mrs. Watson has spent her life in commitment to her community, through her extraordinary service and generosity to young people, and I ask my colleagues to join me in honoring her and wishing her continued success and much happiness.

EMILY EDWARDS' ESSAY

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. QUILLEN. Mr. Speaker, I am pleased today to bring to the attention of my colleagues the first place essay in Johnson City, TN, radio station WETB's recent American History Month Essay Contest. Miss Emily Edwards, a seventh-grader at Sulphur Springs School in Jonesborough, TN, won the contest with an outstanding essay concerning our cherished liberty which we often take for granted. I want to congratulate Emily Edwards and WETB. Miss Edwards' essay follows:

WHAT AMERICA MEANS TO ME

My name is Dinah. I am in a prison camp because I am Jewish. I was ordered here by a very mean man, Hitler. They took all of my clothes, and I have been standing for seven days. I haven't seen my mother for at least two months. But I was one of the lucky ones; two hundred of us were sentenced to death and twenty were shot on sight. Now I am waiting to be taken to a gas chamber or to be hung, if I don't starve to death first.

My name is Tonel. I have been taking care of my mother for a long time because she is very sick. She doesn't have enough food and water, but neither does anyone else in our village. She needs food to get better, but we can't grow any. Our soil is too poor. It is also very hot here. It is hard to work in the hot sun to try irrigation. We can't do much, but we can pray for a miracle. My baby brother died yesterday; he starved. My older brother died of a fungus infection. He had sores on his head and his body. Right now, more than anything, I would like food and water and good health for my family.

My name is Nadia. I love to write poetry, but the government will not let me write what I want or what I feel. They do not like poetry about other countries and how I wonder what they are like. I get in trouble for asking questions and stating my opinions in school. The government doesn't approve of my curiosity of other nations and their people. I can't practice my own choice of religion; it is chosen for me.

My name is Emily. I am looking forward to a dance my school is having. I realize kids in other countries do not have opportunities to go to dances, ballgames, or even movies; but I enjoy these things. I enjoy being with my friends and making new friends. I also enjoy being able to exercise my own choice of religion. I can also give my opinions to high authorities or my teachers and I won't get in trouble.

Being an American, I am free and have the right to my opinions and opportunities to learn, study, and develop. I have plenty of food and resources and will help those in need. When I get older and have a bigger voice on decisions, I will do my best in making my community, state, and nation better places in which to live.

Dinah, Tonel, Nadia, and Emily are all teenagers of the past and present. Emily is lucky because she lives in America and she is free. I am glad that I am Emily.

LEYTE LANDING DAY

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. SHUMWAY. Mr. Speaker, October 20, 1986, will mark the 42d anniversary of the allied forces' return to Leyte in the Philippine Islands, in fulfillment of a solemn national promise to liberate the Philippine people from the Japanese empire. Led by Gen. Douglas MacArthur, the 420 transports carrying 165,000 men of the U.S. 6th Army and 157 warships manned by 50,000 sailors fought at Red Beach and represented the largest operation yet conducted in the Pacific war. It was the combined efforts of Philippine scouts and the allies which resulted in the eventual defeat of the Japanese forces and changed the direction of World War II in the Pacific.

While much recognition is accorded the events which occurred at Normandy on D-Day, the events which transpired at Leyte over a 4-month period in 1944-45 have not received recognition commensurate with their significance. Last October I attended a ceremony in my congressional district to pay tribute to the brave men who turned the tide of the war in the Pacific theater. The ceremony was highlighted by the reading of a letter from General MacArthur's widow; however, I believe this ceremony and others like it would have been greatly enhanced by a resolution from the U.S. Congress expressing appreciation for the sacrifices of these men and the freedoms for which they fought.

Thus, I am introducing today legislation which would designate October 20, 1986, as "Leyte Landing Day," a day for national remembrance of the return to Leyte. I encourage the support of the Members of the House for this resolution.

MARIA CHAMBERLIN, INDIANA VOICE OF DEMOCRACY WINNER

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. HILER. Mr. Speaker, I would like to share with this body an essay written by an outstanding young Hoosier from my congressional district.

Maria Chamberlin, a senior at Mishawaka High School in Mishawaka, IN, was the winner of the 1985-86 VFW Voice of Democracy Scholarship Program in my State and she went on to place fourth in the national competition in Washington.

In her essay, Maria has some words of advice for her young peers about how to meet the challenges of today's world, which as she puts it, sometimes runs about as smoothly as "a car with square wheels." Some of the deliberations that face us in the House of Representatives are about that smooth too, so I think that while we may not have been Maria's intended audience, we can still be inspired by her message.

NEW HORIZONS FOR AMERICA'S YOUTH

(By Maria Chamberlin)

I doubt if there is any American youth of my generation who hasn't experienced the excitement of following Dorothy and her delightful friends down the yellow brick road—down that yellow brick road until we saw, gleaming on the distant horizon, the Emerald City. The Emerald City—the horizon of hope and dreams. The horizon of knowledge for the scarecrow without a brain, the horizon of love for the Tin Man who longed for a heart, and the horizon of courage for the cowardly Lion.

We remember, of course, that their dreams were temporarily shattered by the well-meaning, but fraudulent wizard. The happy ending, did come, but only after the wizard was forced to admit that the dreams on the horizon were not somewhere "over the rainbow" but lie within.

Isn't it the same America's youth seeking the good things in life, out there on the horizon, rather than realizing that life's greatest gifts really are within each us? And aren't these the same gifts the scarecrow, tin man and lion were seeking—knowledge, love, and courage—the same gifts that millions of young Americans before us have reached for?

But knowledge, love, and courage don't come easily. Oh, we don't have to deal with the wicked witch of the west: However, we must cope with the ever-present obstacles of apathy and ignorance. Isn't knowledge the first step in overcoming these obstacles? . . . a knowledge of the past, of where we've been of who we are: a knowledge of the great contributions to freedom by men like Franklin, Lincoln, Kennedy, and King. It's knowledge that gives young people of this land a sense of home and optimism.

Most of us have only to look around at where we are, at pain, at waste, at confusion, and ask if this has to be. When we allow ourselves to be puzzled, to ask, "Why"? We can start to make things happen in America, rather than let them happen to us. This knowledge, this awareness leads to caring—and to care is to

"love". Love such as the Tin Man experienced when he finally found his heart.

During a recent visit to this country, Mother Theresa told American students, "Each of us has a mission to fulfill, a mission of love!" She's right. Our part in life may be a humble one, but whether we play the instrument, or sweep up after the performance—we have a role to play. Being young and alive means that we have been written into the script of this magnificent drama of America. We are needed . . . to care, to serve, to love.

For many of us, though, to "Reach out and touch someone" is difficult. Psychologists suggest that we hestitate to get involved because of the risk, the fear of the unknown, the kind of fear that frustrated the cowardly Lion on his way to Oz. Fear suggests the presence of danger, but the real danger for America's youth is in refusing to take any risks at all.

I like the advice that Alan Alda gave at his daughter's commencement: "Don't be scared", he said, "You're being flung into a world that's running about as smoothly as a car with square wheels. Be bold! Have the nerve, have the courge to go into unexplored territory". Can we as young Americans find such courage? The courage the cowardly Lion found on his horizon?

We can and we will, if we draw upon our knowledge potential and the inner strength of love. Knowledge, love courage! Without these, despair and hopelessness loom on the horizon. We could find ourselves as despondent as the college student whose world had crumbled about him. With financial hardships, poor grades, family problems and virtually no hope in sight, he yearned for outside help. He finally went to a psychiatrist who claimed he could help and suggested they begin with a visit to the town circus to see Grimaldi. Grimaldi the clown would surely cheer him up. With a disappointed look in his eyes, the young man responded: "But Doctor, I am Grimaldi!". At that moment, the college student, like Dorothy and her lovable companions, made the ultimate human discovery, the same discovery made by millions of young Americans in the past, the discovery that the "New horizons for America's youth", the horizons of knowledge, love, and courage are not out there somehwere over the rainbow, but really do lie within.

A CONGRESSIONAL TRIBUTE TO JAMES EARLE CHRISTO, OUTGOING MAYOR OF BELLFLOWER, CA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. DYMALLY. Mr. Speaker, I rise and extend my hat to honor James Earle Christo. He will be concluding his term as mayor of Bellflower on April 15, 1986. Those of us who have worked closely with Mayor Christo will deeply miss the hand of this dedicated citizen in public life. Through hard work, he has earned the respect of his peers and helped make Bellflower a better place to live and work.

Earle has held many distinguished positions in his 74 years, contributing countless hours of service and dedication to his community.

A 50-year fraternal brother of Al Malakiah Shrine and a charter member of the Bellflower Elks, Mayor Christo and his wife Ruth have been loyal and active citizens of Bellflower for many, many years. Mayor Christo's election to the Bellflower City Council in 1982 was concrete demonstration of the esteem in which he is held by fellow citizens of Bellflower.

Prior to his political career, Earle was a Pacific coast basketball referee and a football, basketball, and baseball coach. He remains highly active in these sports even today.

A respected Republican leader, Mayor Christo has served his constituency with fervor and zeal. He shows no partisanship when it comes to the welfare of his community.

The many achievements of James Earle Christo would fill a book. A noteworthy milestone was his participation and influence in the passage of Proposition 13 in California. This legislation made it possible for homeowners to retain their homes through redress from excessive taxation.

It is with great honor and pleasure that I join with the many organizations and elected officials in our area to honor my good friend James Earle Christo with a certificate of achievement for his outstanding work.

SALUTE TO ELLIS COPELAND

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. YATRON. Mr. Speaker, it gives me great pleasure today to recognize and honor Deacon Ellis Copeland of Reading, PA. On April 25, 1986, Deacon Copeland will be honored with a special service at St. John's Baptist Church in Reading.

This special event will recognize Deacon Copeland for his 41 years of tireless, dedicated service to St. John's Baptist Church, the city of Reading and the surrounding area. He served as chairman of the deacon board at St. John's for 40 years and presently serves as deacon meritorious. He has also served on numerous community boards, the Central Baptist Association and the Layman League of Pennsylvania.

I want to commend Deacon Copeland for his hard work and service to St. John's and the surrounding community. Through his efforts and leadership, the St. John's congregation has grown and flourished. The work of citizens like Ellis Copeland helps form the foundation of America's heritage as "One Nation Under God." I know that all of my colleagues will join me in congratulating Deacon Copeland for his 41 years of dedicated service and in wishing him continued success and good fortune in the future.

ADMINISTRATION VIEWS ON INDIAN GAMBLING

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mrs. VUCANOVICH. Mr. Speaker, H.R. 1920, the Indian Gaming Control Act, has been on the schedule for a number of weeks. I would like to take this opportunity to let the Congress know what the administration's views are on this bill and provide this body with a summary of the administration's proposal to regulate Indian gambling.

The attached letter to Congressman UDALL is from John R. Bolton, Assistant Attorney General, U.S. Department of Justice. It outlines the administration's position on this issue. The administration's proposal does not intend to interfere with so-called ceremonial gaming that is conducted along with tribal rituals. The administration's proposal does establish a Federal commission to regulate bingo, but requires that all other forms of gambling be regulated by the 50 States according to State laws and regulations.

I thought my colleagues should know that this is the administration's position on this bill and that Senator DOMENICI plans to introduce the administration's proposal.

OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS,
Washington, DC, March 20, 1986.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We understand that the Committee on Interior and Insular Affairs has reported H.R. 1920, a bill to establish federal standards and regulations for the conduct of gaming activities on Indian reservations and lands, and that the bill may soon reach the floor of the House of Representatives for a vote. This Department has previously expressed its concerns with H.R. 1920 and we would like to reiterate our opposition to its passage as presently drafted.

As you know, the Department of Justice is responsible for criminal law enforcement as well as representation of the Secretary of the Interior in matters involving Indian tribes. Thus, we are in a unique position to perceive all of the possible ramifications of H.R. 1920, recognizing both the very real and serious potential for criminal infiltration in such a lucrative enterprise as well as the economic benefit such an enterprise can afford the Indian tribes. The Department testified in November 1985 on proposals to address the issue and outlined the major concepts of the administration's policy on Indian gambling that is very close to being finalized.

A major objection to H.R. 1920 is that it fails to recognize that widespread, high-stakes gambling on Indian reservations, involving large sums of cash and lucrative peripheral service industries, would draw organized crime like a magnet, and in its trail would follow fraud and corruption. Indians are no more susceptible to infiltration by organized crime than any other segment of society. It is, however, the inherent nature of the enterprise itself that we have seen time and time again draw criminal elements

solely because there is so much profit to be made. H.R. 1920 fails to provide the high degree of regulation and control, including intensive background checks, licensing procedures, management contract review and approval by the Secretary, auditing and oversight that is necessary to ensure the integrity of the games this legislation intends to legitimate.

Of significant concern to this administration is H.R. 1920's fragmented approach to enforcement. First, the bill requires that the National Indian Gaming Commission adopt comprehensive regulations for class III gaming which are "identical to that provided for the same or similar gaming activity by the state within which such Indian gaming activity is to be conducted." While the Committee states that its intent is not to require that all state laws relating to gaming activity be incorporated into a federal Commission's regulatory scheme, this provision could result in 50 different sets of regulations, which would be impossible to monitor or enforce. Second, criminal enforcement of gambling laws would be severely hampered because certain states (those that have criminal jurisdiction under Public Law 280) would be empowered to enforce, while others would not. Federal enforcement authorities do not have the resources or expertise to investigate gambling violations based on state laws. States, on the other hand, already have in place the necessary enforcement mechanisms to regulate and enforce their gambling laws. Prosecution of criminal cases arising out of state gambling laws must remain primarily the responsibility of the states, with the federal government playing a back-up role where states are reluctant to act. This comports with applicable constitutional principles.

The administration's proposal to regulate Indian gambling is nearing completion in a matter of weeks. A summary of that proposal is attached. We feel that it represents a balanced approach to the regulation of this highly lucrative, easily corrupted enterprise while allowing the tribes to improve their economic position by promoting these games. We request that the Committee postpone any further activity on H.R. 1920 until it can consider the administration proposal.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BOLTON,
Assistant Attorney General.

SUMMARY OF ADMINISTRATION PROPOSAL TO REGULATE INDIAN GAMBLING

Gambling is divided into three categories: ceremonial, bingo and "all other" forms. Ceremonial would be uncontrolled; bingo would be controlled by a federal commission; and "all other" gambling would be controlled by the law of the state where the tribe is located.

Tribally operated bingo would not be permitted in any state which does not permit any form of legal bingo. Five states currently prohibit all types of bingo.

The Native American Bingo Commission would be created to license and police tribal bingo operations. The Secretary of the Interior will appoint the majority of the Commission who will serve at his pleasure. The Secretary will also appoint the Chairman. The Attorney General will appoint one member of the Commission, a career Department of Justice employee who will serve at the pleasure of the Attorney General. All expenses of the Commission, except the salaries of the Commissioners, will be borne by the tribes operating bingo through licensing fees.

Subject to approval by the Secretary, the Commission is authorized to draft rules and regulations regarding management contracts and other specified subjects relating to the conduct of gambling.

The Secretary's involvement in the Commission's day-to-day decisions concerning license applications and inspections of bingo operations is to be minimal. The Commission is to operate independently in these areas, although its decisions are subject to judicial review. The Secretary and Attorney General will maintain overall policy control through their authority to dismiss the Commissioners they appointed.

Any federally recognized tribe (except a tribe in one of the five states that prohibits bingo) may apply for a license to operate bingo, or authorize a separate entity, such as a tribal corporation, to do so. The Commission will then conduct a background investigation to determine the prospective licensee's fitness and ability (and that of any management contractor) to run a bingo operation in compliance with the law and for the general economic benefit of the tribe. The Commission may contract with tribal, federal, state, or private agencies for such investigations. If the Commission denies or fails to issue a license within the specified time—90 days if the prospective licensee is not going to use a management contractor and 270 days if the prospective licensee is going to use such a contractor—the applicant is entitled to a hearing before the Commission. An adverse decision would be subject to judicial review.

The Commission must approve management contracts, and the legislation contains a number of provisions relating to such contracts. Management contractors can receive no more than forty percent of the net income from the bingo operation, but the Commission can decide that in a particular case that a certain figure is too much and only approve a contract that provided for a lesser amount. Existing contracts would be allowed to remain in effect until October 1, 1987, unless terminated earlier by the Secretary pursuant to his general supervisory powers over such contracts.

The Commission is authorized to issue regulations concerning which, if any, individual employees of bingo establishments and of management contractors must obtain a license from the Commission and to establish the criteria for a license. The Commission is also authorized to conduct background investigations on persons required to be licensed and may conduct these investigations by contracting with outside agencies. The license must be issued in 90 days or the applicant is entitled to a hearing before the Commission. The Commission's decision is subject to judicial review.

The Commission is authorized to inspect and examine licensed bingo operations and to institute disciplinary action for violations of its rules. When the Commission has reason to believe that a tribal licensee, an individual licensee, or a management contractor has violated a statutory provision or rule of the Commission in such a manner that the license or approval of the management contract should be suspended, modified or revoked, or that a monetary penalty should be imposed, it must give the suspected violator notice and a hearing. Disciplinary action is also subject to judicial review.

LAWS IMPACTED BY SALE OF POWER MARKETING ADMINISTRATIONS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. MILLER of California. Mr. Speaker, the Reagan administration has proposed "defederalizing" the Federal power marketing administrations. At a hearing held by the Interior Subcommittee on Water and Power Resources, which I chair, Assistant Secretary Donna Fitzpatrick stated that the Department of Energy plans to initiate sale negotiations for the power marketing administrations in early 1987 and complete all the sales by 1991.

The Committee on Interior and Insular Affairs has grave reservations about this proposal. In its report to the Budget Committee, the committee recommended that the Energy Department not proceed with the sale plans without specific legislative authority. In addition, the committee noted that, "The question of whether to sell all or even a portion of the power marketing administrations is a sensitive issue. It involves difficult choices about the future of public resources."

Mr. Speaker, the administration says it is serious about this proposal. If that is true, we ought to realize the ramification of such a proposal. There are at least 17 laws and amendments thereto, as well as 124 projects, which would be affected by the sale.

At my request, the Library of Congress prepared an analysis of the laws impacted by any proposal to sell the power marketing administrations. A copy of the Library's analysis is attached for the consideration of my colleagues.

The material follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 24, 1986.

To: Honorable George Miller. Attn: Lori Sonken.

From: American Law Division.

Subject: Laws Implicated By the President's Proposal to Sell the Federal Power Marketing Agencies, Including a List of Power Projects Which Supply Them.

Listed below are laws which may be directly implicated by the President's proposal to sell the federal power marketing administrations (PMA's), namely, the Bonneville Power Administration (BPA), the Southeastern Power Administration (SEPA), the Southwestern Power Administration, the Western Area Power Administration (WAPA), and the Alaska Power Administration. The responsibilities of BPA, SEPA, the Southwestern Power Administration and the Alaska Power Administration were transferred from the Department of the Interior to the Department of Energy (DOE) pursuant to § 302 of the Department of Energy Organization Act, P.L. 95-91, 91 Stat. 578 (1977); 42 U.S.C. § 7152. WAPA was not organized until after the transfer of authority to the DOE.

Our basic criterion for selecting laws to be included in this survey was to identify references in energy-related legislation to the PMAs expressly, or to descriptive terms, e.g., "Government agency now or hereafter authorized by law to engage in the production, marketing, or distribution of electric

energy." See § 273 to the Atomic Energy Act of 1954, P.L. 83-703, 68 Stat. 960; 42 U.S.C. § 2020.

At your request, we are also including reference to the various projects which supply power to the PMAs based upon information provided by them.

While our survey of relevant legislation is intended to be comprehensive, it does admit of the possibility of exclusions of some enactments which may be on point.

GENERAL POWER LEGISLATION INVOLVING FEDERAL PMA'S

The Federal Power Act, June 10, 1920, c.285, § 320, as added Aug. 26, 1935, 49 Stat. 863; 16 U.S.C. § 791a *et seq.* (see 16 U.S.C. §§ 796, 824i, 824j, 825s, 825s-1, 825s-2, and 825s-3).

Public Utility Regulatory Policies Act, P.L. 95-617, § 2, 92 Stat. 3119 (1978); 16 U.S.C. § 2601, *eq seq.*

Department of Energy Organization Act, P.L. 95-91, § 302, 91 Stat. 578 (1977); 42 U.S.C.§ 7152.

Wind Energy Systems Act of 1980, P.L. 96-345, § 6, 94 Stat. 1142; 42 U.S.C. § 92505(g).

GENERAL LEGISLATION MANDATING SALES OF SURPLUS POWER FROM FEDERAL PROJECTS

(Originally vested in the Secretary of Interior)*

Act of April 16, 1906, as amended, § 5, 34 Stat. 117; 43 U.S.C. § 522.

P.L. 68-292, 43 Stat. 703 (1924); 43 U.S.C. § 501.

P.L. 75-497, 52 Stat. 322 (1938); 43 U.S.C. § 392a.

Reclamation Project Act of 1939, as amended, P.L. 76-260, § 9(c), 53 Stat. 1194; 43 U.S.C. § 485h(c).

Flood Control Act of 1944, P.L. 78-534, § 5, 58 Stat. 890, amending the Federal Power Act at 16 U.S.C. § 825s.

BONNEVILLE POWER ADMINISTRATION

Bonneville Project Act of 1937, P.L. 75-329, 50 Stat. 731; 16 U.S.C. § 832 *et seq.*

Pacific Northwest Consumer Power Preference, P.L. 88-552, 78 Stat. 756 (1964); 16 U.S.C. § 837 *et seq.*

Columbia River Transmission Act, P.L. 93-454, 88 State. 1376 (1974); 16 U.S.C. § 838 *et seq.*

Pacific Northwest Electric Power Planning and Conservation Act, P.L. 96-501, 94 Stat. 2697 (1980); 16 U.S.C. § 839 *et seq.*

MISCELLANEOUS

Atomic Energy Act of 1954, P.L. 83-703, § 273, 68 Stat. 960; 42 U.S.C. § 2020.

Alaska Federal—Civilian Energy Efficiency Swap of 1980, P.L. 96-571, 94 Stat. 3341; 40 U.S.C. § 795 *et seq.*

Energy Conservation Program of WAPA, P.L. 98-381, Title II §§ 201, 202, 98 Stat. 1340 (1984); 42 U.S.C. §§ 7275, 7276.

Agricultural Credit, 7 U.S.C. § 1926 (a)(15)(A) (Permits the Secretary of Agriculture to make loans to finance construction, acquisition, and operation of transmission facilities for electric systems owned by public bodies in rural areas which receive bulk power from the PMAs).

PROJECTS WHICH SUPPLY THE PMA'S

Alaska Power Administration

Eklunta Project (Bureau of Reclamation).

Snettisham Project (Army Corp. of Engineers).

Southwestern Power Administration

(23 Army Corp. of Engineer projects)

Beaver (Ark.), Blakley Mt. (Ark.), Broken Bow (Ok.), Bull Shoals (Ark.), Clarence Cannon (Mo.), Dardanelle (Ark.) DeGray (Ark.), Dennison (Ok./Tex.), Eufaula (Ok.), Fort Gibson (Ok.), Greer's Ferry (Ark.), H.S. Truman (Mo.), Keystone (Ok.), Narrows (Ark.), Norfolk (Ark.), Ozark (Ark.), Robert S. Kerr (Ok.), Sam Rayburn (Tex.), Stockton (Mo.), Table Rock (Mo.), Tenkiller Terry (Ok.), Webbers Falls (Ok.), and Whitney (Tex.).

Total installed capacity 2,150,350 kilowatts.

Bonneville Power Administration: Appendix A.

Southeastern Power Administration: Appendix B.

Western Area Power Administration: Appendix C.

ROBIN JEWLER,
Legislative Attorney.

APPENDIX A

From Bonneville Power Administration, Annual Report 1984:

Bureau projects: Boise, Columbia Basin, Hungry Horse, Minidoka—Palsades, Yakima.

Corps projects: Albeni Falls, Bonneville, Chief Joseph, Cougar, Detroit—Big Cliff, Dworshak, Green Peter—Foster, Hills Creek, Ice Harbor, John Day, Libby (d), Little Goose, Lookout Point—Dexter, Lost Creek (a), Lower Granite, Lower Monumental, McNary, The Dalles.

APPENDIX B

Information provided by the Office of the Administrator, Southeastern Power Administration:

KERR-PHILPOTT PROJECTS

John H. Kerr, Roanoke, Va-N.C.
Philpott, Roanoke, Va.

GEORGIA-ALABAMA PROJECTS

Allatoona, Alabama, Ga.
Buford, Chattahoochee, Ga.
Clarks Hill, Savannah, Ga.-S.C.
Hartwell, Savannah, Ga.-S.C.
Walter F. George, Chattahoochee, Ga.-Ala.
Millers Ferry, Alabama, Ala.
West Point, Chattahoochee, Ga.-Ala.
R.F. Henry, Alabama, Ala.
Carters, Alabama, Ga.
Richard B. Russell, Savannah, Ga.-S.C.
Center Hill, Cumberland, Tenn.
Dale Hollow, Cumberland, Tenn.
Wolf Creek, Cumberland, Ky.
Old Hickory, Cumberland, Tenn.
Cheatham, Cumberland, Tenn.
Barkley, Cumberland, Ky.
J. Percy Priest, Cumberland, Tenn.
Cordell Hull, Cumberland, Tenn.
Laurel, Cumberland, Ky.
Jim Woodruff, Apalachicola, Ga.-Fla.

APPENDIX C

From Western Area Power Administration, Annual Report 1984:

Billings: Fort Peck, Fort Peck; P-SMBP, Big Bend; P-SMBP, Fort Randall; P-SMBP, Garrison; P-SMBP, Gavins Point; P-SMBP, Oahe; P-SMBP, Canyon Ferry; P-SMBP, Yellowfail; Boulder Canyon, Hoover; Parker-Davis, Davis; Parker-Davis, Parker; Navajo, Navajo.

Loveland-Fort Collins: Colorado-Big Thompson, Big Thompson; Colorado-Big Thompson, Estes; Colorado-Big Thompson, Flatiron; Colorado-Big Thompson, Green Mountain; Colorado-Big Thompson, Marys Lake; Colorado-Big Thompson, Pole Hill; Fryingpan-Arkansas, Mt. Elbert; Kendrick, Alcova; Kendrick, Seminoe; North Platte, Guernsey; P-SMBP, Boysen; P-SMBP, Fremont Canyon; P-SMBP, Glendo; P-SMBP, Kortes; P-SMBP, Medicine Bow; P-SMBP, Yellowtail; P-SMBP, Pilot Butte; Shoshone, Heart Mountain.

Sacramento: Central Valley, Judge F. Carr; Central Valley, Folsom; Central Valley, Keswick; Central Valley, Nimbus; Central Valley, O'Neill; Central Valley, San Luis; Central Valley, Shasta; Central Valley, Spring Creek; Central Valley, Trinity; Central Valley, New Melones.

Salt Lake City: Collbran, Lower Molina; Collbran, Upper Molina; Colorado River Storage, Blue Mesa; Colorado River Storage, Flaming Gorge; Colorado River Storage, Glen Canyon; Colorado River Storage, Morrow Point; Colorado River Storage, Crystal; Provo River, Deer Creek; Seedskadee, Fontenelle; Rio Grande, Elephant Butte; Falcon, Falcon; Armistad, Amistad.

*From *Federal Reclamation and Related Laws Annotated* (R. Pelz ed.

SAVINGS AND LOAN ACCOUNTING ISSUES

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. SIKORSKI. Mr. Speaker, I wish to call my colleagues' attention to a letter and enclosures I recenlty received from Mr. Harold W. Greenwood, Jr., president of Midwest Federal Savings and Loan Association in Minneapolis, MN, concerning savings and loan accounting issues.

The House Energy and Commerce Committee has held several hearings on these issues. I found the points made by Mr. Greenwood in his letter and by the accompanying enclosures quite interesting. Accordingly, I have placed Mr. Greenwood's letter and enclosures in the RECORD.

I trust that my colleagues will find this information helpful:

MIDWEST FEDERAL,
Minneapolis, MN, March 14, 1986.

Congressman GERRY SIKORSKI,
414 Cannon Building,
Washington, DC.

DEAR CONGRESSMAN SIKORSKI: In response to our recent meeting in your office in Washington, D.C., I am enclosing an article which appeared in the Financial Managers Society magazine, written by a Craig A. Dabroski. Craig has a very prestigious background and the article is very self-explanatory. One point I think that should be straightened out, as it may be helpful to you in your Committee, is that it must be clearly defined that losses for bad loans are not part of RAP accounting. If a bad loan occurs and a loss takes place, that loss is charged against the net worth in earnings of the thrift institution.

When RAP accounting was introduced, I think it was a brilliant move to allow interest rate risk of lending long and borrowing short which was created by the Congress itself in the 1930's. Also, I mentioned to you when I was in your office that the Federal Reserve, Comptroller of the Currency and FDIC are also planning different accounting regulations for certain agricultural loans

and other problem loans. I am enclosing those articles.

The reality of the net worth is really dependent upon the audience and I think that regulators, depositors, investors and other groups as well have their own needs and own formulas for arriving at a preferred version of net worth. And I refer to the insurance companies who use what is referred to statutory accounting principles which took place in the early 1930's and are still in existence with most of the large insurance companies in the United States.

Irregardless of the method used to determine net worth, it only tells you how well you have done in the past but not how well you will do in the future. We must look upon the current net income and earnings of a company, or let's say a thrift, to determine its future ability.

In the banking community the primary capital ratio allows for inclusion of loan loss reserves—thrifts are not allowed to do this. They are not allowed to put their loan loss reserves in the net worth calculation.

In closing I want to commend the Pratt Federal Home Loan Bank Board and also the current Federal Home Loan Bank Board for their wisdom in adopting RAP accounting and also their wisdom for making sure that it was used properly. And I refer to this, the regulation that Chairman Gray introduced, putting a moratorium on using this beyond October 31, 1984.

Please find enclosed an analysis of one of the largest Wall Street firms which stresses using RAP net worth to gauge a financial institution's ability to perform in the market place.

I hope this can be helpful to you and your members of the Committee. Thank you.

Very truly yours,

HAROLD W. GREENWOOD, Jr.,
Chairman and President.

CAN NET WORTH BE REAL?

(By Craig A. Dabroski)

The financial press appears very concerned that the REAL net worth of thrift institutions has decreased so markedly in the last 48 months. Speakers on virtually every accounting and securities industry platform warn thrift institution management teams that they must look not at some inflated net worth figure, but rather should concentrate on REAL net worth.

While the casual observer will read the articles, listen to the speeches, and feel a sense of mission to maintain this REAL networth, the enlightened management teams will also read and listen but will feel only confusion. The enlightened management team realizes that the term REAL worth" has no definition. The term "REAL net net worth" is *real* only in the minds of the writers and the speakers.

Several versions of reality in net worth should be looked at. In order, the versions are (1) RAP (Regulatory Accounting Principles), (2) GAAP (Generally Accepted Accounting Principles) and SuperGAAP, (3) Tangible, (4) Liquidation and (5) Assumed Real.

RAP NET WORTH

Many people scorn RAP net worth as being too liberal in its computation. In fact, it can contain whatever the regulators say it should contain. As the major regulator for federally-insured institutions, the Federal Home Loan Bank Board (FHLBB) has allowed various items to be included in RAP net worth, usually in addition to items allowed under GAAP.

Appraised Equity Capital (AEC) is an excellent example. The FHLBB recognized that many thrift institutions have land and buildings (used for their offices) that have appreciated to far more than their book value. In an attempt to prevent the sometimes "desperation sale" of these facilities, the FHLBB allowed the institutions to include this appreciation on RAP net worth for a three-year period ending in 1985. GAAP allows no such thing. In order to recognize the gain or GAAP, the institution must sell the property and move, or sell the property and lease it back under a very short-term lease.

Deferred losses on the sale of loans and other long-term securities is another example of a RAP accounting technique that is not allowed under GAAP. Under this regulatory accounting procedure, an institution may sell its low- interest-rate loans and securities, defer and amortize the loss over the remaining term of the assets sold, and invest the proceeds in current-rate and shorter-term assets—a potentially smart move in periods of rising rates. However, under GAAP, the loss on the assets sold must be recognized in full at the time of the sale.

Loan fee accounting has been a potential source of GAAP RAP differences for several years. The FHLBB allows fees to be taken into current income, and hence net worth, based on a formula expressed as a dollar amount and a flat percentage of the total loan. The GAAP method, on the other hand, allows the fees as current income based on overall direct underwriting costs of the institution. The two methods can produce markedly different results.

Regulatory certificates can be another source of RAP GAAP differences. They go by various names depending on their time of issuance. There are Income Capital Certificates and Net Worth Certificates. While the FHLBB has, through their power, deemed them includable in RAP net worth (a very handy power), the forces of GAAP and SuperGAAP have, at best, mixed emotions concerning their inclusion in net worth.

As a catchall, the FHLBB has the power to authorize virtually everything and anything as includable RAP net worth. Through FHLBB resolution or through FHLBB regulation, items may become includable on an institution-by-institution basis or for the industry as a whole, respectively.

Do the above differences add to or detract from the reality of the RAP net worth amount? Actually, no. RAP net worth is the REAL measure of net worth to the Federal Home Loan Bank Board when they are considering the viability of an institution. It should also be the REAL measure of net worth to depositors and management when they consider the viability of the institution. However, its reality is lessened when viewed by the GAAP accountants.

GAAP AND SUPERGAAP NET WORTH

By eliminating the effects of those items noted above, the net worth amount can be brought from RAP to GAAP. Net worth under GAAP is viewed with great favor by the public accounting profession, as well as most of the securities industry. The Securities and Exchange Commission (SEC) usually accepts GAAP. The rules for GAAP are extensive, well known, and slow to change. An entire organization, the Financial Accounting Standards Board (FASB), has been established to oversee the body of knowledge and authority known as GAAP.

With this superstructure of rules, rulemakers and rulekeepers, is GAAP net worth the REAL net worth? Not really. As with RAP net worth, the reality of GAAP net worth depends on the audience. To an underwriter of a stock offering, GAAP net worth is the REAL one. To a CPA preparing to opine on financial statements included in a 10-K, GAAP net worth is the REAL one. And typically to the SEC, GAAP net worth is the REAL one.

However, the SEC has the same type of accounting rulemaking power as the FHLBB. If the SEC believes that GAAP, as interpreted or as applied, is not adequate, they can create SuperGAAP. For example, in 1981 and 1982 when thrift mergers became popular, so did the use of purchase accounting under GAAP. By using purchase accounting, an amount of goodwill was sometimes created. The goodwill could be amortized, according to GAAP, over a period not to exceed 40 years. When many such mergers resulted in the maximum (40 year) life for goodwill, the SEC got involved in those cases where the related financial statements appeared in documents filed with the SEC. The SEC said "no" to 40 years and thereby created a form of SuperGAPP. In this case, GAAP was adjusted by the FASB in early 1983 to bring GAAP and SuperGAAP together again.

By being more strict than GAAP, does SuperGAAP therefore create REAL net worth? Once again, not really. It is REAL to the SEC, and, therefore, has very marked effects on the public accountants and the securities industry. A depositor, on the other hand, may still be better served by RAP net worth. A CPA, likewise, may prefer GAAP to SuperGAAP. Management must understand each net worth measurement and plan various actions according to the levels of each.

TANGIBLE NET WORTH

The word "tangible" implies a higher degree of reality. But what does tangible really mean? Usually it means that anything not separately saleable should be excluded. Therefore, "goodwill" and anything similar would not be allowed under this category of net worth. However, this category does not do anything with the underlying value of assets and liabilities which appear on the balance sheet. So while it excludes intangibles such as goodwill, it keeps the historic cost basis for the remaining tangible assets.

LIQUIDATION NET WORTH

Yet another measure of net worth relates to the liquidation value of an institution. This net worth is measured by determining today's sales price of all the assets of an institution and subtracting the amounts it would take today to pay to liquidate all of the institution's liabilities (deposits, borrowings and payables). The difference is a liquidation value of the institution's net worth. Because virtually all institutions have loan and securities portfolios which are worth far less than book value due to the low coupon interest rates of the portfolios, most institutions would have a negative liquidation value net worth.

Is this then the REAL net worth of an institution? You guessed it—probably not. Only if the desire were to determine a loss upon liquidation would this number have meaning and thereby be REAL.

A SIMPLIFIED EXAMPLE

Assume an institution with the following balance sheet:

Loans	$100,000,000
Deferred loan loss	3,000,000
Goodwill	1,000,000
Office land & buildings	2,000,000
Other assets	4,000,000
Total	110,000,000
Savings	84,000,000
Borrowings	10,000,000
Other liabilities	1,000,000
Net worth:	
Retained earnings	4,400,000
Appraised equity capital	600,000
Total	110,000,000

The various net worth measures would be calculated as follows:

RAP Net Worth	$5,000,000
Less:	
Appraised equity capital	−600,000
Deferred loan loss	−3,000,000
Regulatory certificates	None
Loan fee accounting differences	None
GAAP net worth	2,400,000
Less:	
Goodwill	−1,000,000
Other intangibles	None
Tangible net worth	1,400,000
Less:	
Depreciation in loan portfolio	[1] −14,000,000
Plus:	
Appreciation in land and buildings	600,000
Liquidation net worth	−12,000,000

[1] Assumed depreciation in portfolio.

ASSUMED REAL NET WORTH

This term describes the amount an investor believes an institution is worth. It can be calculated by determining the dollar amount of stock sold in a mutual-to-stock conversion and perhaps adding to it some amount of GAAP, RAP, or other measure of net worth before the stock sale. Obviously, it cannot be calculated very often. It is not a perfect measure. Rather, it is the marketplace's best guess, liberally tempered by generous douses of marketing, economic expectations, and various other almost-unrelated happenings. But it is a definite number.

Is the number the REAL net worth? Only to the investing public and only at a point in time.

A proper definition of REAL net worth is, therefore, impossible outside of the context of the user of the information. The regulators, the depositors, the investors, and other groups as well, have their own needs and, therefore, their own formulas for arriving at their own preferred version of net worth. The REALITY of net worth amount is dependent on the audience.

SUBJECT: METHODOLOGY FOR ANALYZING CREDITWORTHINESS OF THRIFT INSTITUTIONS

The purpose of this memorandum is to provide an overview of how the creditworthiness of thrift institutions can be assessed. The analytical methodology described below should enable one to distinguish a weaker thrift from a stronger one as well as to evaluate the likelihood of a thrift being able to remain financially solvent.

Historically, thrifts' operations were fairly homogeneous. Federal regulations strictly limited the type and cost of liabilities that were issued and how assets were invested. The differentiation that did exist among thrifts' financial positions was largely attributable to the economic viability of their market area. The deregulaton of the industry which has occurred over the last few years, however, has given institutions much wider latitude in running their operations. Management expertise has therefore taken on increasing importance, which suggests that the gulf between high performing and weak associations will likely widen.

When judging the financial condition of a thrift, five key areas need to be addressed:

(1) What is the future earnings capability of the thrift? Will the thrift be able to generate sufficient earnings to remain financially viable?

(2) How sensitive are the thrift's earnings to market interest rate movements? Will the thrift be able to weather an adverse interest rate environment? How effective will its asset/liability management plans be in reducing interest rate risk over time?

(3) What is the quality of the thrift's assets? Do current or expected lending/investment practices pose any serious credit risk concerns?

(4) Will the thrift have sufficient cash to meet its obligations? How liquid are its assets and how successful will it be in retaining and attracting funds?

(5) Is the thrift adequately capitalized? Does it have sufficient net worth and off-balance sheet resources to survive a prolonged period of high interest rates? In other words, how much staying power does it have?

By addressing these questions, the financial strength of the institution relative to other thrifts can be determined. More importantly, an evaluation can be made as to whether the institution will be a survivor.

MAJOR REAL ESTATE DEVELOPMENT ACTIVITIES

Like construction lending, this is an area that has high risks. The status of major projects under development should be reviewed.

USE OF TEASER RATES ON ARMS

By qualifying mortgagors at initial rates which are well below market, thrifts may be faced with major credit problems if the mortgagors' future incomes are not sufficient to handle the sharp rise in future loan payments. If the mortgagors cannot meet these higher payments, the thrift is faced with either losses on foreclosures or renegotiated loans at below market rates.

V. ADEQUACY OF CAPITAL

The amount of capital that a thrift has is a major factor in the evaluation of its creditworthiness. Capital provides the ability to withstand losses and thus gives a thrift the time to restructure its balance sheet to reduce interest rate risk. The extent to which a thrift is capitalized is therefore a key indicator of its ability to survive high interest rates during this restructuring period.

When evaluating adequacy of capital, the FHLBB definition of capital (i.e., regulatory net worth) should be used. Regulatory net worth, as opposed to net worth computed under generally accepted accounting principles (GAAP net worth) is a much better indicator of a thrift's staying power. Regulatory net worth, unless GAAP net worth, includes qualifying subordinated debentures and appraised equity capital (i.e., the unrealized value of fixed assets). Moreover, it excludes the effect of any deferred losses on asset sales.

The minimum net worth required by the FHLBB equals the sum of (1) three percent (3%) of average liabilities over the last five years, (2) 20% of scheduled items, and (3) two percent (2%) of any recourse liabilities resulting from the sale of any loans.[1] In addition, this requirement has been recently modified to call for a minimum net worth equal to three percent (3%) of any increase in liabilities after 12/31/83. This modification will gradually eliminate the authority to calculate net worth on a five year average basis.

So long as a thrift has sufficient net worth, barring any serious liquidity or asset quality problems, it should be able to continue operating even if it is recording massive losses. Once net worth falls below the regulatory minimum, however, it may be closed by the regulators unless it can demonstrate the ability to turn its operations around.

[From the Wall Street Journal, Mar. 12, 1986]

REGULATORS TO EASE ACCOUNTING RULES FOR CERTAIN LOANS

(By Monica Langley and Charles F. McCoy)

Federal bank regulators, in a major policy change, moved to ease the financial strains on the nation's banks and troubled borrowers by adopting a controversial plan to encourage banks to restructure problem loans.

The plan, originally designed to help agriculture banks, also will benefit banks with many problem loans, particularly in energy and real estate.

Officials from the Federal Reserve Board, Comptroller of the Currency and Federal Deposit Insurance Corp. told the Senate Banking Committee yesterday that they will carry out a three-pronged policy on problem loans "that will assist basically sound, well-managed banks to weather this transitional period."

The changes allow banks to use a more liberal accounting method for renegotiated problem loans, and they modify reporting and disclosure requirements for restructured debt so that banks aren't penalized for restructuring loans. These two steps apply to all types of problem loans from energy loans to international finance, regulatory officials said.

The regulators also said they would permit bank capital to slip temporarily below prescribed levels. The concession will apply only to agricultural banks, but the regulators indicated that they were considering expanding this "capital forbearance" policy to include banks with significant loans to energy concerns.

Currently, regulators require that banks keep on hand capital equal to 6% of total assets. Yesterday, regulators didn't specify how low they will allow capital requirements to fall, and one official said later there wouldn't be a uniform floor. "It will be determined on a case-by-case basis," the official said.

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[1] Up to three percent (3%) of "qualifying balances" may be used to reduce the amount of net worth required by up to ten percent (10%) of the amount of net worth otherwise required. Qualifying balances are defined as (1) interest bearing liquid assets maturing within one year, (2) 50% of all mortgages on which the interest rate may fluctuate, and (3) fixed rate borrowings other than certificate accounts permitting withdrawal before maturity having a remaining maturity of more than five years.

The moves represent a major departure from past bank regulatory practices and were immediately criticized by several banking experts. They suggested that the changes could open up a Pandora's box for banking policy.

"This kind of approach just doesn't make any sense, from the standpoint of a sound banking system," said Paul Horvitz, a finance professor at the University of Houston and a former FDIC research director. "It is a very dangerous precedent," he asked.

Banking experts fear that permitting banks to operate with below-normal capital not only eliminates an institution's margin for error but promotes reckless practices as well. "When an institution is operating without any capital of its own, it has every reason to take wild risks" in hopes of striking it big and earning its way out of trouble. Mr. Horvitz said: "There's nothing to lose."

That happened to some savings and loan institutions when federal thrift regulators relaxed capital and accountang standards in the early 1980's in an att%-p4 4/ h%,0 t(2)&ts through a period of skyrocketing interest rates. Some of those thrifts used the relaxed rules to engage in high-risk lending and questionable management practices that have since contributed to a string of costly failures.

PRESSURE FOR RELIEF

The three banking agencies agreed to the changes in response to congressional pressure for some relief on farm banks, which have been hurt by a growing number of defaults by farmers. But some energy and real estate lenders also are having difficulties that reflect the decline in oil and real estate prices, and some lawmakers yesterday asked whether these banks, too, would benefit from the new policy of capital forbearance.

"There should be one policy applicable to loans made in depressed areas of the country," said Sen. Phil Gramm (R., Texas). "(Capital) reserves are to be used on a rainy day, and it's raining like hell out there for agricultural and energy lenders."

Comptroller of the Currency Robert Clarke responded: "The regulators should sit down to see if the capital forbearance guidelines should be broader." Congressional and regulatory sources said regulators already are considering whether to ease capital requirements for banks with loans in other troubled sectors of the economy. And bankers will be encouraging the regulators to do so in the next couple weeks, a spokesman for the American Bankers Association said.

The permission for farm banks to operate below minimum capital requirements is conditioned on each bank's capacity to restore capital within five years, the banking agencies said in a joint statement.

But banks with low capital by definition have an abnormally high ratio of liabilities to earning assets and thus typically have serious trouble generating sufficient earnings to replenish capital.

There are about 4,000 farm banks—banks at which farm loans constitute at least 25% of total loans. A source at the office of the Comptroller of the Currency said that about 1,300 of the banks require some form of special supervision because of above-normal problem credits.

Hundreds of farm banks have more problem loans than capital, a condition considered by banking regulators to be a leading indicator of failure. In Iowa, alone, 80 banks have more troubled loans than capital, according to state regulators.

The other two points in the plan announced yesterday will help the financial picture that the banks present to the public. Specifically, the agencies created a classification for restructured loans, which until now have been classified as "nonperforming." They also will accept an accounting practice of giving borrowers easier terms on troubled loans without having to take large write-offs.

TIMING IS ASSAILED

Sen. Alfonse D'Amato (R., N.Y.) criticized the regulators for adopting a policy to help farm banks "after all this pain has already occurred . . . You've done a poor job to wait until now."

In addition, the bank regulators in their joint statement asked Congress to allow troubled banks and small failed banks to be acquired by out-of-state institutions "so as to maintain the banking services in farm communities."

Federal law prohibits acquisitions across state lines of troubled banks before they have failed and of failed banks with assets under $500 million.

Although regulators asserted that they would extend the capital leniency only temporarily and only to "well-managed" institutions that could restore their capital within five years, critics questioned whether they could pull that off.

For one thing, the agriculture and energy sectors face long-term problems that could persist. "Temporarily looking the other way while their capital is chewed up doesn't solve the problem, it only enlarges the ultimate cost," said one New York banking attorney.

SUPPORT OMNIBUS RIVERS LEGISLATION

HON. RICHARD STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. STALLINGS. Mr. Speaker, I want to commend action taken by the House yesterday, April 8, in passing an omnibus rivers bill that will protect five rivers and authorize study of three others including the Henry's Fork, in my State of Idaho, under the Federal Wild and Scenic River System.

This legislation, H.R. 4350, was introduced on March 6 by the subcommittee chairman, Representative Bruce Vento, Democrat of Minnesota. I was the original sponsor of an earlier bill, H.R. 2569, to study the Henry's Fork River in eastern Idaho, which has now been incorporated into the omnibus bill approved by the House.

H.R. 4350 will mandate a study of a 42-mile stretch of the Henry's Fork consisting of the upstream segment of approximately 11 miles from Big Springs downstream to Island Park Reservoir and the lower segment of approximately 31 miles from Island Park Dam downstream to the confluence with Warm River. This study is needed to inventory the spectacular and varied resource values on the river and to recommend future management strategies that will provide adequate protection for these resources. The study process should also recognize existing water rights and uses and ensure that these uses are protected.

In addition to mandating a study of the Henry's Fork, this bill also contains a number of generic amendments to the Wild and Scenic Rivers Act that will allow greater flexibility for the Federal agency in its management of a particular wild and scenic river and its streamside lands.

I believe it is extremely important to note that this is the first omnibus rivers bill in 8 years to enjoy strong bipartisan support in the House. We need to call on our colleagues in the Senate to lend their support to this important piece of legislation.

UPON THE RETIREMENT OF BUN BRAY

HON. CHARLES WHITLEY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. WHITLEY. Mr. Speaker, I would like to pay tribute to my good friend and fellow North Carolinian, Mr. Benton Bun Bray, who is also a native of Siler City, NC, and who has had a long and lustrous career in both the executive and legislative branches of Government. He was also executive director of the Federal Managers Association here in Washington.

Bun Bray was feted at a retirement banquet in his honor by the Federal Managers Association, and I would like to insert the tribute to Bun by my good friend and colleague, Hon. MORRIS K. UDALL of Arizona, for the benefit of my colleagues here in the House of Representatives.

TRIBUTE TO BUN BRAY—REMARKS OF REPRESENTATIVE MORRIS K. UDALL, MARCH 6, 1986

Before you all get settled down for my glowing tribute of a man who is a legend in his own mind, let me make an announcement:

Waiters will soon be distributing small plastic cups so that your mandatory urinalysis contribution can be picked up after the dinner at the coat check room. As a consequence of the Gramm-Rudman bill, there will be a slight charge for the cup.

We are gathered here tonight to pay homage to a man who served his government long and hard before the mandatory lie detector tests and drug tests and all the other kind of tests were foisted upon us.

I don't have to go into Bun's life story—anyone who has met him has had to listen to it—but I do want to make a few comments about Bun's contributions to his country, to his organization, and, especially, to all those great Americans who work so hard and so diligently to make this incredibly complex animal called the Federal Government of the United States work.

I first met Bun Bray as a rather raw young freshman Congressman who had won a special election and received an appointment to the House Post Office and Civil Service Committee. An appointment which, I might add, was not my first choice.

But an old timer told me in the cloak room that I shouldn't be disappointed, that I would find the work rewarding and, besides, I could build a new post office in every town in my district.

Well, I have found the work to be interesting and even controversial, and Arizona has

more new post offices per capita than any other state.

Bun Bray was already a power on the Post Office Committee in his capacity as the staff director of the Manpower Subcommittee. His reputation had already been established as a champion of federal worker rights.

Bun's efforts earned the honorary title of "ombudsman of government employees" and "Mr. Manpower". He was instrumental, along with his Chairman, my good friend David Henderson, in focusing attention on misuses of military personnel in civilian positions, excessive contracting out, the revolving door hiring of military officers in blue chip civilian jobs, and a fair wage scale.

Due in no little part to Bun Bray's efforts, the abuses and unfairness of federal employment of the past few decades gave way to making federal service dignified, fair-paying, and with a set of attractive benefits that drew talented first rate people into service of their government.

Yes, the 60's and 70's saw great progress in reducing the old abuses. And Bun was there when you and I needed him.

When Bun left the House Committee in 1972 to begin his stint with the Federal Managers Association, we lost a diligent and tireless worker. Our loss was the Association's gain. And what a gain.

His seemingly inexhaustible energies were turned onto the fledgling organization.

When initially organized, the Federal Managers Association had 41 chapters nationwide with 5,000 members. Today, when Bun takes his leave, there are 160 chapters with more than 20,000 members.

That in itself is quite a tribute.

His knowledge of federal employee matters and his reputation as a fearless advocate of worker rights led several national organizations to urge him to be their president.

I remember that Jules Sugarman, a former key official of the Office of Personnel Management once said, to our honoree, "Bun, you not only know where the skeletons are; you attended most of the funerals."

Bun resisted those tempting offers. His loyalty to the Federal Managers and his dedication to your cause kept him at the helm of the Managers Association from 1972 until the present.

He has been there during the fight for a fair and equitable civil service reform, and during the past five years, during a time when budget cuts and an administration with a harsh view of government employees have been axing away at hard won benefits and working conditions. This concerted effort has led to a drain of talented and dedicated workers away from federal employment to the private sector where the benefits and the opportunities are brighter and safer.

I opened these remarks with some light discussion of drug testing and lie detector tests. But there is a very, very serious side to this matter. I feel it shows a bias by this administration against federal employees. It shows a degree of mistrust and suspicion. And, clearly, it shows a shameful insensitivity to basic civil liberties.

But this assault on public employees doesn't stop with drug testing and lie detectors. As you all know, the effects of the administration's budget policies mean real hardship to current federal employees who are watching helpless as the wage differential grows wider and are worried about a renewed attack on present and future retirement benefits, a change in the high three concept and a tax on annuities.

But that's not all.

While we don't know the full implications of Gramm-Rudman-Hollings until the Supreme Court rules on the lower court decision finding a key element unconstitutional, we all know that the administration is wasting no time in singling our federal workers for an unfair amount of its budget cuts.

And we are hearing more and more about "privatization." If the Reagan administration had its way it would contract out to General Dynamics for a blue water Navy, to Lockheed for an Air Force, and to the Contras for an Army.

It is clear to me, ladies and gentlemen, perhaps more than at any time in the 25 years I have served in the Congress, that the federal employee is undergoing the most serious and sustained attack on basic rights, earnings, and benefits since the Depression.

For the past 30 years or so, Bun Bray has been in a position—either with the Congress or with the Federal Managers Association—to help advance the cause of the federal worker. His methods have been a blend of Southern charm and Yankee toughness.

We will miss him in that he will not be representing you as your Executive Director, but I know, and you know, that as long as Bun Bray can draw a breath, he'll be in the thick of the fight.

And Bun, we wouldn't have it any other way.

So, for all of us on Capitol Hill, and for all your colleagues and many friends, congratulations for a job well done, and as for me, thank you, old friend.

GEM CITY CHAPTER OF SWEET ADELINES

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. HALL of Ohio. Mr. Speaker, I rise to call attention to one of the great choruses of the world, the Gem City Chapter of Sweet Adelines, Inc. The Gem City chapter is based in the Dayton area, which includes the Third Congressional District.

The Gem City chapter has the distinction of being the only chorus to win more than once the title of International Chorus Champion. In November, the chorus captured the title for the fourth time.

Such an achievement is an outstanding tribute to the singing and dancing talent of the members of the group, as well as to their exceptional dedication.

In addition to singing in competition, the 115-member chorus performs throughout the year for hospitals and charitable organizations in Ohio.

The Gem City chapter was formed in 1970 under the direction of Jean Barford. Since that time, it has scaled the highest heights of acclaim with its dynamic and exciting performances.

The Dayton area is proud of the Gem City chapter and the honor it has reflected on our community.

SOVIET HUMAN RIGHTS ABUSES

HON. BOBBI FIEDLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Ms. FIEDLER. Mr. Speaker, one of the most important events of a Jewish young adult's life is the joyous event of bar or bat mitzvah. This is the day when he or she is accepted into the adult congregation of the Jewish community.

In late December, Jonathan Steven Rudnick of Palm Springs, CA, went to the Torah for his bar mitzvah. There was another participant in this ceremony, but he was 10,000 miles away. Jonathan also went to the Torah on behalf of 13-year-old Bagrat Prober, who lives in Odessa, U.S.S.R.

Bagrat has no chance of celebrating his own bar mitzvah. The Soviet Union in furtherance of its policy of cultural genocide, prohibits such traditional religious and ethnic observances. Our brothers and sisters there must hide their religious celebrations behind a cloak of secrecy, and live in the fear of punishment for the crime of teaching their religious beliefs to their children.

But through a new program called "twinning" the Soviet Jewish community can have their religious and cultural traditions perpetuated. Twinning is the pairing of a free youngster who is able to celebrate his or her bar or bat mitzvah with a Soviet Jewish adolescent who is unable to do so. The program that Jonathan and Bagrat participated in is coordinated by the Bay Area Council for Soviet Jewry in San Francisco.

I wish to congratulate both Jonathan and Bagrat on this momentous occasion in their lives. My hope is that continued congressional attention to the widespread pattern of Soviet human rights abuses, especially their reprehensible persecution of ethnic and religious minorities, will motivate them to curb these abuses.

SENATOR LAWTON CHILES TO RECEIVE AAHA'S DISTINGUISHED SERVICE AWARD

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. PEPPER. Mr. Speaker, I would like to call to the attention of my colleagues an event occurring this week which deserves our support—the 14th Annual Spring Conference of the American Association of Homes for the Aging [AAHA].

AAHA is the national representative of over 2,700 nonprofit homes and facilities which provide health care, housing, and community services to more than half a million older persons throughout our Nation. Administrators, other key staff, and trustees of AAHA member facilities have come to the Nation's Capital to participate in a comprehensive educational program, to visit with many of their elected officials, and to gain a Washington perspective on significant Federal initiatives affecting the

delivery of supportive services to older Americans.

On Thursday, April 10, LAWTON CHILES, my distinguished colleague from the State of Florida, is being honored as the recipient of AAHA's Distinguished Service Award in recognition of his leadership and efforts on behalf of America's elderly. Senator CHILES has been a leader in the battle to perserve the Federal Government's commitment to programs which provide vitally needed services to America's older citizens.

The Senator has represented the State of Florida well in over 25 years of public service. He was first elected in 1959 to Florida's Legislature and served in both its chambers. A unique 1,000-mile campaign walk covering the State helped him win election to the U.S. Senate in 1970.

His constituency includes the largest percentage of older Americans in the Nation and he has represented them on the Senate Special Committee on Aging throughout his 15 years in that body. In fact, Senator CHILES has the distinction of being the only Senator to serve both as chairman and ranking minority member of the Aging Committee.

Few, if any, of his Senate colleagues can claim the knowledge and involvement with Government spending as Senator CHILES. He is the ranking Democrat on the Senate Budget Committee, a member of the Appropriations Committee, and a member of the Committee on Government Affairs. He has used this expertise to protect the interests of older Americans in our State and throughout the Nation. During these times of near-hysteric preoccupation with deficit reduction, Senator CHILES remains a rational voice and a major advocate for America's elderly and for the poor.

In recognition of his numerous endeavors to protect the well-being of elderly Americans, AAHA has conferred upon LAWTON CHILES its Distinguished Services Award. I join the association in commending this dedicated public servant.

A TRIBUTE TO JOHN B. PATUZZI

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. MRAZEK. Mr. Speaker, on the evening of May 21 the education community of Carle Place, Long Island, will gather to honor one of its own at the retirement ceremony in honor of John B. Patuzzi.

Mr. Patuzzi, a resident of Jackson Heights, Queens, has served the students and the community of Carle Place for 30 years. However, even his retirement from teaching will not mean the end of his service. As Henry Brooks Adams once wrote, "A teacher affects eternity; he can never tell where his influence stops."

For three decades, Mr. Patuzzi has touched the lives of the Carle Place community with acts of generosity, consideration, and humanity. In 30 years of caring and sharing, he has brought a respect for learning to his young charges. More than this, however, he and his wife Ginette have been friends to those whose lives they have touched.

Mr. Speaker, I am sure that all of my colleagues will join with me in wishing Mr. Patuzzi a long and pleasurable retirement. I congratulate him on an outstanding career in service to the education community in Carle Place and, most importantly, to the hundreds of students who will carry his influence forward.

TRIBUTE TO RAY J. MADDEN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. BIAGGI. Mr. Speaker, just over a month ago, a number of my colleagues paid a very special tribute to one of this august body's most distinguished former Members, Ray Madden. The tribute was in honor of Ray's 94th birthday. Unfortunately, I was unable to participate in that salute, but I would like to take this opportunity to associate myself with the tribute to Ray and I would like to add some special thoughts of my own.

From 1943 to 1977 Ray Madden served as an able and admired Member of the House. During 4 of those 34 years, Ray distinguished himself as chairman of the Rules Committee, a post as consuming as it is important. Yet, it is a true testimony to Ray's ability that he performed exemplary work as chairman of the Rules Committee while never allowing his attention to those important matters to diminish his concern for the needs of his constituents. That, my colleagues, is the mark of a Congressman's Congressman.

Ray began his career of public service as a 23-year-old municipal judge, but soon resigned the post to serve in the Army during World War I. Before his election to Congress in 1943, Ray also served as city comptroller of Gary, IN., and treasurer of Lake County, IN.

During his tenure, Ray distinguished himself as a friend of the working man, a fighter for the rights of veterans and a statesman of compassion. He was especially responsive to the problems of the poor, elderly and ill—those who need our help the most.

It pleases me to know that the "Man That Gets Things Done," as Ray once accurately billed himself, is still getting things done. Only now, he is busy enjoying the blessings he earned through many years of public service.

Happy birthday, Ray Madden, and many more to come.

PATRIARCH ATHENAGORAS—MAN OF PEACE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Ms. SNOWE. Mr. Speaker, I would like to join with others throughout the Western Hemisphere in honoring the 100th anniversary of the birth of the late Ecumenical Patriarch Athenagoras I of the Greek Orthodox Church. Archbishop Iakovos, primate of the Greek Orthodox Church in the Americas, has declared 1986 as the Athenagorian Year and a year of peace in memory of the accomplishments of this great man of God.

Prior to his enthronement as 262d ecumenical patriarch of Constantinople in 1949, Athenagoras served nobly for 17 years as archbishop of North and South America. In his capacity as archbishop of the Americas, Patriarch Athenagoras oversaw the organization and dramatic growth of Greek Orthodox communities in the Western Hemisphere.

In the years following 1949, Patriarch Athenagoras and Archbishop Iakovos worked together in bringing about a historic reconciliation between the Greek Orthodox and Roman Catholic Churches, the two Sees of Christendom. In 1959, Archbishop Iakovos served as Patriarch Athenagoras' personal emissary to Pope John XXIII. This was the first meeting between the Pope and a Greek Orthodox bishop in 350 years.

Three years later, Archbishop Athenagoras invited Pope Paul VI to meet with him on the Mount of Olives in the Holy Land. During this historic meeting, which took place on January 5 and 6, 1964, the two leaders agreed to end 933 years of mutual excommunication between the Greek Orthodox and Roman Catholic Churches.

Because of his lifelong devotion to God, peace and reconciliation, it is appropriate that we commemorate the 100th anniversary of the birth of Archbishop Athenagoras, and remember his contributions to all Christendom.

INTRODUCTION OF THE BILINGUAL EDUCATION ACT AMENDMENTS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. GOODLING. Mr. Speaker, I am pleased to be an original sponsor of the Bilingual Education Act Amendments of 1986. This legislation would allow funds available under this act to be used for programs designed to best meet the needs of limited English proficient students. The traditional bilingual education approach would continue to be eligible for funding along with the alternative instructional methods currently being utilized around the country. It is my hope that this legislation will stimulate educators to develop new approaches to educating students for whom English is not their native language.

My primary concern when addressing any piece of education legislation is whether it will lead to increased student performance for a population of students who might otherwise fail to achieve. It is in this spirit that I support these amendments. That is, regardless of the instructional method funded under this legislation, the goals of the Bilingual Education Act are to help students become fluent in English while providing for their continued academic growth. It is not sufficient for one to occur without the other.

During the reauthorization of the Bilingual Education Act in 1984, Congress strengthened the evaluation and research provisions of the act. These features of the program remain critically important as we move toward

a period of greater program diversity. What is being tried? With what populations? How effective are they? As ranking Republican member on the Education and Labor Committee, I will expect the Department of Education to provide guidance and enforcement so that we have the answers to these questions in a timely fashion.

The demographics of our Nation's classrooms are changing rapidly. Increased numbers of students with language difficulties is only one of the challenges facing the schools of this country. Programs such as the Bilingual Education Act symbolize the resolve of Congress to assist schools in providing every student in America with a high quality education.

YOUTH POLICY INSTITUTE 50 MILES CHALLENGE WALK: SORE FEET FOR A GOOD CAUSE

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. EDGAR. Mr. Speaker, this Saturday, April 12, the Youth Policy Institute is sponsoring a challenge issued from two of our greatest Presidents—Theodore Roosevelt and John F. Kennedy. It is the Fifth Annual Fifty Mile Challenge Walk to help the Youth Policy Institute achieve self-sufficiency as a public service resource for youth and youth-serving organizations around the country.

The Youth Policy Institute is a nonprofit, nonpartisan organization dedicated to providing a unique experience for young people from around the world. The institute combines the dual benefits of hands-on publishing experience, including research, writing and production, with first hand exposure to public policy in Washington.

Established in 1978 under the auspices of the Robert F. Kennedy Memorial, the institute—now independent—has become a stepping stone for many of the brightest, most dedicated young people in the field of public service. Under the direction of David Hackett, over 500 young people have worked at YPI learning the diverse pieces of our national youth policy. The institute publishes three objective and comprehensive journals designed to disseminate information to youth and family serving organizations around the country.

The challenge walk originated in 1908 when President Theodore Roosevelt issued an Excutive order proclaiming that marines should be able to march 50 miles in 20 hours. Fifty-five years later, President John F. Kennedy suggested that marines in his army should be put to the same test.

President Kennedy promised that members of his administration would accompany the marines to demonstrate that his men were as much action as they were talk when it came to physical fitness. Although many of President Kennedy's administration started the walk, only his brother, Attorney General Robert Kennedy, finished the trek.

Five years ago, young people at the Youth Policy Institute decided to take the challenge. Every year since then, a band of enthusiastic challenge walkers has gathered on an early spring morning at Fletcher's Boathouse in Georgetown. From there they set out on the C&O Canal towpath along the scenic Potomac River for Seneca, MD. Around noon, it's about face for the long trek back to Georgetown.

It is an endeavor from which we all could learn, for it illustrates a kind of youthful idealism and spirited voluntarism that some say are missing from today's young people. The challenge walk is a tribute to the spirit of public service, and deserves our endorsement and participation.

Anyone interested in taking the challenge this Saturday, April 12 should call the Youth Policy Institute at 202/635-6087.

STUDY TAX CHANGES CAREFULLY

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. HUBBARD. Mr. Speaker, on March 20 I received an excellent letter from my friend and constituent Jimmie J. Ellington, president of Graves County Bank at Wingo, KY, which I would like to share with my colleagues at this time.

Although the House passed its tax reform legislation just before the end of the 1sr session of the 99th Congress, I urge my colleagues to carefully consider Jimmie Ellington's comments that tax changes, while appearing to be harmless, will indeed adversely affect financial institutions and the communities and citizens which they serve.

GRAVES COUNTY BANK,
Wingo, KY, March 20, 1986.

Hon. CARROLL HUBBARD, Jr.,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE HUBBARD: Regarding the tax reform bill, please be aware of the following points if the interest expense deduction to carry tax-exempt investments is lost to the banks:

1. Interest rates on municipal bonds will go up.
2. Cost of building schools and other municipal improvements will go up.
3. This will create pressure to raise costs of all municipal services.
4. There is no savings in this Treasury proposal. Savings to the Federal Government will simply be offset by the additional cost inevitably borne by the local taxpayer.

Please consider these points carefully.

Sincerely,

JIMMIE J. ELLINGTON,
President.

CLASHING RELIGIOUS PERSPECTIVES ON CENTRAL AMERICA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. HYDE. Mr. Speaker, over the last several weeks, Members of Congress have been contacted by opponents of the Reagan administration's Central American policy. Many are dedicated religious and lay leaders affiliated with North American Catholic and Protestant churches. The sincerity of these individuals is unquestionable, but their understanding of what is happening in Central America flies in the face of the harsh reality experienced by some of their religious counterparts in places like El Salvador and Nicaragua.

With that as background, Mr. Speaker, I invite my colleagues' attention to a recent article that appeared in the Hartford Courant. It was written by Lawrence Tracy, a Jesuit educated, U.S. Army colonel now serving in the State Department.

The article follows:

TODAY'S PILGRIMS TO CENTRAL AMERICA FALL PREY TO A DOUBLE STANDARD

(By Lawrence L. Tracy)

There are probably no more sincere and vocal opponents of U.S. policy in Central America than religious and lay leaders of North American Catholic and Protestant churches. Motivated by a belief that their government is following a misguided policy, they oppose military aid to El Salvador and all aid to the anti-Sandinista resistance movement in Nicaragua.

These leaders manifest an almost zealous faith that the Sandinistas and their guerrilla brethren in El Salvador are on the side of Christian virtue.

Today's Christian leaders who criticize government's policy as immoral are following a path trod frequently in history. Some church leaders in the 1930s saw Josef Stalin as a new kind of Christian leader, and Fidel Castro was admired in the 1960s for his "humane revolution."

Idealism and the desire for a more perfect world clouded the judgment of Christian leaders of those times, just as it does today's pilgrims to Central America.

But what do Central American church leaders themselves say about their countries, and about their North American counterparts? A hint of the exasperation, the Catholic Church in El Salvador feels about interference by North American visitors was revealed in a Dec. 8, 1985, editorial in Orientación, the official paper of the Diocese of San Salvador:

"It no longer is so easy to condemn the shipment of arms by the United States, since disarming the Salvardoran army logically furthers a guerrilla triumph. We conclude that this would not be just, given how many times the people have demonstrated their will. This is the truth and we do not understand why other people, entities or persons pretend to decide our future."

Salvadoran church leaders, whose flocks have indeed suffered at the hands of various governments over the years, now see change and improvement and a far different El Salvador than do American religious visitors, who seem to have a romantic sympathy for the guerrilla cause.

In August 1985 the Salvadoran bishops issued a pastoral letter on the political situation. They described the guerrillas as having little popular support in the country, and commented that the guerrillas "resort to violence and sabotage as vital weapons in their struggle, placing themselves in a situation we cannot approve."

The bishops have also gone on record that the arms to carry out this "violence and sabotage" come from Nicaragua. So have the Carter and Reagan administrations, the bipartisan Kissinger Commission and the U.S. Congress.

But we hear not a word from American church leaders who support the Sandinstas about this international outlawry, or of Sandinista abuse of the Nicaraguan people. Guillibly accepting what the *comandantes* tell them, these Christian leaders turn a deaf ear to what moral heroes of the revolution of 1979 say about the betrayal of the Sandinistas.

One of these is Ismael Reyes, formerly director of the Nicaraguan Red Cross, who was eventually driven to exile by the same Sandinistas he helped come to power with his courageous denunication of the Samoza regime. After being forced to flee his country, he wrote: "In the American continent, there is no regime more barbaric and sanguinary, no regime that violates human rights in a manner more persistent and permanent than the Sandinista regime."

Yet the double moral standard of many American church leaders permits them to remain silent when Reyes and others like him speak, but applaud when the Sandinistas proclaim their dedication to Christian virtues. When asked why North American Catholics seem supportive of the Sandinistas, Cardinal Miguel Obando y Bravo, then archbishop, said:

"The first thing that the North American church needs is good information. They receive a lot of information from the (Popular Church) and the Sandinistas—which is the same thing. The government here manipulates all the groups that come . . ."

It is not only the Catholic majority that has been persecuted by the Sandinistas. Evangelicals, Moravians and the tiny Jewish community have felt the sting of the Sandinistas. The chief architect of the manipulation of American religious visitors is Minister of Interior Tomás Borge, a professed Communist. He receives church leaders from the United States in an office adorned with Bibles and crucifixes.

The office where he discharges his day-to-day duties has no such religious artifacts, but pictures of Marx and Lenin. Borge furthers his deception by having his special police arrange "casual encounters" of American visitors with "ordinary" Nicaraguans full of praise for the Sandinistas. A former top aide who left Nicaragua in July, Alvaro Baldizon, says Borge refers to American religious leaders as his "army of useful fools."

That American Christians have frequently contributed to human misery in the recent past in Latin America has been affirmed by Armando Valladares, a Cuban poet imprisoned by Castro in 1960 for writing poetry critical of the revolution. Finally released in 1982, Valladares said Castro used statements of American religious leaders to demoralize his prisoners, and "that was worse for the Christian political prisoners than the beatings or the hunger. Incomprehensibly to us, while we waited for the embrace of solidarity from our brothers in Christ, those who were embraced were our tormentors."

The Sandinistas are manipulating visitors to Nicaragua in the 1980s with the same techniques Castro used in the 1960s. Christians in the United States must ask themselves if they are willing to accept responsibility for "embracing the tormentors" of the Nicaraguan people, and for strengthening the Salvadoran guerrillas by weakening a Salvadoran government that Salvadoran bishops describe as representing the will of the Salvadoran people.

If the experience of Cuba is repeated in Central America, these American pilgrims will bear on their consciences a large share of the blame for the fate that may await fellow Christians in these countries.

WEBSTER GROVES LIONS CLUB: OVER 60 YEARS OF DEDICATION TO THE COMMUNITY

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. GEPHARDT. Mr. Speaker, it is appropriate at this time to recognize an organization that has given a lot to the St. Louis community. The tireless efforts of the members of the Webster Groves Lions Club will leave a mark on the history of the area.

For over 60 years, the club has donated money for projects locally, statewide, and nationally. The Webster Groves club is one of 37,033 Lions Clubs from around the world. Internationally, the clubs fund a disaster relief and emergency fund program and concentrate on fostering fellowship among people and service to those in need.

Locally, the club has been the driving force behind local scholarship funds and needed additions to Memorial Field, such as a sprinkler system and lights. The club has contributed more than $400,000 to community projects, civic improvements and charitable needs throughout the organization's history.

In this day of fast-paced, highly technological communication, it is refreshing to see commitment and conviction from an organization like the Webster Groves Lions Club. Our community, our State, our Nation, and our world can only benefit from organizations who care enough to do something about the problems we face in the future.

TRIBUTE TO LINCOLN HIGH SCHOOL BASKETBALL TEAM

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. KOLTER. Mr. Speaker, today I rise to honor the Lincoln High School basketball team for the achievements it and its individual players have made this season. The team, coached by Al Campman with assistance from varsity coaches Anthony Pietrcollo and Jeffery Meehan, had a record of 25 wins and 5 losses. This was the best record of any basketball team in the history of the school. The team also advanced the farthest it ever has in the Western Regionals, led by brothers Dan and Frank Aloi. Dan, a junior with 1,166 points scored, broke the all-time career scoring record for the school and his own single season scoring record previously held by Darrin Morella with 1,076.

Dan also was named most valuable player in section 11 selected for the first string of the all-section teams, while Frank, a senior, made the second string of the all-conference teams. Senior Paul Fec made first string all-conference, while Nick Carusone received an honorable mention. Although these awards and accomplishment are noteworthy, there is more to the story.

Both the Aloi brothers made the Beaver County All-Academic Team with a 4.0 out of a possible 4.0 grade point average.

As a former high school teacher, I realize more than most, the great tragedy of athletes who go through school totally on their athletic ability. So I want to take this opportunity here before my colleagues in the U.S. House of Representatives to commend the Lincoln High School basketball team for its accomplishments and want to recognize Dan and Frank Aloi for their achievements both on and off the court.

REPRESSION IN ROMANIA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. LIPINSKI. Mr. Speaker, I rise to inform my colleagues that there is no religious freedom in Romania today. Romanian citizens can worship only at the great risk of physical harassment and abuse by the Communist authorities. Churches have been torn down for alleged violations of building code laws, pastors have been subject to intimidation—some have disappeared without a trace—and worshippers have been arbitrarily arrested. What is remarkable about the situation in Romania is that the churches are growing. In the face of one the most repressive regimes in Eastern Europe, especially in terms of religious freedoms, more and more Romanians are attending church services. It is testimony to the courage and spiritual yearning of the Romanian people that they are willing to pay such a heavy price.

Mr. Speaker, it is hard for us to understand what it means to be afraid to worship freely. Yet, this is the situation Romanians face. I believe that the United States should use its economic leverage against the systematic repression going on in Romania. A country that so flagrantly violates the religious liberties of its people should not receive most-favored-nation status from our country. The granting of that status implies that the United States looks with favor upon the actions of the Romanian Government. If any signal is given by our country, it should be one that clearly condemns religious repression in Romania.

I would like to include in my statement an excerpt from the February/March 1986 News-Wire of the Slavic Gospel Association that documents specific cases of abuse directed at Christians:

ROMANIAN JUSTICE

On April 19, 1985, Constantin Sfatcu was stopped while driving his pastor's car. A police search revealed a cache of Christian literature and the 33-year-old Baptist was arrested. Although his arrest was obviously prompted by the books found in the car, this literature never figured into Sfactu's trial. In typical fashion, the government ignored the religious angle in order to bring a trumped-up criminal charge against him: attempted murder of a policeman!

The case had to be tried twice because the prosecutor bungled his first presentation so

badly. By the evidence, Sfactu did not even resist arrest, let alone try to kill anyone. The policeman in question had only a small scratch on one hand as "proof" of the alleged assault.

Nonetheless, Sfactu was convicted and sentenced to seven and a half years' imprisonment. His appeal last September was partly successful: the charge was reduced to "violence," for which he received a sentence of four and half years (the maximum is five). He has already been forcibly drugged and beaten by his jailers to the point of physical collapse. How he will fare during the rest of his term is uncertain.

At least Constantin Sfactu's family knows where he is. The families of other Romanian Christian leaders are not always so fortunate—Petru Popescu's family, for instance. This pastor and critic of the government's religious policies survived many interrogations by the secret police. Then, on April 26, 1985, he disappeared from a train station. Is he being held without trial, or was he murdered in secret and thrown in an unmarked grave, no one knows.

Holding believers without charge is a common tactic in Romania. Ilie Neamtu, 49, a construction foreman from a small town near Bucharest, has been detained since July 1, 1985. His wife and seven children have no idea what crime, if any, he might be accused of. They do know that, as an elder in the local Brethren assembly, Neamtu has been conducting unofficial evangelistic meetings for his fellow workers. This is undoubtedly his real "crime" in the eyes of the authorities.

And there are many others whose stories deserve to be told here: Rev. Petru Dugulescu, who was warned by the Securitate that he might have an "accident," and then suffered multiple fractures when an unmarked bus rammed his car; members of the Blaj Baptist Church, whose building was bulldozed into rubble despite official promises to the contrary; and Brethren leader Elisei Rusu, who was arrested, beaten and convicted of handling Christian literature.

NEW GI BILL

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. MONTGOMERY. Mr. Speaker, a Vietnam era veteran contacted me recently expressing his strong support for the new GI bill. Dr. J. Clay Smith, Jr., agrees that a meaningful educational assistance program is necessary to attract high quality recruits. Additionally, he stresses the importance of the GI bill to the individual and thus to the Nation.

Dr. Smith's letter is particularly powerful because he speaks from personal experience. He served in the U.S. Army, went to school under the Vietnam era GI bill, and is now a professor of law at Howard University. His is truly a success story and one that will be repeated time and again if the new GI bill is not prematurely terminated, as recommended by the President.

I have alway maintained that the new GI bill will benefit the individuals who go to school under this program as well as the military service. This education benefit was not designed solely as a recruitment and retention tool. The new GI bill is also designed to provide young people with the means to pursue educational opportunities that might otherwise not have been available to them. Congress must not take the administration's proposal to repeal this program seriously. It means too much to our young men and women who elect to serve their country.

I commend Dr. Smith's very articulate letter to my colleagues.

HOWARD UNIVERSITY,
SCHOOL OF LAW,
Washington, DC, March 21, 1986.

Hon. G.V. MONTGOMERY,
Chairman, House Veterans' Affairs Committee, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN MONTGOMERY: Please know that I support your stand to preserve G.I. Benefits against the know-nothing budget-cutters in the Office of Management and Budget. See Wilson, Lawmakers Goes To War To Preserve GI Benefits, Wash. Post, March 21, 1986 at A21, col. 1. I find it difficult to reconcile how the Administration can argue for a strong national defense in an era of voluntary services with few incentives to join the military.

I am a Black American, a Republican and Vietnam era United States Army Veteran who benefitted from the G.I. Bill both from an educational point of view and as a property owner. The G.I. Bill has helped many Black Soldiers in the past. Indeed, it has helped many Americans to become educated and productive citizens. It should not be touched by persons who have probably never donned the uniform, or who believe that with high levels of unemployment in the nation that there is no need to offer soldiers G.I. benefits to encourage them to join the service.

Black Americans stand behind their armed forces because our women and men are often disproportionately called to service in the times of national crisis. Therefore, we believe that it is in the national interest that the current G.I. Bill be maintained, and be made a permanent value for all Americans who chose to serve in the various armed forces.

Sincerely,

J. CLAY SMITH, Jr.,
Professor of Law.

BOB GRIESE WINS ANNUAL "JOE THOMAS" AWARD

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. KEMP. Mr. Speaker, I rise today to recognize the accomplishments of a good friend and former adversary in the pro-football world, Bob Griese. As quarterback of the Miami Dolphins, Bob led his team to three straight Super Bowls before his retirement from football 5 years ago. Bob continues to be active in pro-football through his work as a commentator with NBC–TV. This year, he was named as the recipient of Football News' annual "Joe Thomas" award in recognition of his many outstanding contributions to his sport, his community, and his country. I congratulate Bob on this honor, and commend the following article to the attention of my colleagues as an example of the tremendous example Bob sets as a former pro-football player who serves his community and country.

GRIESE WINS JOE THOMAS AWARD

Former Miami Dolphin star quarterback Bob Griese, now a football color man for NBC-TV, has been named the winner of Football News' annual Joe Thomas Award.

The award is named in memory of the man who is credited with building three NFL teams into Super Bowl contenders, while being recognized as one of the best judges of talent in NFL history. Thomas died in 1983.

Griese, ironically, was one of Thomas' most sigificant acquisitions. Thomas selected him in the Dolphins' 1967 draft over popular Heisman winner Steve Spurrier.

Bob went on to lead the Dolphins to an unprecedented three straight Super Bowls and became one of the greatest quarterbacks in NFL history. He retired five years ago and should soon be named to the Pro Football Hall of Fame.

The Joe Thomas Award goes to Griese for his outstanding performance as an NBC color announcer. Griese, always the thinking man's quarterback, has brought to NBC that same type of class performance. He doesn't overwhelm the viewer with cliches but instead makes pertinent comments that fully explain what's going on. His approach is the direct opposite to those color men with bombastic styles who yell and scream their comments in an irritating fashion.

Joe Thomas over the years was an unsung hero. He never received the publicity he deserved for his accomplishments. Griese is a true disciple.

Bob and his wife, Judy, live in a Miami, Fla., suburb. They have three handsome sons.

Griese is a successful businessman who contributes much of his time to many civic endeavors in the South Florida area.

We salute him as FN's 1985 Joe Thomas Award winner.—Roger Stanton.

IN TRIBUTE TO RUTH AND KARL BECKH

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. LEVINE of California. Mr. Speaker, I rise today to pay tribute to two remarkable people, Ruth and Karl Beckh, on the occasion of their 60th wedding anniversary.

Mr. and Mrs. Beckh have long been two of Richmond, VA leading citizens. They have raised three children, and have been blessed with nine grandchildren and five great grandchildren.

Anyone familiar with the Beckhs knows that they deserve the respect and admiration which their friends and families have for them. Few people have done as much for their family and their community.

A short visit with the Beckhs and their family reveals the love and commitment which forms the nucleus of a strong marriage and devoted family.

Known affectionately as "Big Mama" and "Big Daddy" by their grandchildren and great grandchildren, the Beckhs' home is filled with reminders of what makes them such remarkable people. Karl Beck spends hours fashioning

models, doll houses, and toys for his grandchildren and great grandchildren. The time and care he devotes to these creations makes every visit to their home a treat.

At a time when more than half of the marriages in this country end in divorce, the Beckhs serve as an example to young and old alike that love, patience, and commitment can overcome many of the difficulties which destroy too many marriages.

Mr. Speaker, the Beckhs are an example of many of the things which make our country great. I ask my colleagues to join with me in paying tribute to these two extraordinary people.

NATIONAL HOSPICE MONTH

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. GRADISON. Mr. Speaker, today I am introducing a joint resolution to designate the month of November 1986 as National Hospice Month. I am very pleased that my distinguished colleague from California, LEON PANETTA, and over 50 of our colleagues have joined me in sponsoring this resolution.

I have selected the month of November to commemorate hospice—the innovative, comprehensive, compassionate approach to caring for the terminally ill—because November 1, 1986, marks the third anniversary of the hospice Medicare option. The implementation of hospice Medicare benefits has made it possible for hospice care to become a viable alternative to traditional acute care for many Americans. Similar resolutions, which I introduced in 1984 and 1985, received overwhelming bipartisan support and were enacted as Public Law 98-423 and Public Law 99-125 respectively.

This year is particularly important for hospice programs. Earlier this week, the President signed the fiscal year 1986 reconciliation bill, H.R. 3128, which contained a proposal my colleague from California and I had sponsored to remove the hospice Medicare benefit's sunset date of October 1, 1986, and make the benefit permanent.

The new reconciliation law also contains provisions we sponsored that would increase the hospice Medicaid benefit per diem payment levels and make hospice an option under the Medicare Program.

The hospice concept is centered around the belief that the dying are usually better served in the familiar surroundings of their own homes or, if necessary, in a comfortable inpatient facility which allows them to spend their final days in peace and dignity. The critical component of hospice care is the delivery of services by an interdisciplinary team of physicians, nurses, social workers, therapists, clergy, and specially trained volunteers. Over 1,400 programs, utilizing thousands of professionals and trained volunteers, are dedicated to promoting the hospice concept.

This humanitarian method of care has proven to be an excellent way for patients and their families to cope with the immeasurable stress and emotion of terminal illness. While understanding of and support for the hospice concept has grown dramatically in the last few years, there is still a need for public education regarding the benefits of hospice care. It is also appropriate that we recognize the significant contributions made by those involved in the provision of hospice services and in the advancement of the hospice movement.

The public education and recognition programs conducted during National Hospice Month will continue to expand the knowledge of and support for hospice care.

THE 75TH ANNIVERSARY OF IMPERIAL IRRIGATION DISTRICT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. HUNTER. Mr. Speaker, I rise today to call attention to an important anniversary for the 45th District of California. This year marks the 75th anniversary of the Imperial Irrigation District [IID] in Imperial County. This body has quite literally transformed the desert into a rich, productive agricultural resource.

Blessed with ample sunshine and the relative proximity of the Colorado River, the Imperial Valley was a natural location for farming. But until adequate, dependable supplies of water could be made available, there was little chance of developing this potential resource.

Several pioneers, like Dr. Oliver M. Wozencraft and William P. Blake, recognized the potential for irrigation, but they lacked the resources and technology to bring it to fruition. It was not until 1896, when the California Development Co. was formed by Charles Rockwood, Anthony Heber, and others, when the irrigation of the valley became a possibility. George Chaffey built the first Alamo Canal from the Colorado to Imperial Valley in 1901. In the space of a few months, 1,500 acres were served by the system.

Setbacks plagued these early pioneers and the California Development Co. declared bankruptcy. On July 14, 1911, the people of the Imperial Valley voted to allow the Imperial Irrigation District to acquire the assets of the failed firm. In the space of a few years, the IID had consolidated all the mutual water companies in the area.

In the thirties, construction began on the All American Canal and the Imperial Dam. By 1942, Imperial Valley was receiving water from the Colorado River through these vital waterworks. In the forties, the IID became an electrical utility, thanks to its hydropower capabilities. Major improvements to the power system have come on line in 1953, 1957, 1982, and 1984.

Since then, the IID has moved in to new areas, including nuclear energy and experimental technology such as geothermal power. Thoughout its 75 years of service, the IID has concentrated on conservation and effective management of the area's resources.

I know my colleagues join me in saluting the Imperial Irrigation District and its dedicated, talented employees on this important anniversary. It is indeed fitting that they have chosen the motto "Facing the Future . . . Proud of our Past." It exemplifies what the IID does and what it means to the people of the Imperial Valley.

Mr. Speaker, 1986 is an important year for the Imperial Valley. Its citizens are fortunate to be served by the IID and I am sure that my colleagues share my congratulations to the Imperial Irrigation District for 75 years of service and best wishes for continued success.

1986 SPECIAL OLYMPICS TORCH RELAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. BIAGGI. Mr. Speaker, I am very pleased and proud to introduce a resolution today to authorize the 1986 Special Olympics Torch Relay to be run through the Capitol Grounds.

The Torch Relay, which will be run this spring and again in 1987, is designed to raise funds for the Special Olympics, which was founded in 1968 by Eunice Kennedy Shriver. The Special Olympics provides year-round training and competition in 14 sporting events to any individual age 8 or older who is mentally retarded. The Special Olympics provide a very rewarding experience for more than 1 million athletes in over 20,000 communities in the United States and 50 foreign countries.

The Torch Relay is supported by the International Association of Chiefs of Police and is sponsored by the Armour Food Cos. Logistical support will be provided by the "Good Sam Club," a national network of recreational vehicle owners. As a former police officer, I am particularly proud to note that law enforcement officers from around the country are organizing the intrastate relays.

The District of Columbia run will culminate at opening ceremonies for the District of Columbia Special Olympics Spring Games to be conducted at Gallaudet College on May 30-31. The District Columbia Special Olympics Games will have some 750 athletes competing in five athletic areas: aquatics, track and field, gymnastics, volleyball, and softball.

Mr. Speaker, I am a longtime supporter of the Special Olympics and view the Torch Relay as a very positive way of promoting interest in this very worthwhile endeavor, while also raising much needed funds to ensure that the Special Olympics experience can continue to grow.

At this time, Mr. Speaker, I wish to insert the full text of my resolution:

H. CON. RES. 311

Concurrent resolution to permit the 1986 Special Olympics Torch Relay to be run through the Capitol Grounds

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On May 30, 1986, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may authorize jointly, the 1986 Special Olympics Torch Relay may be run through the Capitol Grounds as part of the journey of the Special Olympic torch to the

District of Columbia Special Olympics Spring Games to be conducted at Gallaudet College, in the District of Columbia.

SEC. 2. AUTHORITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such action as may be necessary to carry out the first section of this resolution.

BILL TO CLARIFY INTERNATIONAL ASSISTANCE AUTHORITIES OF INTERIOR DEPARTMENT AND ADVISORY COUNCIL ON HISTORIC PRESERVATION

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. SEIBERLING. Mr. Speaker, I am today introducing, along with 21 cosponsors, legislation to clarify and strengthen the authorities of the Secretary of the Interior and the Advisory Council on Historic Preservation to provide technical assistance aimed at promoting the wise use and conservation of natural and cultural resources throughout the world.

The legislation would establish a rational framework in which the international activities of the Interior Department and the Advisory Council on Historic Preservation can be administered. At present, one finds varying degrees of authority among the Department's constituent agencies. For example, the Fish and Wildlife Service as well as the National Park Service derive their mandate to contribute to the conservation of plant and animal species and their habitats abroad from the Endangered Species Act. Both the Fish and Wildlife Service and National Park Service provide technical assistance to the governments of Central America under the Western Hemisphere Convention. The Park Service assists in implementing the World Heritage Convention under the provisions of title IV of the National Historic Preservation Act Amendments of 1980. The Bureau of Land Management responds to requests channeled through the Agency for International Development, but it has no separate authority of its own to provide technical assistance to other countries.

Both the Secretary of the Interior and the Advisory Council on Historic Preservation have expertise within their respective agencies to provide needed technical assistance to other countries, and both already have done so on a limited basis. However, their authority, where it exists at all, is vague, inconsistent and inadequate. As a result, their international assistance is usually provided on an ad hoc, unpredictable basis without established criteria or priorities.

Our legislation would establish a uniform set of guidelines for the Department and the Council. Recent hearings by the Public Lands Subcommittee, of which I am chairman, have convinced me that such uniformity is needed. It will promote better, more integrated policies and programs, consistent with existing United States statutory and treaty obligations and Executive agreements.

ASSISTANCE BENEFITS UNITED STATES

International technical assistance activities aimed at conserving the natural and cultural resources of other countries benefit the United States in many ways. Indeed, we have learned over the past few years that the issues confronting the United States in conservation and resource protection are not limited to our borders. For example, desertification, acid rain, deforestation, groundwater contamination and other environmental problems transcend national boundaries. Many of our so-called "native" songbirds are in danger of extinction because their winter habitats in Central and South America are rapidly being destroyed.

The United States also benefits from international programs that provide us with access to foreign technology and resource management practices that may improve our own. These programs are also a mechanism for the implementation of U.S. foreign policy.

Because science and technology are integral to the development and conservation of natural resources, the technical agencies of the Interior Department have been involved for about 50 years in cooperative efforts with other nations. These cover a wide range of activities, including the identification and assessment of secure sources of critical and strategic minerals and of nonrenewable and renewable energy; preservation of endangered species and their habitats; preservation of natural areas and places of cultural significance; and provision of technical services to foreign countries for water, energy, fish and wildlife and other natural resource conservation and development.

Similarly, although on a very modest scale, the Advisory Council on Historic Preservation has provided professional expertise and coordination among the agencies and private sector groups that are concerned with international preservation. The Advisory Council provides advice to the State Department, coordinates the U.S. participation in the International Center in Rome [ICCROM] and contributes to the preservation of cultural resources through other groups such as US/ICOMOS.

These domestic agencies also perform essential functions in providing the technical and professional services needed for the United States to fulfill its commitments under various statutory and treaty obligations and executive agreements. Included among these are the Convention on International Trade in Threatened and Endangered Species of Wild Flora and Fauna, Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, migratory bird treaties with Canada, Mexico, Japan, and the U.S.S.R. and the Convention Concerning the Protection of World Cultural and Natural Heritage.

OVERVIEW OF THE BILL

The bill we are introducing today sets out congressional findings that it is in the interest of the United States to encourage and promote programs within domestic Federal agencies such as those administered by the Secretary of the Interior or by the Advisory Council on Historic Preservation, which assist in the wise use and conservation of natural and cultural resources throughout the world. The stated purpose of the bill is to clarify and strengthen the authorities of the Secretary and the Council to provide such assistance.

In consultation with the Secretary of State, and consistent with implementation of statutory and treaty obligations and executive agreements, the Secretary and the Council would be authorized and directed to take six general actions. They would expand their operational coordination with domestic and international organizations and agencies through joint or coordinated technical assistance, research, financial assistance, provision of equipment or facilities, exchange of information, cooperative agreements and other appropriate activities. They would work with other nations to stimulate and promote the wise use and conservation of natural and cultural resources, including the provision of technical assistance and stationing of appropriate personnel. They would continue to assist the Agency for International Development, and other appropriate organizations and institutions, with advice and programs directed at developing countries.

Additionally, they would maintain and develop within their own agencies highly qualified and experienced professionals, scientists and technicians; disseminate information on their international programs; and provide such technical assistance and advice on a reimbursable or nonreimbursable basis as is necessary.

In carrying out these authorities, the Secretary and the Council would insure that they comply with all relevant laws and regulations of the United States. They would be directed to give priority to actions which have long-term environmental benefits and which enhance protection and avoid damage to natural and cultural resources. To be assisted, projects must be environmentally sustainable and contain provisions for continued implementation by the foreign country in which they are carried out.

The bill would also clarify the Secretary's and Council's authorities for implementing the World Heritage Convention, and would direct the preparation and submission of annual reports to the President and the Congress on the activities they have carried out pursuant to the act during the previous fiscal year.

The Comptroller General of the United States would be directed to prepare and transmit to the Congress a report no later then 60 days after the third annual reports of the Secretary and the Council. The Comptroller's report would describe the progress which had been made in coordinating the activities of the Secretary and the Council and an assessment of the effectiveness of their activities.

The terms defined in the bill would be those for "technical assistance," "public and private institutions," "international organization," "Secretary" and "Council."

HELPING TO SOLVE GLOBAL PROBLEMS

In conclusion, Mr. Speaker, this legislation attempts to bring the Interior Department and the Advisory Council on Historic Preservation into the 1980's with regard to global environmental concerns. We have witnessed in recent years a growing commitment by the U.S. Government to enter into agreements aimed at the solution of such serious problems as desertification, destruction of fauna and flora, and air and water pollution. Yet the Interior Department, which employs the largest number of specialists in these and many other subject areas, is constrained from making its most efficient contribution because

of a crazy-quilt—and inadequate—set of authorities.

The increased authority for the Secretary and Council will not require additional funding authority; assistance to other governments or international entities can continue under existing operational authorities on a reimbursable as well as a nonreimbursable basis.

An Environmental and Energy Study Institute Task Force, of which I was a member, issued a report in October 1985 titled "A Congressional Agenda For Improved Resource Management in the Third World: Helping Developing Countries Help Themselves". It called on us to enact new initiatives to strengthen resource management and promote long-term sustainable development in Third World nations.

The legislation we are introducing today does this. It will both contribute to the solution of serious global problems and demonstrate to the world our commitment as a world leader in resource conservation and the provision of international technical assistance.

I urge all Members to support the legislation.

RECOGNITION OF NATIONAL AUCTIONEERS WEEK

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. KOLTER. Mr. Speaker, today I rise to mark the observance of National Auctioneers Week, which is April 6 through 11. Auctioneering is one of the fastest and most effective methods of selling personal property and real estate, in addition to being one of the oldest methods of selling. Auctions date back to the time of the ancient Babylonians in the 500 B.C. period, which was followed by the Romans' use of auctions.

In American history, auctions first came into prominence after the Civil War as a method for Army colonels to dispose of war booty. Since that time, auctioneers and the auction profession in general have developed progressive education institutions and an organization to unite auctioneers concerned with the professionalism of auctioneering. In 1949, the National Auctioneers Association was formed through the leadership of a small group of auctioneers. The group's membership has grown steadily, now including more than 6,200 members across the United States, Canada and other foreign nations. NAA members abide by a Code of Ethics that was established to maintain the highest standards of the auction profession and bestow a common responsibility for integrity and honor among auctioneers.

The purpose of National Auctioneers Week is to inform the public of the efforts of NAA to better the auction profession in general by improving the skills of its members. Such is the case with Sherman Hostetter, Jr., one of my constituents in the Fourth District of Pennsylvania. He and his brother Lee will be at Indiana University at Bloomington for the Certified Auctioneers Institute during the week to further their education and skills of auctioneering.

It is an honor to applaud the efforts of NAA and members Sherman Hostetter, Jr. and Lee Hostetter to better the auctioneering profession as I stand here before the U.S. House of Representatives today.

OUR NATION'S LIBRARIES

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. BONER of Tennessee. Mr. Speaker, since this is National Library Week, I would like to take this opportunity to express my views on the importance of libraries.

I am very concerned about the President's fiscal year 1987 budget proposals which greatly affect our libraries. Despite the fact that funding for our libraries is such a minute part of the overall budget, the administration is recommending zero funding for the Library Services and Construction Act, and has further recommended a rescission of all fiscal year 1986 library grant funds not already committed or allocated.

Mr. Speaker, libraries have always been a vital component of our educational structure. Not only are they a source of information, but they provide so many services to the disadvantaged—who will be most affected by the President's proposals.

In my hometown of Nashville, the library system provides a daily 18-hour "talking library" broadcast for the blind and physically handicapped through a subcarrier of our public radio station WPLN. Over 300 volunteers read the newspaper—from current events to shopper specials—and books to these people. Our bookmobile provides large print books to homes for our elderly. Also, for the first time this year, our library is charged with the job of preserving the historic documents relating to the founding of our city and will archive all official documents of the city government.

Our libraries provide a worthwhile pastime for youth and the elderly. Nashville has approximately 1,500 homeless people, and each day in the winter, when the library doors open, 30 or 40 of them will be standing in line to enter. They make the libraries their daytime home.

I urge my colleagues to support continued funding for the Library Services and Construction Act and oppose the administration's rescission recommendation.

IN HONOR OF KIT COWDREY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. LEVINE of California. Mr. Speaker, I rise today in honor of Kit Cowdrey, a well-known writer and community activist, who will be the recipient of the Pacific Palisades Lions Club Community Recognition Award on April 17. This prestigious award is the greatest honor the Lions can bestow upon a non-Lion who deserves to be recognized for his or her outstanding contributions to society and humanitarian pursuits.

Kit is a third generation newspaper person. She began her career in elementary school writing a weekly bulletin and continued writing for school papers, including junior and senior high schools and her 4 years at Case-Western Reserve University, Cleveland, OH, which she attended on a scholarship.

Kit claims to have majored in her "future husband," Frank Cowdrey, and they were married in 1935. Following World War II, Frank was the west coast executive mechanical and sales engineer with Parker-Hannifin Corp. from 1948 to 1976. The company transferred Kit and Frank to Los Angeles in 1948.

The family moved with three children—Barbara, Andrea, and Frank Jr.—to Pacific Palisades in 1953. Kit immediately taught Sunday school and wrote the weekly newsletter of Pacific Palisades Community Methodist Church.

She worked on publicity for the March of Dimes, Brownies, Cub Scouts, Girl Scouts and "for anyone who asked me." In 1954, Kit joined the staff of the Palisadian, the Pacific Palisades first newspaper, as society editor and remained until 1961, when she became a staff writer covering Pacific Palisades, Malibu, and Topanga at the Evening Outlook of Santa Monica.

After only 2 weeks with the Outlook, Kit had the privilege of writing a feature article on the last interview Mrs. Eleanor Roosevelt gave the press, who in 1961 was considered "the most important woman in the world." Other famous people she has featured in articles included Robert Kennedy, Bob Hope, Buckminster Fuller, designer of the geodesic dome, Pulitzer Prize winners Will and Ariel Durant, Debbie Reynolds, Crown Prince Akihfito and Princess Michiko of Japan, Mrs. Nat King Cole, Vivian Vance of "I Love Lucy," President Ford, Bobby Vinton, Larry Hagman, Robert and Betts Rockwell, when he was the star of "Our Miss Brooks," and many more.

Kit feels one of her greatest accomplishments was the inclusion for the first time of her "Owl" newspaper article in the 1964 Christmas Book of the Braille Institute of America given to every blind child requesting it around the world.

Kit has donated her time and talents to public relations work for the American Heart Association, American Cancer Society, Crippled Children's Society, Religion in Media, Santa Monica Bay Auxiliary of the Children's Hospital, CROP Walk, and a founder of AWARE—American Women's Active Return to Education—1984 Summer Olympics, World Games for the Deaf, and others.

After the death of her husband in 1984 Kit was invited to be the staff writer at the Malibu Times. In addition, she continues her reporting and writes a weekly column for the Evening Outlook.

It is an honor to bring Kit's accomplishments to the attention of my colleagues in the U.S. House of Representatives. I ask that the Members of this body join me in saluting this very special American as she receives this prestigious award.

SUPPORT GROWS FOR CREDIT CARD INTEREST RATE CAP

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. BIAGGI. Mr. Speaker, there is a growing public outcry throughout the country about exorbitant credit card interest rates. There is good reason for this concern. While the rate banks pay to borrow their money from the Federal Reserve has dropped from 14 percent in August 1981 to just 7 percent today, the rate banks charge their credit card customers to use that same money when up during that same period from 17.78 percent to approximately 18.6 percent.

There appears to be only one possible explanation for the rise in credit card interest rates—greed on the part of credit card issuers. A New York Times article awhile back reporting on the discrepancy between the cost of money to banks versus consumers was appropriately headlined, "Big Banks Basking in Profits." My own recent survey showed that of the 10 largest bank card issuers—as reported by the Nilson report—nine reported substantial earnings increases for 1985 over 1984. This certainly should not come as any great surprise, especially since consumers are paying some $6 billion a year in credit card interest rate charges. That is about $2 billion a year more than they would be paying if a bill—H.R. 1197—I have authored to cap credit card rates at lower levels were enacted.

Mr. Speaker, I am very pleased to note that my good friend and distinguished colleague from Illinois, Mr. ANNUNZIO, has scheduled a markup on legislation to cap credit card interest rates for April 15. I want to commend him and his Subcommittee on Consumer Affairs and Coinage, for giving this issue the high priority attention it deserves. Such action clearly demonstrates his longstanding and unwavering concern for the welfare of our Nation's consumers.

Further, Mr. Speaker, I want to point out that due to the serious attention this issue is receiving here in the Congress, more and more States and localities are becoming concerned as well. Consider, for example, that in my own congressional district, the Yonkers (NY) City Council unanimously passed a resolution on March 11, 1986, endorsing my legislation to cap credit card interest rates. I welcome this support and wish to insert in the RECORD for my colleagues' review:

RESOLUTION NO. 75-1986

Whereas, millions of American consumers are paying an average of 18.6 percent in interest each year for the use of credit cards, and

Whereas, the interest charged for the use of credit cards is significantly higher than interest charged for any other type of consumer loan including home mortgages, and

Whereas, Congressman Mario Biaggi has introduced legislation in the House of Representatives (H.R. 1197) which would place a national cap on credit card interest rates as has been done in the State of Arkansas, and

Whereas, the legislation introduced by Congressman Mario Biaggi would place the maximum rate for credit card interest at five percentage points above the bank borrowing rate, which under current conditions would mean a rate of 12.5 percent, now

Therefore be it resolved, the Yonkers City Council hereby supports the concept of placing a cap on credit card interest rates as stated in Congressman Biaggi's bill, and

Be it further resolved, the Yonkers City Council requests the New York State Legislature to develop legislation modeled on the Arkansas law for New York, and

Be it further resolved, the Yonkers City Council directs the City Clerk to forward certified copies of this resolution to Congressman Mario Biaggi, Governor Mario Cuomo and the State legislators who represent the City of Yonkers.

U.S. MUST AID DEMOCRATIC FORCES IN NICARAGUA

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. OXLEY. Mr. Speaker, today we face a challenge. Are we willing to condone another Communist dictatorship in our hemisphere or are we willing to support the freedom loving, democratic people who are fighting against the Communists in Central America? I believe the choice is clear.

A negotiated solution will not occur in Nicaragua without United States assistance. The Sandinistas are self-proclaimed Marxist-Leninists. I quote Humberto Ortega, the Nicaraguan Minister of Defense: "Marxism-Leninism is the scientific doctrine that guides our revolution, the instrument of analysis of our vanguard to understand the historical process and to create the revolution. Our doctrine is that of Marxism-Leninism." The Sandinistas have exiled Somoza's democratic opponents, such as Adolfo Calero, Arturo Cruz, and Alfonso Robelo, and are entrenching themselves with the full apparatus of a totalitarian state—secret police, a military machine, and block committees. They are armed by the Soviet Union, trained by Cubans and East Germans, and aided by the Libyans. Such a government has never negotiated itself out of power, nor will it—unless the U.S. convinces it to do so.

The political philosophy of the United States is based upon freedom, which allows every man to decide for himself where he wants to live, what he wants to do for a living, where he may travel, and, most importantly, what he thinks. Marxism-Leninism is a totalitarian philosophy where the state decides everything for the individual. The state snuffs out the individual. We cannot turn our backs on a democratic resistance force and condemn that country to tyranny. We must aid the democratic forces and encourage them to fight against communism.

By aiding the Nicaraguan freedom fighters, Congress may well save another country from the clutches of communism. We were unable to help the Hungarians, Czechs, or Poles when they rebelled against tyranny. We can do little for the boat people in Southeast Asia. We could do nothing at all for the Cambodians beset by the Khmer Rouge. In Afghanistan, we can only raise the cost of Communist conquest. We can, however, help Nicaragua become a democratic, pluralistic society. Under the circumstances, the $100 million investment requested by the President is a price we must be willing to pay now to avoid paying a potentially greater cost later—that is, the lives of American servicemen. We can finally do something, and we must not fail in this mission.

Thank you.

BANKING ON ENTERPRISE ZONES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. KEMP. Mr. Speaker, the March, 1986 issue of Ozark magazine included a very interesting and timely article about the activities of many States in designating urban and rural enterprise zones. It is long past the time when Congress should have enacted enterprise zones at the Federal level; I commend the following article to the attention of my colleagues and urge swift action on the Kemp-Garcia Enterprise Zone proposal.

[From the March 1986 Ozark Magazine]

BANKING ON ENTERPRISE ZONES

(By Julian Weiss)

Chicago Heights has one, and so does Elkhart, Indiana. St. Louis, Missouri, Duluth, Minnesota, Dayton, Ohio, and scores of other Midwestern cities are also getting on board the enterprise zone train. The question now is whether it is an express to economic growth or a caboose following business along uncertain tracks. The train is out of the station and enterprise zones are crisscrossing both big cities and small town across the region.

"Looking at Midwestern states, there is room for cautious optimism on the zones," says Miles Friedman, director of the National Association of State Development Agencies. "Many of these states have gone past the experimental stage—and done so very quickly. The zones are now an integral part of economic development for much of the Midwest."

Enterprise zones (EZs) are a relatively new idea, and supporters are hopeful that early momentum can feed on itself. "We call them 'competitive zones' in our state," says Patrick Connoy at the Minnesota Department of Energy and Economic Development. "They provide certain areas with competitive features and tax incentives that help create an infrastructure for business."

The zone concept is simple: Target a section of town, a rural county or part of a major city. Grant concessions, tax abatements and other lures, in the expectation that economic growth in this relatively small area will achieve lift-off. Exempt firms located in the area, and others considering moving there, from taxes and labor regulations and *voila!*—these targeted areas can flourish. In April 1982, Missouri became one of the first states in the country to authorize establishment of EZs. "Enterprise zones represent the broadest sets of powers used to start new businesses," says Robert C. Simonds, manager of Missouri's state-sponsored drive. Bob DeHart in Kansas City, Missouri, where an EZ is barely cele-

brating its first birthday, speaks for many: "A zone's direct benefits can be small, but they may tip the scale" by adding a few vital percentage points to a company's profits ledger.

Tracts or enumeration districts must meet certain criteria to qualify as an EZ. But the benefits of having been designated an EZ in most states go beyond tax incentives to include employee training credits and the waiver of burdensome regulations.

Missouri's enterprise zone program, for example, offers more than a tax incentive package. Under its program, the infusion of new business development is accompanied by improved community planning and citizen involvement to build the broad-based community support that business needs to prosper.

Stringent guidelines are used to determine which areas would receive enterprise status. Different states and cities use zones for different objectives. Gene McNary, county executive in St. Louis, explains his area's particular goals. "Our mission is to attract business, and the [enterprise zone] incentives are doing just that," McNary says. In other parts of the country, primarily small and struggling companies in depressed areas are the intended beneficiaries. "It's largely economic development, but the community revitalization aspects aren't overlooked either," says Lawrence Bianchi, executive director of the Streator, Illinois, zone.

The incentives idea—whether an "on-paper" theory or a bottom-line reality—does have its enthusiasts. Entire states are slated to become zones, with Louisiana moving toward the lofty direction. (China watchers learned early in 1985 that China's quasi enterprise zones, the fabled "Special Economic Zones," may one day take in a third of that country's land area!) Kansas allows its cities to proclaim specially mandated sites unless the state itself takes action within sixty days of the declaration. Illinois and other Midwestern states are taking a more modest route, but legislatures are approving an ever-increasing number of sites—and the Midwest topped the 120 mark last year. Only Michigan is taking a wait-and-see attitude.

Many types of businesses are setting up shop in the zones. Venture capital start-ups, heavy industry, light manufacturing and services are relocating or sprouting up at the sites. "When we get calls like the one from the May Company," says Simonds, "and others in retail and distribution, we know the idea's working." May Company recently announced plans for a move to Joplin's zone.

Enterprise zones are a British innovation transplanted to the United States largely through the work of Dr. Stewart Butler at The Heritage Foundation, a conservative think-tank based in Washington, D.C. While Britain originated the concept in 1978, it has taken a few years for action to begin in this country. Legislation sponsoring creation of federally approved zones has floundered in Congress, but nearly half the states are taking their own initiative.

There are zones, and then there are zones. On the international trade side, a proliferation of foreign-trade zones has taken place since the late seventies. These specially designated sites are used to promote American exports by giving tax breaks on customs and levies when goods are reassembled in U.S. territory.

EZs have a domestic mission that is no less dramatic. For years, federal money poured into urban areas in an effort to promote renaissance, and results are mixed. If the enterprise zones idea takes off, it comes at a good time, for those same federal programs are being slashed (and in some cases abandoned).

Leaders such as Simonds speak of an "evolution" in the zone movement. "We started from ground zero three years ago," he says, and today nearly 4,000 direct jobs have been created in ten existing zones. Another 14 are on stream and will greatly increase the almost $140 million for investment in plant and equipment seen in the original ten. Of the 620 new jobs that emerged in Hannilbal during 1985, two-thirds were in enterprise zones. St. Louis alone saw 600-plus jobs, and Kansas City, where a new enterprise zone is slated, hopes to repeat that performance. "We have some real turnaround stories, too," assures Simonds. He insists that the process is happening "uniformly" around the state.

"This is the beginning, and people sense things are picking up," he says.

A comprehensive plan adopted by the state's lawmakers provides for property tax abatements over periods ranging from ten to twenty-five years. Halving the corporate income tax and offering employment credits are another device. There are variations in place throughout the Midwestern region. For example, Indiana provides businesses located in zones with easy credit terms in a revolving fund. According to Diane Lupke, director of the state program, access to tax increment financing funds are available for firms settling on Hoosier sites.

Illinois tries to lure prospective firms with packages extending twenty years. Patrick O'Grady directs the zone program. "our industrial development agency can give up to $100 million in loans," he tells *Ozark*. Here, as elsewhere, what he describes as "modifications" in local zoning and in an assortment of regulations are dangled before companies. "Local support is the key to success," he adds.

Criteria for zones are established by states and cover local poverty levels, unemployment rates and other issues. To determine which cities or counties receive the state-mandated incentive packages, for example, Indiana requires that 25 percent of area residents fall below poverty levels in the last census (1980). "We ask for things like a local crime prevention plan, and a plan for improvements in infrastructure," explains Lupke, director of the state program. Ohio EZs can exist in areas where, among other things, population has declined and unemployment is 50 percent above the national average. Howard Wise in Columbus is the manager of the Buckeye State's Industrial Development program. "They [EZs] are tools that can lower welfare burdens, but they are not treated as a panacea, so our standards are geared in a practical direction," says Wise.

One city manager, who wishes to remain anonymous, is not completely pleased with the standards. "In our state, too many people went out for zone status at the same time," says the city manager. "I think that the standards are probably a little too rigid, or too tight, for some deserving areas to get a zone implemented."

Some observers wonder if competition between rural and urban communities sparks an incentives "war," finding companies packing up to literally move next door. Tony Perry, an administrator of the Kankakee River Valley EZ in Illinois, disagrees. "Community support has been total, even though we represent three towns with three different levels of incentives," Perry says. One car dealership was about to leave one member of the trio for another, but a potentially explosive situation was defused when all three agreed that this kind of movement was inevitable, and that an expanding pie in the River Valley region helped everyone. "That type of cooperation says a lot, really, because that type of business can mean $100,000 or so in local taxes."

There are varieties of EZs, with enough models proliferating over the past few months that custom-tailored sites are being launched. Lawrence Bianchi's zone is unusual because it is not a project sponsored by local or state development agencies. It's supported by some $65,000 in private contributions. In-kind support allows for free space, while the state provides minimal direct support for promotional aspects of the campaign. Bianchi earns the lofty sum of $1 per year from the city. He and a single part-timer guide the effort to transform three-and-a-third square miles of industrial Streator (population fifteen thousand) and its immediate outlying area (population twenty-four thousand). Widespread support from officials at several levels of government will enable the site to expand to eleven-and-a-half square miles.

Established in July 1984, the Streator Area Enterprise Zone, or SAEZ, is "past the point where we're feeling our way, says Bianchi. Not all leads have produced results, but it takes time to gain visibility, asserts Bianchi. He reckons that the SAEZ's locale some ninety miles southwest of Chicago will please prospective firms thinking of new manufacturing sites: the Burlington-Northern passes through town, and Streator is the only spot where Conrail and Santa Fe intersect each other. A new Chrysler-Mitsubishi plant is less than an hour's drive away, and nearby interstates crisscross the region.

With plenty of spots for companies relocating or getting off the ground to choose from, depressed areas are taking another look at previously untapped—or underutilized—local resources, trying to plug them into manufacturing or commercial needs. Bianchi points to one way in which local resources could be tapped. Oglesby Community College is small but has "unique" capabilities in robotics, and it proved itself when General Motors awarded it a $24-million contract in computer-assisted design.

Fort Wayne, Indiana, combined mostly private funds with some government money in order to foster its EZ, which is in fact a 600,000-square foot "incubator." Termed an Enterprise Center, this zone, although less than a year old, established its own venture capital fund.

In Evansville, Hoosiers thought they could sweeten the pie for Zayre Corporation by annexing a large tract of land formally outside city limits and bestowing an EZ title on it. At stake was a $55-million investment, as well as 1,500 new jobs, and Indiana legislators approved a $1.2-million training program for new workers on top of $600,000 in road and drainage improvements. For their part, city leaders pumped nearly $200,000 into infrastructure around the Zayre-dominated EZ.

The company pledges to pay $38,000 a year for ten years as a means of supporting youth employment training, a useful gesture because many targeted young people reside within the enterprise zone. Cooperation came from the building trades council, too, as plans for the new facility were finalized.

When Thief River Falls, Minnesota, lost its largest single employer (a snowmobile firm) five years ago, 1,800 lost their jobs. In a town of 8,500, this was a catastrophe. One of the rescue plans emerging called for an EZ in a 350-acre site that included the old plant that once produced snowmobiles. Lured by a host of incentives, a new firm rose Phoenix-like on the ashes of the old, smaller in scale but with more than 300 on the payrolls. The rest of the deserted manufacturing facility was converted into an industrial mall.

With the EZ movement past the starting gate, most agree that the tangible gains thus far are worthy of future commitments. Tony Perry has strong feelings about incentives. He saw joblessness soar in his highly industrialized area, but more than one thousand jobs were created in twelve months at his zone. Most of what was 3.5 million square feet of vacant industrial space has been absorbed in the River Valley area. "We need some incentives tied to paychecks," Perry says, "incentives that go directly to companies hiring the jobless. Another layer of goodies—federal tax breaks complementing what state and local governments grant business—is needed."

The perception of EZs remains fuzzy, but states like Missouri may join the parade that is leapfrogging Congress, taking bold initiatives on their own. These "Made in the Midwest" solutions can serve the region well.

[Julian Weiss is a freelance writer whose work appears regularly in U.S. and Asian business publications. He has observed operations at enterprise zones, and has written about EZ counterparts in South America, Asia and elsewhere. Weiss received an award in 1985 for a series comparing zones and other incentives.]

TRIBUTE TO VOLUNTEERS OF SWEETWATER UNION HIGH SCHOOL DISTRICT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. HUNTER. Mr. Speaker, I rise today to honor the volunteers of the Sweetwater Union High School District of Chula Vista, CA. Through their organization and service, they embody the dedication we all seek to the education of our youth.

The Sweetwater Union High School District's Board of Trustees and the Sweetwater Education Association will come together to sponsor the 10th Anniversary Appreciation Tea on April 24, 1986, to honor their volunteers. This event coincides appropriately with National Volunteer Week.

These particular volunteers serve 36,000 students through a program called Project LEAP [Learning-Experience-Achievement-Price]. They are from all walks of life—senior citizens, parents, business, and professional persons, each sharing their own individual talents to better the school system and the students' opportunities and education. The program has even been extended to include adoption of districts by local businesses and organizations.

Mr. Speaker, I know my colleagues join me in congratulating the volunteers, teachers, and administrators involved in Project LEAP. This festive day pays tribute to their concerted and continuous team-effort in helping youth. Because of their contribution, our students are developing their personal and academic potential so that they may act constructively as contributing citizens in our society.

JOSEPH H. KANTER JOGGING AND EXERCISE CENTER

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. GRADISON. Mr. Speaker, springtime is here, and those of us who jog down Capitol Hill along the Mall may have noticed a new exercise facility under construction at 4th Street and Independence Avenue SW., adjacent to the National Air and Space Museum at the Smithsonian Institution.

Joseph H. Kanter, a businessman, philanthropist, and fitness enthusiast, has donated a new facility commonly known as a "Parcourse" to the National Park Service, Department of the Interior. It will be officially dedicated on April 23, but already dozens of Members and staff are using the equipment.

Joe Kanter has been jogging for over 40 years, and is about to complete a cumulative total mileage equaling the circumference of the Earth. A long believer that sound minds and bodies go together, he wanted to make this fitness facility available to all Government workers and all Americans. It is being paved for special access to the handicapped, among others.

I urge my colleagues to join in extending our thanks to Joe Kanter for his generous donation to the people of America.

FEDERAL ASSISTED HOUSING PROGRAMS

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. SCHUETTE. Mr. Speaker, I take this opportunity to address the subject of Federal assisted housing programs.

In the 10th Congressional District of Michigan, I know how important the Federal commitment to elderly housing has been over recent years. Many low-income and handicapped elderly in mid-Michigan benefit from the section 202 and section 8 housing assistance offered by HUD. In addition, HUD provides low-income and subsidized housing; a majority of the beneficiaries are elderly.

It has been noted that the number of our Nation's frail elderly, those over age 85, will triple over the next 30 years. It is crucial that we provide adequate housing for these seniors, outside institutions. Many seniors do not require institutionalization, but merely need affordable housing and services. However, because of the lack of independent housing settings, families, spouses and guardians are often left with no other alternative but placing the frail elderly into institutions. I cannot stress how devastating this can be to an individual who may only be functionally limited or lonely, and does not need intensive health care or supervision of an institution.

Through our commitment to housing for the elderly, we will encourage independence, self-esteem and stability for millions of Americans.

THE BETTER COMMUNICATIONS FOUNDATION: SERVING THOSE WITH LIMITED VISION, HEARING, AND READING SKILLS

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. BARNES. Mr. Speaker, I would like to bring to my colleagues' attention an organization called the Better Communications Foundation of Silver Spring, MD, which is designed to meet the special needs of persons with limited vision, hearing, and reading skills.

In a recent hearing held by the House Select Committee on Aging, Mr. Ralph testified that, according to estimates of the American Optometric Association, approximately 20 million people wear glasses and contact lenses with prescriptions no longer suited to their vision needs. Another 20 million need some type of visual correction but either do not know it or cannot afford it. The Medicare Program and most hospitalization policies do not pay for corrective lenses unless they follow cataract surgery.

Mr. Ralph also stated that the safety of these individuals is jeopardized daily because of the possibility that they might not understand the instructions on consumer product labels and that vision and comprehension often worsen as individuals grow older. With the increase in the median age of our society, it is clear that this group of citizens needs special attention.

The Better Communications Foundation is currently developing and promoting guidelines to make printed and video information easier to read and comprehend for the elderly and other persons with similar needs.

The foundation offers technical assistance in the form of published guidelines and training seminars, free to the general public, particularly those who currently have difficulty seeing, hearing, or understanding information in its present form.

The very successful work of the Better Communications Foundation and of others should be encouraged so that everyone has the opportunity to enjoy the benefits of mainstream society.

A CONGRESSIONAL SALUTE TO CALIFORNIA STATE UNIVERSITY, DOMINGUEZ HILLS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. ANDERSON. Mr. Speaker, on April 19, California State University, Dominquez Hills

will be celebrating a truly momentous occasion—its 25th anniversary. It is my distinct honor today to rise and pay tribute to this quality institution and to those who have been affiliated with the university over the years.

The California State College, Dominguez Hills was authorized in 1960 by the State College Board of Trustees, of which I was a proud member at the time. The college served the needs of the South Bay area for 17 years, but in 1977, its name was changed to California State University, Dominguez Hills. Today, as a member of the 19-campus California State University sytsem, California State University, Dominguez Hills offers a quality educational experience to its 7,650 students.

Located just minutes away from downtown Los Angeles and nearby South Bay beaches in one of the Nation's most diverse socioeconomic and cultural communities, California State University, Dominguez Hills offers many of the advantages of a smaller private college while maintaining the low student fees of the California State University system. With an emphasis on quality teaching, this fine institution offers strong programs in professional areas and the liberal arts in a truly caring and supportive atmosphere.

Mr. Speaker, it is with great pride that my wife, Lee, joins me in commending California State University, Dominguez Hills on its Silver anniversary, and I am especially proud to have lent a hand in the creation of this great university. The school has honorably served its students and our community for the past 25 years, and it is our distinct pleasure to recognize California State University, Dominguez Hills for a job well done and to wish the university and all those affiliated with it all the best in the years ahead.

BILINGUAL EDUCATION PROGRAM

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. LOWERY of California. Mr. Speaker, I am taking this opportunity to commend Mr. JEFFORDS for introducing legislation today which would improve the bilingual education program in America. I am also pleased to be sponsoring this important measure.

Mr. Speaker, the Bilingual Education Act of 1968 represents the legislative vehicle through which the Federal Government attempts to meet the unique needs of students with limited proficiency in English. Unfortunately, as amended in 1984, the act requires that 96 percent of Federal funds be allocated to programs which emphasize the transitional approach to bilingual education. Many believe that this approach places too much emphasis on the foreign language and may not be as successful as other innovative programs being experimented at the local level.

The legislation being introduced today would simply remove the 4-percent cap on funding for alternative educational approaches. Mr. Speaker, I support this bill because I believe the local schools are in a far better position than the Federal Government to choose the method of education for their students with limited proficiency in the English language. My district encompasses San Diego which has a substantial Spanish-speaking population. It is vital that the San Diego Unified School District, as well as the other districts across the country, be given the flexibility to select the most suitable bilingual education program for their students.

With funding for this and all other Federal programs limited due to Gramm-Rudman, it is crucial that every taxpayer dollar be spent in the most effective and resourceful manner. I am convinced that passage of this legislation would further the cost-effectiveness of the entire bilingual education program by encouraging new and innovative teaching methods.

Again, I commend Mr. JEFFORDS for this fine bill, and I urge my colleagues to join in this important endeavor.

IN HONOR OF ERNEST LEFF

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. LEVINE of California. Mr. Speaker, I rise today on behalf of Ernest Leff, who on April 19 will receive the prestigious Quality of Life Laurel Award from the United Stroke Foundation.

Ernest Leff is a man who was recognized by President Johnson for his work on behalf of the savings and loan industry and who argued successfully before the U.S. Supreme Court to win a landmark decision benefiting the entire industry.

He is also a man who moved into the forefront of a concerted national effort to create better understanding and awareness of stroke and stroke prevention.

He was instrumental in the development and distribution of a new, concise layman's booklet on stroke and its prevention, titled "Are You the Target for a Killer?" It is being hailed as one of the finest publications of its type.

In addition to his activities on behalf of the United Stroke Foundation, Mr. Leff has always maintained a significant posture in a variety of worthy philanthropic causes.

In the business world, he heads Leff & Jensen, a major law firm specializing in firiancial matters, with offices in Beverly Hills and Costa Mesa, CA, and Washington, DC.

Ernest and Ada, his wife of 31 years, live in Beverly Hills. They have two children, a son Andy, a recent law school graduate and a daughter, Laurel, a journalist specializing in business affairs who lives in Florida with her husband, Jeremy Paul, a professor at the University of Miami Law School.

I trust my colleagues will join me and the United Stroke Foundation in honoring this man of compassion—Ernest Leff.

PLAINS LIONS CLUB CELEBRATES 40TH CHARTER NIGHT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. KANJORSKI. Mr. Speaker, it is a great pleasure for me to take this opportunity to congratulate the members of the Plains area Lions Club on the 40th anniversary of their charter.

The International Lions Club has established a strong reputation for its good works throughout the years. After 40 years of service, the Plains Lions Club has become an institution, organizing special projects which enrich the Plains community. Under President Joseph Florio, the club helped to establish the Volunteer Ambulance Association and purchased the first ambulance in 1965. Current projects include providing fruit baskets to the elderly and shut-ins of Plains, holding an annual Easter egg hunt, and "Old Home Week," an annual carnival.

The Plains Lions Club was chartered on March 3, 1947. Frank Falchek and William Pierce are two charter members and life members who are still contributing to the club and will be joining in the celebration of the club's 40th Charter Night. These two original members have witnessed the Plains Lions Club grow from a good idea into an active civic organization in the finest spirit of voluntarism.

Mr. Speaker, the 40-year history of the Plains Lions Club attests to the American spirit of community activism. Civic organizations such as the Lions Clubs make the communities of America better places to live.

CONGRESSIONAL TRIBUTE TO JOSEPH C. "JOE" GILL

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. CHAPPELL. Mr. Speaker, it is with great pride that I call attention today to an individual from my Fourth Congressional District of Florida. A leader who has distinguished himself through a lifetime of upright and contributory involvement in the business and civic mainstream of his community.

Rarely in the history of my service in the Congress, have I had the opportunity to note such a splendid and enviable record of achievement as in the case of the life's work of my constituent and friend Joseph C. "Joe" Gill of Ponte Vedra Beach, FL.

Joe Gill has been a sustaining influence in so many business and philanthropic undertakings during his decades of service that it is almost impossible to cite all his accomplishments.

This tribute will be suitably displayed in the business wing of the Jacksonville Beaches Public Library. This is being done with the knowledge that the record of Joe Gill will serve to inspire future generations to do good work both in business and civic affairs.

Joe Gill, during his long and successful career, accepted only the best in performance from himself, while continually seeking to uplift his fellow man. I would like at this time to enumerate some of the highlights of the works of Joseph C. "Joe" Gill so that all assembled here may share in my pride in these grand accomplishments:

Founder, President and Director, Ocean State Bank;

Senior Vice President and Director, American National Bank;

Founder and Director of the American Federal Savings and Loan Association of Duval County;

Founder and Director, Amelia Island Bank;

Founder and Director, Baymeadows Bank;

Director and Vice-Chairman, Jacksonville Port Authority;

Past President and Director, Jacksonville Beaches Area Chamber of Commerce;

Director of the Gator Bowl Association;

Director, University of Florida Gator Boosters;

Founder and Director, Duval County Taxpayers Association;

Disaster Chairman, American Red Cross during the 1964 Hurricane Dora emergency;

Director and Treasurer of the San José Country Club;

Director, Save-A-Stop, Incorporated;

Treasurer, Director and Member of the Executive Committee, of the Jacksonville Baseball Club which brought Double-A baseball to Jacksonville;

Director and Member of the Executive Committee of the Jacksonville Beaches Area Committee of One Hundred;

Founder, Beaches Area Ladies Golf Association.

Joe Gill was also a moving force in charity drives such as the annual Cancer, Heart Association, Multiple Sclerosis, and other eleemosynary undertakings. He was one of the point men responsible for the completion of the splendid Fletcher High School football stadium, working with the Jaycees in seeing that project through to completion.

Some men in life are takers. Joe Gill is a giver, and we are richer by far by the fact that he walks among us. His record speaks out to all who will view it in the future. It is one that will long stand as a beacon to those who seek the higher path of service to man. For it can be said that Joe Gill is a true pioneer; a man who carved out of a young and new area, monuments to business and public service which have created a history of commerce, and a record of community service, truly enviable as we view it today.

AMERICAN SECURITY THREATENED BY DROP IN OIL PRICES

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. JONES of Oklahoma. Mr. Speaker, America is facing today a crisis, the dimensions of which will not be felt immediately outside of a few States, but which will be felt soon enough by all Americans.

American security is threatened by the precipitous drop in the price of oil. As one oilman said recently, an energy war is being waged and we are losing by default. We are stacking oil rigs faster than any peacetime army has ever stacked its rifles, faster than any navy has drydocked its ships, or an air force has cosigned its war planes to the boneyard.

Many of my colleagues will ask, "What is wrong with cheap oil?"

Mr. Speaker, there is nothing wrong with cheap oil when the price is a function of natural market forces, but when it is a function of manipulation of the market by an international cartel, there is a lot wrong with it.

In December, oil was selling for $31 per barrel. This was not a great situation for many oil producers or the economies of oil producing States, but it was one we could live with. We are used to the cyclical nature of the oil industry. Beginning in December, though, the Saudi Arabians began to increase their daily production by 2 million barrels per day, and the price of oil on the world market has plummeted to about $12 per barrel.

The intention of this action by the Saudis was to depress the price of oil, which can be produced a lot cheaper in Saudi Arabia than it can in the United States, thereby increasing the market share which they have lost in recent years.

Mr. Speaker, American oil producers, the majority of whom are small businessmen, are encumbered by a number of disadvantages when competing against the Saudis: their profits are taxed at a rate higher than any other domestic industry; oil in America is more difficult, and therefore more expensive, to obtain; and they do not belong to a cartel, such as OPEC, which can control prices.

It is not profitable for our domestic producers to operate when oil is $12 or $14 per barrel, and if the price remains at this level, many will go out of business, and the United States will lose a large portion of our domestic oil production.

Some people say, "So what? that's free enterprise." Well, for the reasons I mentioned earlier, it is not free enterprise. It's manipulation by cartel. But more important, we are losing an important resource, and becoming more dependent on imported oil. We are going to be forced to rely on foreign sources of oil. We will be forced to rely more heavily on volatile world markets, which have proven themselves to be extemely unstable.

Manipulation of the world market by the Saudis was a leading cause of the so-called energy crisis of the 1970's, and the skyrocketing cost of oil was one of the major causes of the runaway inflation we saw back then.

We cannot afford to increase our dependence on foreign oil, but if we do not take some action to stabilize our domestic petroleum industry, we will inevitably find ourselves at the mercy of the international oil cartel.

In addition to providing security to our country, the oil industry provides jobs to hundreds of thousands of Americans in oil patch States, and the livelihoods of millions of others in oil and gas States depend on oil and gas indirectly. We must remember the human cost of the cartel's manipulation of the oil market.

The administration has shirked its responsibility in providing leadership on this issue. The only thing more unpredictable today than the price of crude oil is the Vice President's position on the price of crude oil. Or, the question of whether the President has a position on the price of crude oil.

I am introducing today a bill which will provide a measure of stability to the domestic oil and gas industry. My bill, the Secure Energy Supply Act of 1986, has seven points aimed at providing incentives for development of domestic energy sources and increasing our ability to compete in the world market while also providing a measure of stability to the domestic energy industry.

The Secure Energy Supply Act will strengthen our security, save hundreds of thousands of jobs, and restore stability to the economies of States which have suffered from the free fall in oil prices over the past 3 months.

SUMMARY OF THE SECURE ENERGY SUPPLY ACT OF 1986 BY CONGRESSMAN JAMES R. JONES

1. *Oil Import Fee.* A fee will be imposed on imports of crude oil and refined petroleum products. The fee will be set at a variable rate, depending on the differential between the worldwide market price and the designated base price. Decline in the world price will automatically increase the amount of the fee. An increase in world price will reduce the amount of the fee, with increases beyond the base price eliminating the fee altogether. The fee will sunset.

2. *Energy Operating Losses.* For every dollar that the removal price of oil is below the windfall profit tax adjusted base price, producers will be allowed to treat such differential as a current operating loss, refundable against previous tax liability. NOLs, given in recognition of current energy losses, will not exceed total windfall taxes previously paid. The carryback period will extend to the date of enactment of the windfall profits tax.

3. *Strategic Petroleum Reserve.* Renewed purchases, reflective of national security goals originally stated for the program, will be undertaken. Purchases will be from domestic stripper well oil. The oil will be purchased at the adjusted base price level established under the Windfall Profits Tax Act. The program will operate only for a short-term, emergency time period. Priority will be given to stripper well oil that will otherwise be shut-in due to declining oil prices.

4. *Repeal Windfall Profit Tax.* Very little windfall profits tax is being collected due to the fact most operators' removal prices are less than established adjusted base price amounts set under the Act. Since virtually no revenue is being collected from producers, the tax will be repealed, thereby avoiding unnecessary filing requirements established under the Act.

5. *Deregulate Natural Gas.* Recent proposed rule changes handed down by the Federal Energy Regulatory Commission wreak havoc on natural gas producers. This is a vivid illustration of the need for total deregulation of natural gas. Market distortions caused by partial regulation cannot be tolerated. Natural gas will be deregulated.

6. *Repeal the Fuel Use Act.* This Act effectively shuts off several efficient uses for natural gas creating inflated utility rates. Both producers and consumers suffer because of this legislation. The Act will be repealed, including sections which forbid the construction of gas-burning electric power plants.

7. *Financial Institution Regulation Reform.* The Act will permit financial institutions to reschedule, stretch out, or mark down energy loans. It will also allow banks to amortize losses from loan restructuring over a number of years rather than forcing the financial institutions to take the loss in the year of restructure.

PINELLAS COUNTY IDENTIFIED AS NATIONAL LEADER IN INNOVATIVE CORRECTIONAL FACILITY CONSTRUCTION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. YOUNG of Florida. Mr. Speaker, the Pinellas County, FL, Board of Commissioners and Sheriff's Department have been recognized by the National Institute of Justice for being a national leader in the development of innovative construction techniques for correctional facilities.

Under the leadership and direction of the Commissioners and Sheriff Gerry Coleman, the county was able to complete construction of a new 192-inmate jail in just 10 months. The county used a prefabricated concrete module technique that proved to be not only the most efficient, but cost-effective method. According to the National Institute of Justice March 1986 Construction Bulletin, "The county commissioners have demonstrated an impressive commitment to improved conditions in Pinellas County jails. * * * The Florida story shows that critical deadlines can be achieved through the use of modern construction methods."

I recommend the National Institute of Justice report to law enforcement and correction officials throughout our Nation. The innovation and efficiency of the Pinellas County Board of Commissioners and Sheriff Coleman in this, and other law enforcement matters, might provide a useful source of information in the effort to solve many of our Nation's criminal justice needs and concerns.

RICHARD CLARKE'S 30 YEARS OF ACHIEVEMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. RANGEL. Mr. Speaker, 1986 will mark Richard Clarke's 30th year in the business of minority recruiting. During this period, he has been instrumental in finding jobs for thousands of young men and women in engineering, computer science, finance, accounting, law, and human resources. His clients include two-thirds of Fortune's 500 companies, quasi-public agencies, as well as Federal, State, and city governments.

It is a milestone for a small business to have been successfut over a period of 30 years. It is indeed a milestone for a minority business founded in Harlem in 1957, now at Seventh Avenue in New York City, to survive and prosper. Not only has Richard Clarke been responsible for the placement of many young people, he has also provided training and employment for dozens of people on his staff, some of whom have moved on to careers in the field of human resources.

Richard Clarke is also an active civic worker. Not only is he chairman of the board of the Studio Museum in Harlem, he is also a valuable member of the New York State Council on the Arts. He has served as a member of the board of directors of the Freedom National Bank at a critical time in that bank's development. Clarke was, for over a decade, a member of the board of directors for 100 Black Men, an organization made up of New York's most influential black men. Clarke currently serves on the board of directors of Queens City Broadcasting.

Mr. Speaker, Richard Clarke is indeed an outstanding citizen. I congratulate him on his 30 years of outstanding service to his community and his country.

BECAUSE WE CARE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. KANJORSKI. Mr. Speaker, I am proud to take this opportunity to inform my colleagues in the House of Representatives of a very special day.

Wednesday, April 2, 1986 has been designated Because We Care Day to remember American veterans who are hospitalized in medical facilities throughout the United States. Sponsored by the American Veterans of World War II, Korea, and Vietnam, Because We Care Day honors those men and women who yet bear the emotional and physical scars of serving their country in war. More than a million American veterans enter VA facilities for medical attention each year. Having risked their lives to protect our Nation's freedom, these men and women now face personal struggles of illness, pain, and loneliness.

In my own congressional district in northeastern Pennsylvania, the Wilkes-Barre chapter of AMVETS is encouraging civic, religious and youth groups in the Wilkes-Barre area to plan special activities in honor of the veterans at the Wilkes-Barre VA Medical Center. These volunteers, with the medical facility's regular staff, will work to reach every veteran on a personal basis and let him know that he is remembered and appreciated.

Too often we Americans allow ourselves to forget the enormous contribution our devoted veterans have given to preserving the freedoms and ideals of the United States. Many continue to suffer from physical and emotional injuries sustained during their wartime efforts. By designating the first Wednesday of each April Because We Care Day, AMVETS has provided us all with the opportunity to remember American veterans who have given so much for all of us.

Mr. Speaker, I am proud to be a part of the AMVETS commemoration of our veterans, and I am sure that my colleagues join me in showing our appreciation for those veterans in VA medical centers across the Nation.

ACID RAIN

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. SIKORSKI. Mr. Speaker, every day more than 176,000 tons of sulfur dioxide and nitrogen oxide—the equivalent of 4,144 fully loaded freight cars—are shot into the skies of North America—every 24 hours. And, the law of gravity still applies: what goes up comes down. And it comes down in the form of acidic rain, snow, sleet, precipitation or dry deposition. It's called acid rain. And it destroys lakes and lungs, forests and farmlands, hunting and fishing, our environment, and our economy.

For too long, those who pollute and those who side with them have said we don't know enough, we need more studies. We know that over 3,000 lakes and 23,000 miles of streams have been acidified. We know that thousands of trees and millions of acres of cropland are at risk. Finally, after over 5,000 studies and reports from the White House Office of Technology and United States and Canadian envoys, it's time to act.

Although some have tried, it's hard to argue with a dead fish.

Today, I'm pleased to introduce the House consensus Acid Deposition Control Act of 1986, H.R. 4567, with my colleagues Congressmen WAXMAN, CONTE, TAUKE, UDALL, BOEHLERT, GREEN, RICHARDSON, JEFFORDS, and others. I stress consensus because this bill, like no other bill in the history of acid rain legislation, has a solid and aggressive, bipartisan, geographically broad base of support. It's the first bill ever to bring together the interests of the West and the Midwest, the South and the East under one legislative umbrella. It's the first bill ever to mesh solid environmental policy with job protection, cost-efficiency, and flexibility.

This bill has five major components:

First, reduces sulfur dioxide and nitrogen oxide annual emissions by 14 million tons by 1997.

Ten million tons are sulfur dioxide emission reductions achieved in a two-stage process: 5 million tons by 1993 with States meeting an averaged emissions rate of 2 lbs/mbtu for utility emissions, and 5 million tons by 1997 with States meeting an averaged emissions rate of 1.2 lbs/mbtu for utility emissions.

Four million tons are nitrogen oxide emission reductions achieved by 1997 by tight controls on autos and trucks, tighter NSPS for new utilities and a 0.6 statewide nitrogen oxide emission average in effect by 1997.

Second, the Governors of affected States have full discretion in achieving the sulfur dioxide and nitrogen oxide emission reductions, with States using any mix of emission reduction strategies available.

Third, an interest subsidy would be available to ensure that residential ratepayers do not have more than a 10-percent increase in utility rates as a result of utilizing acid rain control technology. That fund will be administered by the EPA and financed by an electricity user fee, not to exceed one-half mil, not more than

25–50 cents for an average residential customer.

Fourth, emissions from industrial processes will be inventoried and, if technologically and economically feasible, reductions will be mandated by 1997. Smelters must comply with the Clean Air Act by 1988 and further extensions for noncompliance will not be granted. The Mexican smelter, Nacozari, will likewise be addressed.

Fifth, there will be a 1993 midterm report on acid deposition. Phase II will follow unless congressional action arrests it.

The introduction of our bill and the coalition embracing it are testimony that we no longer have to choose between the high life and a good life. We do not have to choose between heating our homes, lighting our streets, driving our cars, and breathing clean air. We do not have to sacrifice our needs and our comforts so that our children and our grandchildren will have clean lakes, green forests, and fresh air.

Without a doubt, this acid rain train is leaving the station. All of us on board can be proud of the success we've had in building our coalition, stoking the fire, and creating the momentum. You can be sure that this train will reach its final destination.

BAN THE BOND

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. DONNELLY. Mr. Speaker, those of us involved in drafting the tax reform bill will recognize the phenomenon described in the article from the New Republic I am today submitting to the RECORD.

The explosive growth in the volume of municipal bonds, from $14 billion in 1971 to $198 billion in 1985, costs the Treasury $27 billion annually. Only $12 billion goes to traditional public purpose bonds. H.R. 3838 does not affect such traditional public purpose bonds, and places only very limited restrictions on other bonds. Yet Congress is besieged by organized groups making dire predictions of disaster for every city, town, and taxpayer if tax reform goes forward.

I urge my colleagues to closely scrutinize those claims, and who is making them. According to this article, most municipal bondholders have incomes over $280,000 a year. It is clearly not the average taxpayer who would be affected by changes in tax treatment of municipal bonds. It is the wealthiest taxpayer in America, and those who make money from the sale of municipal bonds, bond lawyers and investment bankers, who are mounting this campaign against tax reform. True tax reform must curb the growth of the municipal bond market. I hope we can recognize the self-serving cries of alarm from those who have a financial stake in the municipal bond market, and resist them. The vast majority of taxpayers deserve no less.

BAN THE BOND

The municipal bond market took one look at Senator Bob Packwood's version of tax reform, gasped, reeled, and collapsed. Two sentences in the 250-page document proposed to make all municipal bond interest subject to the so-called "alternative minimum tax." The Senate Finance Committee took the reaction to mean that their chairman had erred, and hastily voted, 19 to zero (Packwood included), that he didn't really mean it. I took the market's tizzy last month as dramatic evidence of who really benefits from municipal bonds. After all, the alternative minimum tax affects only high-income people with lots of loopholes. Most municipal bondholders (that's right, most) have incomes over $280,000 a year and average holdings of half a million dollars—in municipal bonds alone.

Some scandals are protected by secrecy, but some are protected far better by a thick wall of complexity and tedium. Just about the only people who trouble to penetrate the mysteries of municipal bonds are those who profit from them. The trade association of municipal bond investment banks is spending more than a million dollars a year fighting against tax reform. It has hired a four-star list of Democratic and Republican infuence-peddlers. This is extraordinarily selfless if, as the industry's propaganda suggests, the sole beneficiaries of current arrangements are poor people and struggling local governments.

The point of municipal bonds is to save money for local governments because tax-exempt bonds can be sold at a lower interest rate. Of course, the federal government loses tax revenues, and common sense says that people will buy the bonds only if they save more in taxes than they give up in lower interest rates. And in fact, studies confirm the obvious. According to President Reagan's tax-reform plan of last May, "The revenue loss to the Federal government is approximately 33–50 percent higher than the benefits received by the borrower."

This would be idiotic enough. But a couple of decades ago clever lawyers and bankers started inventing ways for local governments to act essentially as "fronts" for private borrowing. First came "industrial revenue bonds," used to supply tax-exempt financing for factory and commercial construction. Cities and states use IRBs in attempts to steal business from one another—a perfectly futile zero-sum game financed by the feds. There soon followed tax-free bonds to finance rental apartments, single-family homes, student loans, and a variety of other amiable endeavors.

As a result of these creative new techniques, the issuance of new municipal bonds has exploded from $14 billion in 1971 to $198 billion last year. The congressional Joint Tax Committee figures that tax-free bonds are costing the federal treasury over $27 billion a year. Only $12 billion of that is for traditional "public purpose" bonds to finance such things as roads and sewers. The rest is for "private purpose" bonds of the sort invented in recent years.

A typical absurdity is the so-called "mortgage revenue bond," invented in the late 1970s. The city or state floats a tax-free bond and uses the money to supply low-interest mortgages for home buyers. A 1983 General Accounting Office study concluded that the average beneficiary got a subsidy worth $3,400, at a cost to the federal government of $13,300. In total, during the previous two years, the federal government had lost $2.6 billion in revenue while supplying only $600 million in credit subsidies to home buyers. And over half these home buyers had above-average incomes. In the case of rental-housing bonds, the main beneficiaries are rich real estate developers.

Floating municipal bonds is a lucrative business: about three percent of the take, or six billion dollars last year. It would be illegal, of course, to simply bribe city officials for this business. But it is not illegal to hire them. (Remember TRB's law of scandal: the scandal isn't what's illegal, it's what's legal.) Former New York City Council president Carol Bellamy is now a vice president at Morgan Stanley. A lifelong pol, what could she possibly know about investment banking? The question, though, isn't what she knows but who she knows in city and state governments. Likewise Ivanhoe Donaldson, former deputy mayor of D.C. He recently pleaded guilty of outright graft. But if he'd been slightly less greedy, he would still be leading a lucrative life as a vice president of E.F. Hutton. Walter Mondale's former campaign manager, Jim Johnson, is now a vice president of Shearson Lehman Brothers—valued, it's said, for his political contacts among Democratic governors.

Campaign contributions are also not illegal. The *Los Angeles Herald Examiner* reported in February that Mayor Tom Bradley had raised $100,000 for his governor's race from the "New York Bradley Roundtable," composed largely of firms that had handled $2.5 million in Los Angeles municipal bonds.

When a racket gets completely out of hand like this, reform efforts usually take the form of curbing "abuses." In recent years Congress has tried capping the amount of nongovernment bonds any jurisdiction can offer; forbidding the use of tax-free bonds for specific businesses such as suntan parlors; and writing formulas to direct the benefit of housing bonds toward low-income people. Each of these reforms has made the law more complex, further enriching the lawyers who maneuver around them (often taking the precaution of lobbying loopholes into the reforms before they're enacted). No reform has slowed the hemorrhaging of federal tax revenues, and none has addressed the reality that the whole system is an abuse.

Reagan's tax-reform proposal would have cut through all the talk of "abuses" by simply forbidding future tax-free bonds for nongovernment purposes. The House tax bill returns us to the world of "caps" and complex formulas. Reagan's proposal would save the government an estimated $17 billion over five years, the House bill barely three billion dollars.

Municipal bonds are a paradigm of the central flaw in pluralist democracy. On one side of the debate is a rich variety of narrow interests that have bought into current arrangements. On the other side, protecting the general interest, is a wan brigade of green-eyeshade types, we unhappy few, ineffectually waving our pocket calculators and whining about revenue loss. Not surprisingly, the prospect is for further "compromise" in the Senate.

POLICE SUPPORT REASONABLE GUN CONTROL LAWS

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. BORSKI. Mr. Speaker, I rise in strong opposition to the McClure-Volkmer bill and urge my colleagues to join me in defeating this anti-law enforcement legislation.

I support the efforts of Congressman WILLIAM HUGHES and the Judiciary Committee to develop a compromise bill, H.R. 4332, which represents a bipartisan, balanced, and reasonable effort to strengthen the 1968 Gun Control Act and relieve sportsmen and dealers of excessive burdens without compromising the safety of law enforcement officers.

Despite what the NRA claims, the Judiciary bill has nothing to do with the right of hunters or law-abiding citizens to bear arms. What we're talking about is criminals and convicted murderers getting a hold of concealable weapons that kill innocent citizens and police officers. Unfortunately, the strong-arm tactics of the NRA have undermined the efforts of Congress to aid law enforcement in a responsible manner.

Every law enforcement group in the country opposes McClure-Volkmer. The job of police officers is difficult enough without approving a bill that they clearly view as life threatening. There is little Congress can do to help law enforcement; but it can vote against weakening necessary and effective gun control laws.

The changes offered by McClure-Volkmer pose an immediate and unwarranted threat to the law enforcement community. Police officers are particularly concerned about easing recordkeeping and licensing requirements because the changes mandated by McClure-Volkmer would make it harder to trace weapons and would undercut State and local laws. McClure-Volkmer will make it easier for criminals to do their work and harder for police to do theirs.

Just 10 days ago, the Philadelphia Police Department and the people of Philadelphia were hit with a glaring reminder of why tough gun control laws are needed. Sgt. Ralph Galdi, a 20-year veteran of the Philadelphia police force, was fatally struck down by a convicted felon with a .357 magnum handgun.

Galdi and his partner had been driving back to headquarters when they came upon a car whose driver had caused a series of automobile accidents in a crowded Philadelphia commerical neighborhood. When the driver attempted to flee, Galdi jumped out of his car and apprehended the man. As Galdi was about to frisk the suspect, the man turned and shot him twice in the chest and abdomen. Sergeant Galdi died on a hospital operating table after surgeons battled for more than 2 hours to save his life.

The man charged with firing the shots that killed Sergeant Galdi, Pedro Vega, was a fugitive with a pending bench warrant for his arrest issued in June 1985 after he failed to appear in court on drug charges. Previously, Vega had been prosecuted in New Jersey on two separate charges of receiving stolen cars and was sentenced to 1 year in jail and 3 year's probation.

If there had been a background check when Vega bought his gun, Sergeant Galdi would be alive today. Instead, a dedicated 20-year veteran of the Philadelphia police force is dead today because our laws did not protect him.

The violent handgun death of Sergeant Galdi illustrates the urgent need for stronger laws to protect our police and citizens. In fact, Philadelphia Police Commissioner Kevin Tucker called for stiffer standards for gun permits to reduce the danger of citizens being hurt when large numbers of weapons are easily available. In Pennsylvania, once a permit is issued, the license holder has the right to carry any type and number of weapons. Commissioner Tucker is concerned that rather than being used to stop crime, the weapons would end up being used improperly or lead to shootings injuring or killing innocent people.

This is not the time to weaken handgun sales restrictions. Passage of the McClure-Volkmer bill permitting interstate sales of handguns poses a serious threat to law-abiding citizens and to law enforcement officers by making it easier for criminals to obtain handguns, by loosening gun dealer record-keeping requirements and by making it almost impossible to verify the legality of sales involving out-of-State residents.

The McClure-Volkmer bill completely guts the only handgun law we have, and allows the interstate sale of handguns without any restrictions, regulations, or background checks. That means that convicted murderers back out on our streets will have even easier access to guns than they have now.

Today's vote is really very simple: you're either for police officers and law-abiding citizens or you are against them.

NATIONAL LIBRARY WEEK

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1986

Mr. KOSTMAYER. Mr. Speaker, this week many of us met with librarians and concerned citizens from our districts who came to Washington for the 20th annual observance of National Library Week. Our visitors had many success stories to tell us, and I join them in celebrating the tremendous contributions libraries have made in our communities.

The message which my constituents brought to Washington, however, was not an altogether happy one. Our libraries, the main source of information and self-education for the majority of Americans, are facing a very serious threat to their futures.

The administration's budget for fiscal year 1987 represents a broad assault on our Nation's libraries. Virtually every major Federal library program faces elimination, and others are threatened with deep cuts.

The administration has once again proposed eliminating all funding for the Library Services and Construction Act [LSCA], as well as rescission of all fiscal year 1986 library grant funds. LSCA is the main source of Federal funding for libraries.

The Federal Government can be proud of its past role in improving our public libraries. Through LSCA library services have been extended to countless citizens who would otherwise be deprived of these rich resources because of physical handicap, literacy level, age, limited proficiency in speaking English, or residence in an outlying area. The Department of Education has estimated that 94 percent of all public libraries have received at least benefits from title I of LSCA.

In my own district, the Eighth District of Pennsylvania, LSCA grants have played an integral role in the development of our libraries. In the past 5 years the Bucks County free library system has received 11 LSCA grants totaling $238,548. These funds were used for many important projects to improve services and purchase new materials. A title I grant enabled the Pennswood Branch Library to buy books, periodicals, and audiovisual materials for and about handicapped and exceptional individuals. Another title I grant was used by the Free Library of New Hope and Solebury to install microcomputers for local small business owners to use. Title III funds enabled the county library system to share bibliographic and computer informational system.

The Bucks County Free Library has applied for a number of LSCA grants for 1986–87, including an application for construction funds. The library headquarters and the main library for the central county are housed in a building about the size of my office in the Cannon Building. I am sure that I do not need to explain to my colleagues or their staffs how important it is to move the library from these cramped quarters. Federal assistance is desperately needed for this construction project, not only as a funding base, but also to generate State matching funds and private contributions.

The elimination of LSCA grants, or drastic cuts in the program, would have a devastating effect on libraries across the Nation. In addition, the administration has proposed recission of funds for library training and research, and elimination of the postal "revenue foregone" subsidy for free mail for the blind and reduced rates for local newspapers, libraries and schools, and for charitable and nonprofit groups. Severe cuts in the budget for the Library of Congress will also affect local libraries, which depend upon the Library of Congress comprehensive catologing data.

These cuts are particularly damaging because the cost of maintaining a library has increased dramatically. Since 1967 the cost of printed materials has risen faster than the Consumer Price Index. The cost of the average U.S. periodical rose by 8.6 percent in 1985, well over twice the CPI of 3.8 percent. New computer technology which has increased information access for library users has also increased library expenses tremendously.

Mr. Speaker, in times of budget constraints, many people look upon libraries as a luxury. At a time when 1 out of 5 people, or 60 million Americans, are unable to read well enough to function in society, I firmly believe that libraries are a necessity. It would be criminally negligent to end Federal support for library construction and literacy programs. I look forward to working with my colleagues to preserve these vital programs.

A DEDICATED PUBLIC EMPLOYEE: RUTH A LOBIEN HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. KANJORSKI. Mr. Speaker, it is my pleasure to draw your attention to the faithful service Ms. Ruth A. Lobien has given to Carbon County, PA, for the past 40 years.

A lifelong resident of Jim Thorpe, PA, Ms. Lobien graduated from Mauch Chunk High School and the Allentown School of Business. She was originally hired on January 10, 1946, by the recorder of deeds office, where she worked for 2 years. She then transferred to the commissioner's office and served the Carbon County Commissioners for the next 12 years. She has been working in the controller's office since 1960 and currently holds the position of chief accountant.

According to Carbon County Controller John R. Williams, Sr.,

> Ms. Lobien can be counted on to put in the hours when the work needs to be done. She has been a faithful and dedicated employee of the county for the past 40 years.

As the longest-serving employee of Carbon County, Ms. Lobien was honored with a testimonial luncheon on the 40th anniversary of her employment.

Mr. Speaker, the success of every level of our American government depends upon the hard work of dedicated employees like Ruth Lobien. We are indeed fortunate to have individuals committed to public service, and it is my great pleasure to take this opportunity to recognize Ms. Lobien's lifetime of service.

IN SUPPORT OF THE ACID DEPOSITION CONTROL ACT OF 1986

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. FLORIO. Mr. Speaker, I am pleased to join my colleagues in cosponsoring the Acid Deposition Control Act of 1986 in an effort to combat the damage that acid rain is wreaking on our Nation's streams, lakes, rivers, and forests. I would like to especially commend the initiative taken by my colleague. Congressman HENRY WAXMAN, in introducing this legislation and in moving forward to address this key environmental concern.

As chairman of the House Subcommittee on Commerce, Transportation and Tourism and as a member of the Subcommittee on Health and the Environment, I have followed closely the debate on implementing and financing a national acid rain control program. One of the most important environmental issues that has caused tremendous debate is acid rain. Acid rain, however, is a national problem that must be resolved by reaching a national consensus.

Ten years ago, acid rain was a problem for scientists and theorists. There is now no doubt that acid rain has damaged our environment. Estimates indicate that over 18 percent of the lakes and 21 percent of the stream miles in the Eastern United States have been irrevocably altered and that another 37 percent of the lakes and 21 percent of the streams are at risk of permanent change. Our Nation's 9,000 lakes and 50,000 miles of streams are at stake because of higher sulfur-dioxide and nitrogen-oxide emissions. The threat of acid rain is also quickly spreading to the Western States.

For a number of years, the Environmental Protection Agency [EPA] has been content to simply research the problem without putting forth any solutions. The more we delay by leaving acid rain indefinitely under EPA's microscopes, the worse consequences will become.

I was pleased to see some movement in this area on the part of the administration through the $5 million clean coal demonstration program that has been proposed. However, this demonstration program will not be directly used to reduce emissions but rather to research methods of reduction. Emission reduction will simply be a byproduct of this lengthy process.

We have the evidence and sufficient research to prove that high SO_2 **and NO emissions have already caused irreparable damage to our Nation's environmental resources. We must now take the step and move forward and implement plans to reduce these emissions and save our environment from further destruction.**

I am pleased to join today in cosponsoring this bipartisan proposal that will help our Nation take that step and reduce the threat of acid rain. As a cosponsor of the Udall-Cheney acid rain control proposal in the past, I am supportive of several key principles that have been incorporated in this legislation. In particular, this bill provides for an aggressive emission reduction of 10 million tons of sulfur dioxide and 1.2 million tons of nitrogen oxide by 1997 and allows for a midcourse correction 5 years into the program should this be necessary.

Significantly, this bill incorporates freedom of choice for the method of reduction and does not mandate that any particular technology be used. The installation of expensive scrubbers may not always be the answer to the problem and other techniques such as coal washing or switching to a lower sulfur content coal may be more effective. With this flexibility, which is subject to a determination by each State, utilities and other industries would attain emission control without transferring an undue economic burden to the consumer.

In addition, the bill provides for reductions on the part of industry and tougher performance standards on the part of new powerplants. In order to ensure that all possible sources of high emissions are encompassed, the bill provides for emission reduction by new cars and trucks and directs EPA to issue regulations lowering the amount of sulfur in diesel fuel.

When undertaking a national cleanup and control effort, it is vital that the method of financing be carefully considered and incorporate the principle of equity and fairness. I have and will continue to oppose a national tax paid for by victims of this acid rain problem in order to finance the cleanup costs incurred by polluters.

The bill introduced today has taken an innovative approach toward funding this national emission program by mandating a fee that would be used to fund the interest on money borrowed by the polluters to finance the cost of reduction. The money would be available, at the discretion of the EPA Administrator, in order to keep any rise in utility rates below 10 percent.

Although I am cosponsoring this legislation, I remain concerned about this particular provision. As a representative of a State that has already made strong achievements in reducing emissions but is increasingly the victim of high emissions from the Midwestern States, I am opposed to any financing program that would impose a double burden on the victims of acid rain. I have discussed my concern with my colleagues and I will be working with them during the hearing process to ensure that any financing program adopted retain the essential goal of shifting the principal cleanup burden to the polluter and not to the innocent ratepaying public.

It is true that the Northeast has been hurt heavily by acid rain. But that is no reason why the citizens of these States should be forced to pay to stop the irresponsible policies of the polluting States. It would amount to forcing a mugging victim to pay for the rehabilitation of his assailant.

New Jersey ranks third lowest in SO_2 emissions, having heavily invested in air pollution controls. Unlike the Midwestern polluter States, New Jersey has steered a responsible course in SO_2 emission controls and I hope that we will continue to do so. A national tax or fee could penalize New Jersey and the Northeast while giving polluter States a free ride. I will be working with my colleagues on this proposal in the coming weeks to ensure that a degree of equity is adopted and that the burden rightfully fall on the polluters and not the consumers.

There will always be a price to pay for sweetening our Nation's acid rain. However, like the shopper at the store, we must continue shopping for bargains. I support the commendable goals of this legislation and commend Mr. WAXMAN for his initiative. I look forward to working with him in a constructive way to ensure that our Nation's acid rain policy moves forward in the right direction.

CALDWELL COLLEGE SALUTES DISTINGUISHED ALUMNA EILEEN JONES

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. RODINO. Mr. Speaker, on March 21, I was pleased and honored to join Caldwell College in its salute to a most distinguished alumna, Ms. Eileen Jones, Esq., of East Orange, NJ.

Ms. Jones' many career and academic achievements make her a truly deserving recipient of the Caldwell College Veritas Award, and I was proud to present it to her.

Ms. Jones was Caldwell's first black graduate, earning a B.A. in social studies in 1957. She went on to earn a law degree from St. John's University School of Law in New York.

Ms. Jones began her distinguished career in the Social Security Administration. In 1968 she became an adjudicator with the Newark Regional Office of the Veterans' Administration. In 1974 Ms. Jones went to work with the VA in Washington. In 1977 she was appointed chief of the administrative review staff for compensation and pensions. Ms. Jones was the first woman named to this post. In 1981, Ms. Jones returned to Newark as assistant director of the Veterans' Administration, the highest ranking Federal female employee in the State of New Jersey.

Ms. Jones has earned three superior performance awards from the Veterans' Administration, the Chief Benefits Director's Service Award, and the Disabled American Veterans National Commander's Award. She has extensive community activity including: the Arts Council of Orange, on which she sat as president; the Newark Museum, and the Civic Action League.

Ms. Jones served a term as vice-chairperson of the Community Advisory Board, Economic Opportunity Fund Program at Caldwell College.

Mr. Speaker, I am truly proud to have Ms. Jones as my constituent and I commend to you the following article in the Caldwell College ceremonies, published in the Newark Star-Ledger on March 26.

CALDWELL COLLEGE SALUTES 3 ESTEEMED ALUMNAE

(By Michele A. Schulze)

Three women who have distinguished themselves in the diverse careers of science, government and acting received the first Veritas Awards presented by their alma mater, Caldwell College, at the Essex Fells Country Club.

Accepting a brass replica of the "Dominican Flame of Truth" were Dorothy J. Cunningham, class of '49, of New York, for achievement in research science and education; Eileen Jones, class of '57, of East Orange, for accomplishments in government, and Beth Fowler Witham, of Bogota, class of '62, for achievement in the performing arts.

Cunningham, who also holds a doctorate from Yale University, is a professor of physiology at Hunter College, New York, and is a research affiliate in environmental health in the Department of Epidemiology at Yale University School of Medicine and the John B. Pierce Foundation Laboratory, and an adjunct professor at the Institute of Environmental Medicine, New York University Medical Center. She was the first laywoman to serve on the college's board of trustees.

"We are fortunate that there is recognition of women today," she said. "Caldwell College gave me my early encouragement."

Jones, as assistant director of the Veteran's Administration Regional Office in Newark, is one of the highest ranking female federal employees in the state. She also holds a law degree from St. John's University, New York. Jones was vice chairwoman of the college's Community Advisory Board and Economic Opportunity Fund, and was the first black graduate of the college.

"Everybody has something to achieve at every level," she said, "and if you have capabilities, find your niche and set your goals."

Witham has appeared in many Braodway productions, as well as summer stock, cabarets and commercials, and can be seen in an upcoming television movie, "A Deadly Force." She was a music teacher at the elementary level before going into acting full time.

"I was really thrilled and pleased to receive this award," she said. "The Dominicans at Caldwell College are wonderful role models, and not just in religious life. I am very proud of Caldwell."

Founded in 1939 and run by the Dominican Sisters, the college has graduated about 4,000 women. In September, it will become coeducational.

"I am so proud of them and the values they hold," Sister Vivien Jennings, college president, said of the honorees.

Serving on the committee were Mr. and Mrs. Gregory Castano of West Caldwell, Mr. and Mrs. James Fitzsimmons of Livingston, Mr. and Mrs. Norman Menz of Chester, Madeline Peyko of Kearny, and Peggy Harris, Marietta Reilly, Sister Patrice Werner and Jennings, all of Caldwell.

HONORING THE NEW YORK SOCIETY FOR THE DEAF

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. GREEN. Mr. Speaker, I rise today to honor an outstanding community organization, the New York Society for the Deaf. The 75th anniversary of the society is being celebrated on April 15 of this year.

The New York Society for the Deaf was founded in 1911 by a group of deaf individuals and concerned friends to provide comprehensive social services to deaf persons in the New York metropolitan area. There programs have expanded to serve 2,200 deaf or deaf-blind individuals in the social service programs and have provided 41,000 hours of interpreter services to assist the deaf.

Various services include providing housing for the elderly deaf and deaf-blind, job placement services, a substance abuse program, sign language classes, counseling and an interpreter referral service. The society also works in conjunction with New York hospitals and social service agencies in an attempt to reach out to the deaf and deaf-blind and to inform them of the society's programs.

It is not often that I have an opportunity to pay tribute to such an excellent organization. In an era when governmental funds for social service programs are hard to come by, it is increasingly necessary for privately run groups like the New York Society for the Deaf to provide essential services to needy people. I applaud the New York Society for the Deaf for its work with the deaf, and I fervently hope that the society will continue that work for another 75 years.

D.C. ACT 6-136, AMENDMENTS TO THE DISTRICT OF COLUMBIA INTERSTATE BANKING ACT OF 1985

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. McKINNEY. Mr. Speaker, as my colleagues are well aware, virtually all legislation proposed by the District of Columbia must undergo a 30-day congressional review period before becoming law. During that period, should the Congress find fault with the proposed legislation, a resolution of disapproval can be introduced which, if passed, prevents enactment. This is a procedure which has not been frequently used in the formative years of home rule. Only twice has Congress rejected local legislation.

In order to effectively deal with these matters, the Committee on the District of Columbia has developed guidelines which permit a totally objective consideration. We have developed three questions which address the legitimate reasons for disapproval. If the answer to any of the questions is in the affirmative, support for disapproval is warranted. These questions are:

First, does the action of the city violate the U.S. Constitution?

Second, does the action of the city exceed the authority granted in the Home Rule Act and other laws?

Third, does the action of the city infringe on a legitimate and valid Federal interest?

With that preface, Mr. Speaker, I would note that today marks the final day of the congressional review period for D.C. Act 6-136, the District of Columbia Interstate Banking Act of 1985 Amendments Act of 1985. This is a piece of local legislation which has generated some concern in Congress. An analysis of the provisions of this legislation conducted by the American Law Division of the Congressional Research Service raises questions on a series of provisions which may violate provisions of the Home Rule Act and other Public Law. This concern was sufficient to result in serious contemplation of a resolution of disapproval. The very simple reason that such a resolution was not pursued was timing. Quite frankly, it was realized that in this week immediately following the recess period there would not be sufficient time to have both the House and Senate hold hearings and consider the matter on the floor. But I would quickly add that the only reason such action was not taken was the unfortunate timing.

I think this situation points to a serious problem that the District Government and the Congress will be forced to face in the immediate future. Currently, there is only one option available to Congress should it find a piece of local legislation faulty, and that option is outright rejection through the existing disapproval mechanism. But what happens when 95 percent of a local law is valid and worthwhile, but the remaining 5 percent is inappropriate or ill-advised? There should be some way for Congress to express its concern to the local government short of being placed in the position

of being challenged to exercise its disapproval powers. Up to now, we have on occasion been able to accomplish this on an ad hoc basis, working with the local executive or legislative branch. I regret to say that with regard to D.C. Act 6-136 we have not even been able to begin discussions to achieve some form of accord.

Earlier I mentioned the three criteria that our committee uses in analyzing the merits of efforts to disapprove local legislation. The one very ambiguous criteria is an infringement of a legitimate Federal interest. With respect to D.C. Act 6-136, I believe there is a valid and legitimate Federal interest that is being violated. Based on the analysis by the Congressional Research Service, I believe there are several questions as to whether the District has exceeded powers granted to it, on several counts. Confronted with these problems, I sought a remedy, or at least an open and frank discussion with appropriate local officials.

Regrettably, the expressions of concern made by this Member and others were received by certain elected District officials as unwarranted meddling by the Congress. In a cavalier fashion, a challenge was issued. Congress was dared to attempt an overturning of the act. Efforts to achieve an understanding and a clarification were met with a decidedly confrontational attitude.

Where are we now? Who has won on this issue? Well, I would predict that tomorrow, when D.C. Act 6-136 becomes effective, there will be certain members of the Council of the District of Columbia who will pat themselves on the back claiming a victory over congressional interference in local matters. I hope they enjoy whatever glory they are able to muster, because their victory will be short lived. The actions taken by the city in this legislation are on very shaky legal ground, and I am confident that the matter will shortly be in the courts. The caution and thoroughness which should have been exercised by the elected officials of the District will now have to be exercised by those parties interested in participating in certain banking activities in the city.

I can predict that in the future, this matter will be brought before the courts as establishing a precedent. It will be said that by failing to disapprove D.C. Act 6-136, Congress gave its approval to each and every provision of the legislation. I cannot let such statements be made without a challenge. I wish to have the record show that Congress did raise questions about this matter, and that the questions went unanswered. The courts will now decide if the Council has violated the Home Rule Act by permitting itself to compel an executive action by resolution, rather than by an act. The courts will now decide if the Council has improperly assumed authority over a Federal agency. When such a decision is made, it should not be under the false impression that Congress was either unaware of the potential shortcomings, or silent on the matter.

Finally, Mr. Speaker, I bemoan the impact this will have on the relationship between the Congress and the District of Columbia. The level of home rule that has been achieved to date can best be described as a very delicate balance which permits a unique local government to peacefully coexist with a preeminent Federal government. This balance is disrupted when either the Congress oversteps, as it certainly has on occasion to dictate in purely local matters, or when the District commits the same fault by actions which infringe on legitimate Federal matters. Maintaining this balance during the first 10 years of home rule has focused on efforts to discourage Congress from legislating on local matters, which is a stated purpose of granting home rule. Recent developments lead me to believe that the next decade of home rule will be characterized by efforts to prevent the city from overstepping its authority by taking actions which infringe on a legitimate Federal interest. D.C. Act 6-136, in this Member's mind, is an example of the failure of the city to deal with the Congress in a manner which preserves the balance of home rule. There should be no joy in Mudville, Mr. Speaker. While certain elected officials in the city may claim a victory, perhaps Casey has struck out.

MAYOR ANDREW MAURIELLO HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. KANJORSKI. Mr. Speaker, it is my pleasure to draw your attention to Andrew Mauriello, who has recently been honored with a testimonial dinner commemorating his 20 years of service as mayor of the Borough of Exeter.

A lifelong resident of Exeter, PA, Andrew Mauriello graduated from Exeter High School. He belongs to the St. Anthony's Holy Name Society and Emanon Country Club. A charter member of the Exeter Lions Club, he served as president of the Lions' Little League for 15 years. He is a life member of Exeter Hose Company Number 1, where he serves as a volunteer fireman.

Mayor Mauriello's devotion to serving his community was recognized in 1954 when the Borough of Exeter chose him as "Man of the Year." He began his first term as mayor in 1965 and is currently serving his sixth term. Lou Reigle, a resident of Exeter and a personal friend, says of Mayor Mauriello, "You cannot find any person more honest than Andy." Mayor Mauriello's wife, Helen, of 38 years adds, "He is indeed a humble man who is very civic minded."

Mr. Speaker, the success of every level of our American government depends upon the dedication of public servants like Mayor Andrew Mauriello. It is a great pleasure for me to take this opportunity to honor Mayor Mauriello for his 20 years of faithful service as mayor of the Borough of Exeter.

IT'S TIME TO CONSIDER A MARSHALL PLAN FOR AMERICA

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mrs. BENTLEY. Mr. Speaker, after World War II, America moved into war ravaged Europe and Asia taking not only American tax dollars, but American technology and manufacturing expertise. It was a gigantic effort. Labor union representatives worked side by side with business managers. Democrats and Republicans mounted a bipartisan effort to put back together a world torn apart by years of war.

It was a noble undertaking. No other nation in history ever treated its enemies in such a humanitarian manner. And politically, we probably saved half of Germany and the rest of Europe from falling to communism.

We recognized that unemployed people and destroyed or desolate factories are fertile ground for revolutionary actions. That if an economy cannot generate wealth in jobs required to pay for the needs of a society, there is always a dictator waiting in the wings to promise a government that will take care of all needs. Slavery as a condition of "full care coverage" is never mentioned.

We taught not only economic freedom, we spread political freedom and guaranteed it with American troops and armaments. Our commitment is marked by the graves of our sons and daughters from one end of the world to the other.

Today the countries which we saved for democracy and capitalism have surpassed the teacher in their skills. Of the 10 major manufacturing nations in the world, America ranks ninth in manufacturing growth. Only little Norway lags behind us.

Japan leads the industrial world in export sales and wealth creation. Last year their economy produced $5 to $8 billion above what was needed for investment inside Japan, for their own capital needs. Much of that excess money came into this country in investments both in U.S. Government bonds and in corporate securities.

The tide of history has turned. We no longer send money abroad to help bankrupt, wartorn nations, those nations have recovered and we are now depending upon them for money needed inside our economy to service the debt and fill our consumer credit needs. Not money which they are giving to us, but money which must be paid back—which draws high interest rates and contributes to the growing balance-of-payments deficit which siphons our wealth offshore.

We are also adding to that deficit monthly with the money flowing out for manufactured items produced abroad. This flow is creating a vortex, spinning money out, which enriches the foreign economic bases, allowing those nations to underwrite the costs of manufacturing, so that their companies can sell into this country at prices not representative of the true cost of manufacturing.

This foreign government support of many heavy industries, such as steel, creates unfair

competition with our American industries. The European Economic Community underwrote the European steel industry to the tune of $2 billion last year.

This makes a mockery of free trade in steel. It also makes the provisions of GATT and any idea of an equal trading partnership in steel with the European countries totally empty.

As these conditions accelerate in other product lines both with the EC and Southeast Asia, the offshore flow of U.S. manufacturing seeking cheaper manufacturing climates in order to become more competitive erodes not only our industrial base, it is destroying the taxing base. This creates a need to borrow more money abroad to pay the increasing deficits of our Government.

There are other major losses. Since 1980, 190,000 jobs have been lost in the steel industry. Since 1979, 300,000 jobs have been lost in the textile industry. Eight out of ten of the nuts, bolts, and screws used in this country come from abroad and 90 percent of all strategic ball bearings under 30 millimeters are imported.

Loss of jobs in these industries and in the shoe and furniture industry, in the radio and television manufacturing industry, in chemicals and agriculture related industries has yet to be totally counted. The list can be endless—watches, machine tools, electrical equipment, microchips, and on and on.

It must stop. No nation can exist in a leadership position in the world without being industrialized. No nation can afford a modern defense without a growing industrial base which can supply—on shore—the basic needs of manufacturing military weaponry.

I want us to examine all laws—taxes, trade, defense, labor—with the idea in mind of reindustrializing America. It should be made more attractive to manufacture in America, to hire workers in America. We can begin anew with legislation already in place. A few trucks and changes with the idea in mind that America must be rebuilt as the leading industrial nation of the world.

It's our turn now for a Marshall Plan for us. We've earned it, we've paid for it a thousand times over for other countries. Let's do it here. Let's begin now, in this session of the Congress.

HIGH MEAT SURPLUSES DEVASTATING AMERICAN'S CATTLEMEN

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. MARLENEE. Mr. Speaker, at a time of high stress within the agricultural economy, it is always depressing when an extra financial burden is placed upon a particular sector of the agricultural community.

High meat surpluses resulting from the dairy whole herd buy-out program are devastating America's cattlemen.

The buy-out has totally disrupted normal cattle marketing. Many beef cattle producers who sold animals during the past week experienced price drops averaging $2 to $3 per hundred pounds.

I will be introducing a resolution today to force the U.S. Department of Agriculture to help beef producers and improve cattle markets in the wake of the dairy whole herd buy-out program.

This legislation is needed because of the unexpectedly large participation in the USDA's dairy buy-out program. The big sign-up caused drops in the cattle futures market.

The resolution would tell USDA to make its meat purchases in coordination with the slaughter of dairy cattle in the program. For example, under this legislation, if two-thirds of the dairy cattle enrolled in the program are terminated during a certain time period, then two-thirds of the required meat purchases must be made during the same period. This will guarantee at least a minimum of market stability to out cattle producers.

Second, under current law, USDA must buy 400 million pounds of meat to help absorb the impact of the dairy herds being sold for slaughter. Under this legislation, USDA would be forced to increase the amount of beef purchased, increase beef exports or decrease beef imports. USDA could choose one of the options or use any combination.

AMERICAN LEGION NEW YORK STATE 49TH ANNUAL ORATORICAL CONTEST WINNERS

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. DIOGUARDI. Mr. Speaker, I rise to bring to the attention of my colleagues the winning speeches from the American Legion New York State 49th Annual Oratorical Contest held on March 1, 1986. The first-place winner was Kedra Small of Buffalo, NY. Kedra attends City Honors High School in Buffalo. I am honored to announce that the second-place winner is from the 20th Congressional District, Megan Ouchterloney of Bronxville. The people of Westchester are proud of Megan.

Both speeches shed light on the U.S. Constitution and its importance in securing the rights of its citizens. Each voices its concern about citizens taking these rights for granted, thereby allowing them to be lost. The importance of citizens remaining involved with their governmental ties will ensure the preservation of America's freedom.

Through reading these speeches from the American Legion's oratorical contest, one can gain insight into the ideas held about our Government by America's youth. Congratulations to Megan for her fine work which follows:

AMERICAN LEGION SPEECH—1986

(By Megan Ouchterloney)

Have you ever wondered what it would be like to live in a Communist country? If you were to say anything against the government, you would risk your liberty, or even your life. You would not be able to leave the country, or to choose your own career. You would not even own your own house—you would lease it from the State for 99 years.

But we Americans take these rights of life, liberty and property for granted because they are provided for by the Constitution in the Fifth and the Fourteenth Amendments. The Fifth Amendment states that "no person shall be denied the rights of life, liberty or property without the due process of law." This is the due process clause of the Fifth Amendment and protects our rights from the Federal Government. In the same fashion, the Fourteenth Amendment declares that "no state shall deprive any person of life, liberty or property without the due process of law." Thus, an individual's rights are protected from interference by the State and the Federal Government.

But what are our rights?

The rights of life, liberty and property are difficult to define. Governor Jerry Brown tried to define the right of life in the following statement: "Life just is. You have to give yourself to the moment. Flow with it. Let it happen."

Chief Justice Charles Even Hughes tried to define the right to liberty. He said: "Liberty is much more than an individual's right to freedom, liberty is the cornerstone for all in American society."

Abraham Lincoln gave the following meaning to the right of property: "Property is the fruit of all labor. Property is desirable. Property is a positive good."

These descriptions of our inherent rights seem inadequate. However, if such astute men cannot define these terms, I am not even going to try. The writers of the Constitution did not attempt to define life, liberty, or property; thus they provided us with flexibility in our interpretation of the due process clauses.

Due process has served the United States in two ways, procedural and substantive.

Procedural due process is concerned with the method in which our court system arrives at a decision. Its three traditional elements are notice, hearing, and impartial jury. Due process deals with the rights of the accused. These rights can only be taken away after a series of procedures in which the guilt of the accused has been proven beyond a reasonable doubt. Depending upon the severity of the crime being tried, an individual's rights of liberty and life are at stake. A guilty verdict could result in years of imprisonment, or even death. In such cases, there can be no mistakes. Therefore, proper procedure must be upheld to insure that these rights are not taken away without justification.

Due process, however, not only establishes the rights of the accused, but it establishes the rights of you and of me through substantive due process.

To understand the relationship between substantive and procedural due process . . . picture a house. This house represents your substantive rights of life, liberty and property. Surrounding the house is a fence used for protection. This fence represents your procedural due process rights. If you remove the fence, you still have your house with its basic rights, though they are unprotected. However, if you remove the house, you have no rights at all.

Substantive due process extends the rights of life, liberty and property to all American citizens. And it is substantive due process which is our basic constitutional rights.

Yet it is these basic constitutional rights, which are too often forgotten. We have become accustomed to thinking of our constitutional rights as the procedural rights of the accused. However, a good way to understand what our substantive rights are is to look at the victim of a crime. The robber's victim has been denied his right to property. The residents of our city who are afraid to walk on the streets because they fear their safety exemplify an infringement upon their right to liberty. The murder victim has been denied the most basic right of all, the right to life.

Substantive due process clearly states that it is the duty of our government to protect those rights guaranteed to every American citizen, yet our Government seems to be caught up in following proper procedures while it overlooks the substantive rights of all Americans. An obvious example of this neglect occurred recently in New York. After a series of criminal, violent disturbances by a woman found not only to be a threat to herself but to others, the Court placed this woman in a State institution for rehabilitation. This woman was then released against her doctor's wishes. The judge who signed her release was forced to do so because her institutionalization was an infringement upon her procedural right to liberty. A few days after her release, this woman pushed a young secretary to her death on the subway tracks of New York City. It was the Government's duty to keep such a disturbed woman under the proper care and to prevent her from taking away the substantive rights of another American citizen.

But how can we protect our substantive rights?

Allow me to present two steps, which I feel if taken would begin to secure our substantive rights.

First, methods must be established to control the parole of criminals, either from jail or mental institutions. In the same way that these individuals were convicted, they must not be released if there exists a reasonable doubt suggesting that they will commit another crime.

Another method to secure these rights is through education. If more people are aware of what their substantive rights are, they might be more inclined to protect and respect these rights. They would be supportive of the government, taking positive steps towards the maintenance and protection of our substantive rights.

It is 1986, and the United States has come so far in promoting the rights of all American citizens. We have made great progress, especially in the area of the rights of the accused. But now it is time that we look back to the Constitution and to re-emphasize those substantive rights guaranteed to every American citizen. Franklin Delano Roosevelt once said: "The function of Government must be to favor no small group at the expense of its duty to protect the personal freedoms and private property of all its citizens". It is this fundamental American belief in which the protection of the rights of life, liberty, and property surpasses all other functions of government. And it is these rights which you, as American veterans have fought for; which we, as American citizens, cherish; and which the Fifth and the Fourteenth Amendments to the Constitution guarantee.

WILLIAM NORBERT, THE VOICE OF DEMOCRACY CONTEST WINNER FROM MAINE

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. McKERNAN. Mr. Speaker, as you know, the Veterans of Foreign Wars and its ladies auxiliary conduct an annual Voice of Democracy Contest. The theme for this year's contest was "New Horizons for America's Youth."

I am pleased to say that the winning entrant from the State of Maine, William S. Norbert, resides in my district. William, son of Stanley and Joanne Norbert of Portland, is a senior at Portland High School, where he is active in many school activities. He has an avid interest in government, and has won several literary awards.

It is a pleasure to submit William's essay for insertion in the CONGRESSIONAL RECORD.

NEW HORIZONS FOR AMERICA'S YOUTH

Children are the World's most valuable resource, and its best hope for the future. John F. Kennedy.

In America, today, exciting possibilities exist for our youth. We can expect to live longer, have a higher standard of living, receive a better education, and pursue virtually any job we choose. Many of these avenues were non-existent for our parent's and grandparent's generations. Numerous opportunities are increasingly available to children of all social classes, as well. It is no longer an impossible dream for a young girl in Harlem to aspire to be a great concert pianist, or for a farmer's son in Iowa to one day become an astronaut on the Space Shuttle. Now a black from the Deep South can dream realistically of becoming Governor of his State, or even President of the United States. These kinds of dreams have come true for many already, and as the years progress, America's technological and societal advancements only make these hopes even more realistic. Indeed, it is an exciting age for the youth of today nothing seems impossible to the willing heart.

I remember sitting in my fifth grade history class, listening to my teacher speak of the conditions for children in early America. He spoke in facts and figures about the children of the pioneers, whose daily routines consisted of the morning chores, building sod houses, lugging buckets of water from the creek, little time for schooling, and even less time for play. And I recall learning about the children of the early 1900's, who in this same country were working in factories and sweat shops before their twelfth birthday! Children were putting in over sixty hour weeks, receiving wages unfit for living, and working in unbearable surroundings, so that their families might simply live. Even closer to our times, I was told of the hardships for the blacks in the sixties, who had to fight for their right to be educated, and for a water fountain that they might share with white lips.

All of this struck a sensitive chord within me, as I realized that while these were historical facts about my country's past they were also about real lives of everyday children like myself; children who, like me at that age, should have had as their greatest worry whether or not they were picked last for the sandlot baseball team, and not whether they would be able to last another week without collapsing from exhaustion. I also realized that, had I been a child at this time, I too, may have been in these same situations, and this frightened me. "What kind of life was this for a child?" I asked, "What did they live for—what could they look forward to?" Perhaps, I thought, a better life for their children.

However, as I sit in history class at high school, today, I have a good understanding of America's past—where it has been, but I have an even better concept of its future—where it is going, and I am excited by this. Certainly, I feel fortunate that my generation need not worry about child labor and diseases such as cholera and polio, and that, with America's great steps forward, we can look forward, with hope, to an even better future for our children. There do exist, though, great problems and issues that our ancestors did not worry about—that our generation can be nothing less than preoccupied with. The ominous cloud of nuclear war hangs over our heads daily, and there are social concerns such as apartheid, famine and military involvement that will undoubtedly, need to be addressed by us. We must, then, take what we have learned from history's past, sensibly and conscientiously apply it to our knowledge of today, and hopefully secure a safer for our descendants.

Amidst these concerns and great responsibilities, there does remain a strong light of optimism on the horizon. So many of the constraining barriers of the past have been knocked down, and so many previously undeveloped chances for personal success now exist, that the outlook for the average child's future is bright, indeed! As a youth who is excited by the future, I believe William Allen White conveyed my personal feelings when he said, "I am not afraid of tomorrow, for I have seen yesterday and I love today." Tomorrow will come for we youths—it will be our new today, and there will be new tomorrows to aim for. These horizons will be met with new outlooks and different approaches from a New Youth. These vistas, like those we face today, must be met with careful consideration and buoyant enthusiasm, for our world can be as great as we make it. It is an awesome responsibility facing our generation, but let us begin.

LEAKING UNDERGROUND STORAGE TANKS ARE MAJOR ENVIRONMENTAL PROBLEM

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. FLORIO. Mr. Speaker, it has become increasingly clear that leaking underground gasoline storage tanks pose major environmental problems that pose an immediate threat to our Nation's precious and vulnerable ground water supplies. Last December, the House passed a Superfund bill that establishes a new program to clean up such tanks. The program is an essential adjunct to legislation signed into law last year—the Hazardous and Solid Waste Amendments of 1984—that establishes a regulatory program designed to prevent such leaks in the future. Unfortunately, the Senate Superfund bill does not contain a comparable provision.

A recent article in the Bergen Record describes the serious implications of such leaks and I commend it to my colleagues' attention.

DEP: GAS LEAKS THREATEN WATER

(By Karl Stark)

Gasoline and other petroleum products leaking from underground storage tanks are threatening well-water supplies, state and federal officials say.

Underground tanks "are of the major sources of ground-water contamination in New Jersey," said Rob Nugent, who heads the state's fledgling program to regulate the tanks. Yet "we don't really know what's out there."

The U.S. Environmental Protection Agency reports that many of the tanks were built in the 1950's and are beginning to deteriorate at an alarming rate. A preliminary EPA report issued last year estimated that 35 percent of all underground storage tanks may be leaking.

The petroleum industry called the EPA estimate an exaggeration, asserting that closer to 2 percent of underground tanks are leaking.

Nevertheless, most experts agree the problem is growing. Local inspectors already spend at least half their time investigating leaks from underground tanks, said Tony Cavalier, a local enforcement chief for the state Department of Environmental Protection.

If the problem is not addressed, officials fear the underground tanks will continue to pollute ground water and ultimately threaten the drinking supplies of towns that depend on well water. Nearly half the state's 7 million residents rely on ground water for their drinking supply.

A proposal before the state legislature would create a low-interest loan fund for service-station owners ordered to install new tanks, said Assemblyman Byron M. Baer, D-Englewood, one of the bill's co-sponsors. The measure calls for double liners and leak-detection systems on all new tanks and the upgrading of existing facilities over the next five years.

Nearly every town in North Jersey has had some contamination from underground tanks. The problem occurs at abandoned gasoline stations whose tanks were never emptied and at operating stations with faulty or corroded tanks:

In West Milford last year, gasoline from an underground tank was found to have contaminated a 115-acre area, forcing scores of residents to begin drinking bottled water. Though residents were subsidized by a $2.3-million state grant, they still must spend $3,000 apiece to connect into another water supply.

In Fair Lawn, gasoline additives were found last year in two wells that supply 13 percent of the borough's dairy water needs.

Eight businesses were evacuated for two days this week after several inches of gasoline were found in the basement of a Ridgefield Park firm. The suspected source has been narrowed to two nearby underground gasoline tanks.

In Edgewater, gasoline seeped into the sewer line two years ago, causing vapors to rise to flammable levels in the apartment of a 74-year-old woman. A pilot light eventually ignited the vapors, causing heavy damage to the woman's apartment and forcing the evacuation of 16 residents.

Gasoline also has leaked from underground tanks in Englewood, Fort Lee, Paramus, Totowa, Wayne, Hackensack, Little Ferry, Lyndhurst, Tenafly, Upper Saddle River, and Leonia.

DEP officials have begun a program to register large underground tanks without waiting for the state legislature to agree on a final bill.

The DEP is seeking to register an estimated 3,000 to 5,000 tanks containing hazardous substances, and 18,000 to 21,000 tanks holding motor fuels. The state also will oversee an estimated 50,000 heating-oil tanks larger than 2,000 gallons.

Nugent stressed that residential heating-oil tanks will not have to comply with the expensive, new regulations. Furthermore, apartment houses, hotels, and large residences will only have to register their tanks and complete basic paper work.

HAPPY BIRTHDAY TO MRS. EMMA MATTHEWS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. RODINO. Mr. Speaker, on April 4, I was privileged to attend a special birthday tribute for a very special lady, Mrs. Emma Matthews of Newark.

Mrs. Matthews was born on April 4, 1886 in Marion County, VA. She has 10 grandchildren, 15 great-grandchildren and 1 great-great-grandchild.

For those of us who aspire to match Mrs. Matthews' record of longevity, she offers her secret to living a long, happy life: "Live to help others."

Mr. Speaker, I commend Mrs. Emma Matthews for her compassion, and I join her fine family in wishing her many more years of happiness and good health.

RABBI MOSHE FEINSTEIN, 1895–1986

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. GREEN. Mr. Speaker, the 15th Congressional District of New York suffered an irreparable loss in the passing of Rabbi Moshe Feinstein, one of its most illustrious residents ever since his arrival on these shores some 50 years ago when he fled religious persecution in the U.S.S.R. Here in the United States he established himself as the unchallenged authority on Jewish law to whom queries were addressed from all over the world. His immense learning was matched only by his modesty and kindness. He remained most accessible to the learned and the ordinary men and women alike, giving instruction, guidance, and comfort. His fame traveled the world, but he remained in the area which had given him shelter. There he established the Talmudical Academy, Mesifta Tifereth Jerusalem, and there he wrote the tomes which spread his fame.

America and world Jewry grieve at the departure of a sage to whom the adage that "From Moses to Moses there was none like Moses" can fittingly be applied.

THE 60TH ANNIVERSARY OF WORLD TRADE WEEK

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. ANDERSON. Mr. Speaker, I rise today in recognition of the 60th anniversary of World Trade Week, which falls this year during the week of May 19–24, 1986. As you may know, the celebration of World Trade Week began as a local observance of the Los Angeles Chamber of Commerce in 1926.

Six years ago, the leaders of the Los Angeles Chamber of Commerce established World Trade Week in order to focus on the existing international trade evnironment and to call attention to the need to promote our exports. World Trade Week was a tremendous success in Los Angeles, and 8 years after it was first celebrated, the Chamber of Commerce of the United States assumed official sponsorship of World Trade Week. At that time, the week was set aside by Presidential proclamation to be commemorated annually during the same week that includes National Maritime Day.

Today, on a local level, World Trade Week is celebrated by calling attention to the role that international trade plays in advancing the well-being and economy of the United States. In fact, the activities surrounding World Trade Week have flourished, such that it has really become World Trade Month, with seminars, meetings, luncheons, headline speakers, harbor tours, and other activities throughout the month of May. In my area of southern California, the World Trade Week activities are sponsored by the Ports of Los Angeles and Long Beach, Los Angeles International Airport, the three area railroads—Union Pacific, Sante Fe, and Southern Pacific, along with the Los Angeles Chamber of Commerce.

Additionally, the Department of Commerce through its International Trade Administration enthusiastically demonstrates its support for the goals of World Trade Week. Year after year, through its district offices, the ITA sponsors numerous activities to publicize its programs and initiatives to promote our export trade.

My wife, Lee, joins me in congratulating the Los Angeles Chamber of Commerce on the 60th anniversary of World Trade Week—a tradition that they started in 1926, and in recognizing the contribution that World Trade Week makes toward improving the international trade environment.

PERSONAL EXPLANATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. TORRES. Mr. Speaker, I was not present for rollcall votes 68 through 71 on Wednesday, April 9. Had I been present on the House floor, I would have cast my votes in the following manner:

Rollcall No. 68, approval of the Journal "yea."

Rollcall No. 69, House Resolution 403, rule for consideration of H.R. 4332, "yea."

Rollcall No. 70, Hughes amendment to Volkmer substitute to H.R. 4332, "aye."

Rollcall No. 71, Hughes amendment, "aye."

IN MEMORY OF JOE HUDGENS

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. SUNDQUIST. Mr. Speaker, last month we lost a great patriot. My friend, Joe Hudgens of Brentwood, TN, was fatally injured in an automobile accident.

Joe's entire adult life was dedicated to service to the veterans of our country. Following his World War II service with the 16th armored Division, he returned to Tennessee and began his work for veterans.

He began this career as a field representative and later as a claims specialist with the Tennessee Department of Veterans' Affairs. He rose through the ranks to become the director of that department in 1961.

He was actively involved with the American Legion on a local, State and national level. Following his retirement, he was elected and served as a National Executive Committeeman for the Legion. He was dedicated to his work and in his frequent visits to our Nation's Capital, he worked the Halls of Congress, always with the goals and objectives of veterans' programs. He made a point of talking with Members and staff of the Veterans' Affairs Committee, letting us know how he and his organization stood on issues affecting veterans.

Joe was on Capitol Hill on Legion business the week of the tragedy. He left Washington for Indianapolis to participate in a meeting of the American Legion Oratorical contest representatives and the tradegy occurred enroute to that meeting. It is somehow fitting that Joe left us as he lived, working proudly for veterans. He was a great American and we will miss him.

THE 3-YEAR BASIS RECOVERY RULE RESOLUTION

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. BATEMAN. Mr. Speaker, as we continue to study the effects of the House version of tax reform H.R. 3838, I urge my colleagues to join with me to insure that the 3-year basis recovery rule for the taxation of civil service employee benefits not be eliminated as section 1122(c)(1) of H.R. 3838 will require. I am introducing a resolution which will express the sense of the House of Representatives that the current 3-year basis recovery rule for the taxation of employee benefits be continued.

As you probably know, Mr. Speaker, the House version of tax reform, H.R. 3838, included a provision that would eliminate the tax-free period upon retirement that individuals currently receive while they recoup the portion they contributed to their pension. Instead, retirees will pay taxes on their pensions immediately following retirement. Although this cannot be considered a "double tax," it will result in higher taxes being paid over the life of the retiree.

Civil service employees have contributed to their pension funds in good faith and this change in current law would be an unnecessary compromise of the integrity of the system. In addition, there are approximately 210,000 active Government workers currently eligible to retire. A change in the 3-year recovery rule could result in the retirement of many of these eligible workers, including some of the most qualified public servants with management and technical expertise whose experience would be difficult and expensive to replace. High wage-earners will be especially hard hit by this change, which could leave the Federal as well as State and local governments with a shortage of qualified, experienced top-level professionals.

In addition, Mr. Speaker, it is quite possible that the tax revenues gained by this change in taxation of employee benefits could be significantly offset by increased Government expenditures for pension benefits in addition to continued salaries for personnel replacing retired workers. This disruption to Government services is unnecessary and would place a needless burden on the Government as well as the citizens of the United States who deserve continued efficient Government service.

The resolution that I am introducing today expresses the sense of the House that the benefits that had been guaranteed to our 19 million public employees will not be arbitrarily reduced by tax reform legislation. In our effort to reduce the Federal deficit, one group of citizens should not be singled out to bear a disproportionate share of the burden. I urge my distinguished colleagues to join with me in a bipartisan effort to support this resolution and provide our civil service workers the security they deserve.

PERSONAL LEAVE EXPLANATION

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. IRELAND. Mr. Speaker, I would like to take this opportunity to explain my personal leave of absence on April 10 and at the same time express my support for the Volkmer substitute to H.R. 4332, the Federal Firearms Reform Act. Unfortunately, I was unable to be in Washington today to cast my vote in support of the Volkmer substitute, as my wife was undergoing surgery in Worcester, MA, and I felt my place was with her.

I strongly believe in the right of law-abiding citizens to keep and bear arms and was an original cosponsor of Mr. VOLKMER's bill, H.R. 945. I feel very strongly about the need to guarantee and protect a firearm owners' constitutional rights, civil liberties, and rights to privacy. During my tenure in Congress the vast majority of my constituents have made it clear that they support these reforms to the Gun Control Act of 1968, and I was one of the first Members to add my name to the discharge petition forcing the measure to the floor for long overdue consideration. I cannot, in good conscience, support or condone legislation and amendments that attempt to infringe on our basic right to possess firearms as guaranteed by the U.S. Constitution.

The Volkmer bill represents a fine balance between protecting the rights of law-abiding citizens and upholding valid law enforcement techniques. I am pleased that the House of Representatives voted to approve the Volkmer substitute to H.R. 4332.

AN APPEAL FOR PEACE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. STARK. Mr. Speaker, I would like to include in the RECORD at this point an extremely thoughtful statement from the 1986 Report of the Inter-American Dialog.

I would hope that the reasoned thoughtfulness of this position paper would prevail in next week's second vote on $100 million in funds for violence in Central America.

[From the Los Angeles Times, Apr. 9, 1986]

AN APPEAL FOR PEACE

(The following is excerpted from "Rebuilding Cooperation in the Americas," the 1986 report of the Inter-American Dialogue, which was released today in Washington. The Dialogue is a group of several dozen opinion leaders from throughout the Western Hemisphere with experience in government, business, labor and education.)

More than 160,000 Central Americans have been killed in the last decade. Two million have been displaced from their homes. The combination of armed conflict and economic stagnation frustrates efforts to build democratic politics and to remedy the deep inequities underlying the region's struggles.

The solutions to Central America's problems lie in economic and social development and political dialogue, not in more weapons and military advisers.

We are greatly concerned about the internal situation in Nicaragua under the Sandinistas. Few of us believe that the restrictions of civil liberties are justified as a response to the contra threat.

The international behavior of the regime is also troubling. With Cuban and Soviet support, Nicaragua has aided revolutionary movements beyond its borders. Neighboring countries fear and resent this. Nicaragua's military buildup is also menacing, and has accelerated a local arms race. We deplore the Sandinistas' growing ties to the Soviet Union, which further entangle Central America in the East-West struggle.

We are disturbed as well by the response of the United States to Nicaragua's challenge. Thus far it has been ineffective and, most of us believe, counterproductive.

There is no realistic basis for believing that the contras can or will drive the Sandinistas from power. On the contrary, the Sandinistas have stepped up their acquisition of weapons, tightened their bonds with the Soviet Bloc and imposed greater restraints on their internal opposition.

We oppose all military and paramilitary support for the contras' campaign against the Sandinista government. We also oppose so-called humanitarian assistance, which is used to help the contras wage war.

Under the current circumstances, essential steps toward peace are unlikely to be taken as unilateral initiatives by either the United States or Nicaragua. They can, however, be accomplished within the framework offered by the Contadora process. [This effort was begun in 1983 by the governments of Mexico, Venezuela, Colombia and Panama, and recently acquired the active support of Argentina, Peru, Brazil and Uruguay. Last weekend's meeting of the 13 Latin American governments involved was adjourned for lack of an agreement.]

Although the United States does not formally participate in the Contadora process, no agreement can be implemented without Washington's concurrence. For some time now, U.S. actions have been inconsistent with the spirit of the negotiating process and at odds with specific requests made by the Contadora nations. The Contadora peace effort cannot succeed as long as the United States insists on fundamental changes in the Sandinista regime as a prior condition for any agreement on security matters.

We call on the U.S. government to modify its position. It should work closely with the Contadora countries, and also revive direct discussions with the Nicaraguan government.

And we call on Nicaragua to end its state of emergency, lift restrictions on freedom of the press and association, respect the rights of national miniorities and begin an active dialogue with the full range of opposition.

It is important that the United States and other countries of the hemisphere press Nicaragua to move in these directions. But we believe that efforts to achieve workable regional security arrangements should not be held hostage to the accomplishments of internal political reform in Nicaragua.

Progress toward peace in Central America depends on the willingness of both Nicaragua and the United States to compromise. As specified in the proposed Contadora treaty, Nicaragua must make verifiable commitments to live peaceably with its neighbors. It must reduce the military ties with Cuba and the Soviet Bloc nations by agreeing to the withdrawal of military personnel, and to restrict arms acquisitions from those nations. At the same time, the United States must agree to accept a verifiable security agreement achieved through negotiations, rather than trying to overthrow the Nicaraguan government.

We welcome the initiative of the current U.S. Administration to discuss issues of regional security with leaders of the Soviet Union. Such discussions could help to prevent superpower competition from intensifying. In the same vein, we believe that it is worth exploring whether discussions between the United States and Cuba might advance the cause of peace.

Unless peace can be negotiated (the wars in Nicaragua and El Salvador) will continue to take 5,000 to 10,000 lives annually, and to displace hundreds of thousands more people from their homes. They will continue to lay waste to Central America's economies. Hopes for recovery and democratic development will dwindle.

The prime requisite for making peace in Central America is not more aid, more weapons or more advisers, but political will. Some basic choices have to be made. The Sandinistas must decide whether they will respect the sovereignty of their neighbors, and remove their nation from the East-West struggle, as part of a settlement that assures Nicaragua's own sovereignty. The United States, in turn, must decide whether to prolong a war to undo the Nicaraguan regime. We believe that the United States should concentrate first on guaranteeing its legitimate strategic interests and the security interests of its allies, and then promote democracy and pluralism inside Nicaragua through nonviolent means.

We are convinced that neither democracy nor security in the hemisphere would be jeopardized by a carefully framed and verifiable peace treaty with the government of Nicaragua.

The alternative to a negotiated peace is protracted warfare, which does, indeed, threaten the security of the Americas.

Among the Inter-American Dialogue participants were:

Co-chairman Sol M. Linowitz, former U.S. ambassador to the OAS, and Galo Plaza, former secretary general of the OAS; Terence C. Canavan, executive vice president, Chemical Bank; Robert S. McNamara, former president of the World Bank; William G. Milliken, former chairman of the National Conference of Governors; Ralph A. Pfeiffer Jr., chairman, IBM World Trade Americas/Far East Corp.; Elliot L. Richardson, former secretary of defense; Franklin A. Thomas, president, Ford Foundation.

Former Presidents Nicolas Ardito Barletta of Panama, Osvaldo Hurtado of Ecuador and Daniel Oduber of Costa Rica; Oscar Camilion, former foreign minister of Argentina; Jorge Fontaine, president, Federation of Production and Commerce, Chile; Pedro-Pablo Kuczynski, co-chairman, First Boston International; Leopoldo Solis, chairman, Council of Economic Advisors, Mexico.

LEGISLATION CLARIFYING TRADE REMEDY LAWS PERTAINING TO CERTAIN PROCESSED AGRICULTURAL PRODUCTS

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. VANDER JAGT. Mr. Speaker, it is a distinct pleasure to cosponsor with Congressman RICHARD GEPHARDT the introduction of legislation to amend the Tariff Act of 1930 to clarify the intent of Congress regarding the application of the antidumping and countervailing statutes involving certain processed agricultural products.

This legislation is designed to address the very serious problem of subsidized imports which have been severely harming our domestic agricultural producers. Congress clearly intended to resolve this problem in the 1979 Trade Agreements Act, but has been thwarted by recent determinations made in trade cases involving agricultural commodities by the International Trade Commission. The legislation that we are introducing, therefore, merely attempts to clarify the treatment of agricultural products under these trade laws in a manner consistent with the intent of Congress.

A good example of the problem which has arisen is a recent case involving pork from Canada. A high tariff exists on live hogs from Canada which are subsidized. To escape this tariff processed pork was sent to the United States. When United States pork producers brought a trade remedies case citing injury to our pork industry due to the influx of subsidized fresh, chilled, and frozen pork from Canada, however, the International Trade Commission ruled that processed pork products were not part of the same industry as live hogs, and therefore, countervailing duties should not be imposed on the pork, which they determined was not directly subsidized. In light of the intent of Congress, we believe that this was a very questionable decision, underlining the importance of clarifying Congress' original legislative intent. This is even clearer when we realize that the result of this unfortunate decision has been that while the import number of live hogs from Canada was reduced by 7 percent last year, fresh and chilled imported pork from Canada has increased 22 percent, thereby overwhelming all benefits of the countervailing duty placed on live hogs. Michigan, being a next door neighbor to the Canadians, has taken in more than its share of this Canadian pork.

Industry officials have worked closely with the administration to address many of their concerns, raised last year in response to the introduction of similar legislation, H.R. 3328. Our new bill would clarify the original intent of Congress by requiring that producers of raw and processed agricultural products linked through a single continuous line of production be treated as representative of the same industry, provided that there is a coincidence of economic interest between such producers.

In addition, this measure would also require the ITC to consider the impact that duties imposed on either the raw or the processed product—but not both—would have upon imports of the other product, in determining whether imports constituted a threat of material injury to the industry.

In total, this legislation is merely an effort to make our trade laws work more efficiently so that we can ensure an even playing field, and to keep subsidized agricultural products from impacting harshly and unfairly on our domestic producers.

OHIO VOICE OF DEMOCRACY WINNER

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. McEWEN. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct the Voice of Democracy essay contest. "New Horizons for America's Youth" was the theme for the 1986 competition. More than 250,000 high school students competed for the six national college scholarships awards. Thomas Bown, a senior at West Carrollton Senior High School, in West Carrollton, Ohio, was the winning contestant from our State.

Mr. Speaker, I am pleased to share with my colleagues the composition written by Mr. Bown. It is encouraging to see such enthusi-

asm and promise in America's youth. They understand the plethora of opportunities which are provided to every citizen by our republic. It is my strong hope that he and other young Americans will continue to share their vision of a hopeful future and work to ensure its fulfillment.

NEW HORIZONS FOR AMERICA'S YOUTH

During the 16th and 17th centuries, lookouts in coastal cities would stand in watch towers, scanning the horizon for approaching ships. They wouldn't expect to see the whole ship at first, but just the masts as the ship come over the horizon. The lookout would try to make out the flag the ship was flying at the top of that mast, and from this tell what the ship was to bring.

I am now scanning the horizon, the new horizon for America's youth, and there, three flags are flying.

The first bears s skull and crossbones, and belongs to a man of war. What does this ship have in store for us? It tells the story of two great nations, one based on capitalism, the other on socialism. Both of these nations think their system should be the system of the world. One nation rules with freedom, the other with oppression. The youth of the free nation know they may have to fight to protect their freedom, and are ready to do so as gallantly and righteously as those who fought before them, but they also see alternatives to the slaughter, and possiblities of avoiding it altogether. They see peace in strength, while the youth of some other nations think weakness will solve their problems. War may be on the horizon for America's youth, and they will try to avoid it, but they will be ready for whatever happens.

The second flag holds a computer, and what great things this ship as in store for us! Science is advancing on all fronts, promising to make life longer and more comfortable for all of us. America's youth are going to space, and will accomplish many things for the first time. Such things as space manufacturing, asteroid mining, and even interplanetary travel are within their grasp. On earth they will be able to conquer the great diseases, and make food production so cheap none will go hungary. They will make our society richer, the arts will flourish; all this is on the horizon for America's youth. But that is not all that this ship brings; technology often creates as many problems as it solves. One problem that will have to be faced is that as manufacturing becomes more efficient, we will need fewer workers; mostly mostly because they will be replaced by robots. Many other jobs will also become obsolete, forcing America's youth to have the flexibility to retrain for several jobs in their life times. This is a great challenge, one that must be overcome, but also one that once conquered would reap spoils beyond belief. America's youth are up to the challenge, and will take a good shot at making this ship a great one for mankind.

The third ship bears a dove, a symbol of a nation becoming more conscious of it's neighbors, realizing their needs, and balancing them with ours. Through such organizations as the United Nations, our youth will work to solve world problems by democratic means. They have already shown their charity through such events as Live-Aid. They are getting better educations. In 1940, one out of every 17 people age 25-29 held a college degree; today, one out of every five such people hold a degree. Today's youth realize the value and necessity of an education.

Armed with this, they will see the world through understanding eyes. Not only will they see the problems of the world, they will see the possible solutions, and take the action to implement them. America's youth are the future diplomats and leaders; they have the capability of making our world better for everyone, of making our nation a member of a world community where everyone works together selflessly, diligently, and for the good of all.

Obviously, not all of these ships will land at the same time. Some may not land at all, sinking at sea, the result of a violent storm, or perhaps a broadside from one of it's neighbors. The horizon holds great possibilities for America's youth. Possibilities of great successes, and great failures. What will happen is up to them, and me. Let's hope, America's youth, that tomorrow will be a success, and do the work to make it one.

INVERTED TARIFFS

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. RUSSO. Mr. Speaker, today I am introducing legislation to correct an inequity in the tariff schedules caused by the inverted tariff between carbon steel pipe and tube products and carbon steel sheet and plate. An inverted tariff exists when the tariff applied to a particular product's raw materials or inputs is greater than the tariff for the higher valued, downstream product. In the case of carbon steel pipes and tubes, tariffs on their inputs, sheet and plate, are significantly higher than tariffs on pipe and tube products. My legislation would remedy this inequity.

Inverted tariffs are not common or desirable within the Tariff Schedules of the United States [TSUS]. For most steel products as well as other basic industries, as value is added to a product, the tariff rate increases. For example, the duty on cold-rolled steel sheet is higher than the duty on hot-rolled sheet. Galvanized sheet is higher than cold-rolled and stainless sheet is higher than galvanized. In copper, the duties on copper wire are much higher than the duties on copper rod, and the duties increase when copper wire is insulated. The reasoning behind this policy is simply to encourage the importation of raw materials so that the value added for finished goods takes place in the United States.

The U.S. policy to apply higher duties for higher value-added products is also adhered to by our major trading partners. The European Community charges a 6 to 7 percent duty on sheet and a 9 to 10 percent duty on pipe and tube. Japan's duty on sheet is 5 to 5.7 percent compared to a pipe and tube duty of 5.7 to 8.8 percent. The South Korean's impose 20 percent tariffs on sheet and 25 percent tariffs for pipe and tube. In fact, every major steel exporter charges a duty for pipe and tube imports that is greater than or equal to the duty for sheet imports.

The inverted tariff on pipe and tube products occurred as an oversight and an accident of inflation after the United States converted to the TSUS. In 1952, the duty on carbon steel sheet and plate was lower than the duty on pipe—0.175¢/lb. compared to 0.375¢/lb. for pipe. In 1960, the tariff for carbon steel sheet and plate was changed to an ad valorem rate of 10 percent while the duty for pipe remained at the 1958 specific rate of 0.30¢/lb. With steel selling for approximately $50 a ton in 1958, this means that at the time of the tariff change, the duty on sheet and plate was approximately $5 a ton compared to a $6 a ton duty on pipe.

During the inflationary era of the 1970's, the specific rate duty for pipe products could not keep up with the tariffs on sheet and plate which were based on the increasing value of the steel. By 1975, steel prices had more than quadrupled and the duties on steel sheet and plate were over $20 a ton compared to the constant $6 a ton on pipe. In 1982, pipe and tube duties were changed to an ad valorem rate ranging from 0.5 to 4.8 percent. In the same year, plate and sheet duties ranged from 7.1 to 8.4 percent.

Over the last decade, imports of pipe and tube products into the United States have surged and only the most efficient domestic producers have been able to survive against the foreign competition. About 80 percent of the companies that produce pipes and tubes in the United States are independent fabricators who purchase their raw materials, plate and sheet steel, in the open market. These companies can compete with pipe and tube products made anywhere in the world given a level playing field. My legislation will help to equalize one unfair advantage foreign producers enjoy due to the tariff inversion.

There are approximately 120 companies producing steel pipes and tubes in the United States today. Pipe facilities are located throughout the United States with Illinois, Pennsylvania, Ohio, California, and Texas accounting for the bulk of production. The industry employs around 15,000 workers, down from 25,000 workers 5 years ago.

While imports of all steel products have captured approximately 25 percent of the U.S. market, imports in recent years have taken more than half of the U.S. pipe and tube market. In 1979, import penetration for all pipe and tube products amounted to 26.1 percent. By 1984, imports had increased dramatically capturing a record 56.2 percent of the market. The steel VRA Program reduced import penetration in the pipe and tube market to 52.5 percent in 1985.

The inverted tariff is a major factor behind these intolerably high import levels. The inverted tariff encourages foreign producers to convert steel sheet into pipe for export to the United States in order to reap the benefits for adding value in the foreign country and to take advantage of the lower duties for pipe exports to the United States.

In addition, every steel voluntary restraint agreement entered into by the United States contains certain flexibility provisions allowing a degree of shifting among the various steel product categories covered. Our foreign trading partners who are participating in the VRA Program have used their flexibilities to shift their exports from sheet into pipe and tube.

I propose to correct this inverted tariff by equalizing the duties on pipe and pipe and tube products with the duties on sheet steel.

My proposal would result in a column 1 duty for pipe products of 5.3 percent compared to the current levels ranging from 0.5 to 4.8 percent. In addition, the duty on galvanized tubing would equal the duty on galvanized sheet which is 6.9 percent.

This legislation, if adopted, would prove of benefit to the entire steel industry. I urge my colleagues to support this proposal.

SPORTSMEN FINALLY GRANTED RELIEF

HON. ROBERT C. SMITH

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. SMITH of New Hampshire. Mr. Speaker, today the House of Representatives, in one of the most important votes of the 99th Congress, adopted the Volkmer substitute. This landmark legislation will free law-abiding gun owners, dealers, and collectors from regulations that have been burdening them for years, and I was proud to support it.

The debate today and yesterday essentially gave us a choice between two competing philosophies. On the one side, there was the philosophy that we ought to continue to burden the law-abiding citizen with needless paperwork requirements and bureaucratic redtape. On the other side, there was the philosophy that our law enforcement resources ought to be directed toward capturing and convicting criminals.

Unfortunately, the bill reported from the House Judiciary Committee, H.R. 4332, sided with the philosophy of regulation. It did little to change the status quo and to lessen the burden upon law-abiding gun owners. Although the bill contained a number of provisions intended to satisfy supporters of gun owners' rights, it simply did not go far enough. The substitute offered by Mr. VOLKMER, however, represents a significant step forward in protecting law-abiding gun owners, while redirecting our precious law enforcement resources toward criminals.

The substitute includes a specific definition of "engaged in the business" that will not force private gun collectors and owners to obtain a license to sell a firearm, thus protecting them from being unfairly prosecuted for selling a weapon. H.R. 4332 did not. The substitute will make technical violations punishable only if committed "willfully," thereby protecting dealers from being prosecuted for unknowingly violating gun laws. H.R. 4332 did not. The substitute permits the interstate transportation of any firearm that is legally owned. H.R. 4332 did not. The substitute will protect gun owners from the unjust seizure of their firearms. H.R. 4332 did not.

Mr. Speaker, in short, the Volkmer substitute will mean that taxpayers' dollars will no longer be spent harassing law-abiding citizens. At the same time, it will impose tough sentences upon those who use guns during the commission of a crime. It will also prohibit individuals, not just dealers, from selling guns to felons.

Finally, I, personally, have received over 1,500 letters, phone calls, and postcards from constituents in support of the approach embodied in the Volkmer substitute. The law-abiding citizens of New Hampshire have spoken on this issue, and I am glad that they will finally get the relief they rightfully deserve.

LONG-AWAITED ACID RAIN LEGISLATION

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. MAVROULES. Mr. Speaker, finally, a breath of fresh air. The bill introduced today by Congressman WAXMAN and Congressman CONTE, the Acid Deposition Control Act of 1986, can potentially clear our skies of the dreaded phenomenon of acid rain. I am proud to be an original cosponsor of this landmark legislation which is of particular importance to the environmental health of my region, and ultimately to the Nation as a whole.

We of the Massachusetts delegation have been working for years to pass legislation dealing with the problem of acid rain and sulfur dioxide emissions. Massachusetts has already taken a step ahead by legislating its own reduction requirements for sulfur dioxide and other acid rain producing chemicals.

Although the bill in front of us today may not be as stringent as past acid rain bills, I understand it has an excellent chance of being passed intact by the Energy and Commerce Committee and then the full House. Bipartisan sponsorship in Congress and the endorsement of many environmental groups demonstrate that this bill has a broad base of support.

We have known, without a doubt for many years now, that acid rain is caused by sulfur dioxide and nitrogen oxides from coal-fueled powerplants, cars, and other manmade sources. We have known for even longer of the irreversible, toxic effects of acid rain, which range from the acidification of lakes and the death of all fish and aquatic life in them, to decomposition of forests, to pockmarks on city buildings. Even our Capitol needs a facelift to repair the damages caused by acid rain.

All the conclusive evidence points to the necessity to reduce emissions of the toxic sulfur dioxide and nitrogen oxides. The technology is there—we know of smoke stack scrubbers and clean coal processing methods that have been proven effective. All we need now is action.

The legislation being introduced by Congressmen WAXMAN and CONTE is the vehicle for that action. It calls for the reduction of over 10 million tons of sulfur dioxide and 4 million tons of nitrogen oxides emissions. It also tightens emission standards for cars and trucks. I am very excited about this bill and I wholeheartedly support it.

ACID RAIN LEGISLATION

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. GALLO. Mr. Speaker, today I join with 150 of my colleagues to sponsor comprehensive acid rain legislation.

This bill has strong bipartisan support in this body and will create a 10-year program to attack acid rain.

Acid rain is one of the most critical environmental concerns we face in today's world. This strong bipartisan support for this comprehensive approach is proof that we not only recognize the problem, but we are prepared to do something about it.

Now that we have reached a consensus on the problem, we require timely legislative review of the measure.

As assembly minority leader in New Jersey, I voted in support of efforts by Assemblywoman Maureen Ogden to push Congress to act. Now, as a Member of Congress, I am pleased to translate that concern into action with this legislation.

I said then, and I still believe, that we need a regional approach to this problem. This bill sets a Federal standard, but gives our States a lot of power to develop cooperative programs to meet those standards.

This bill sets Federal standards to reduce the levels of sulfur dioxide and nitrogen oxide emissions and creates a program to protect ratepayers from excessive increases in their utility bills to cover the cost of the program.

Acid rain is destroying our forests and our lakes. It poses a long-term threat to our environment and to the well-being of our children and grandchildren.

After a careful review of the evidence, we are now ready to take action on this critical problem.

Our bill would require reductions of 14 to 16 million tons of emissions believed to cause acid rain, would tighten standards for auto and truck emissions and would create an acid rain trust fund to cover a portion of the cost of the cleanup program.

Our bill creates a 10-year program to require a national commitment to the cause of protecting our natural resources and ensuring the continued health of the planet.

Mr. Speaker, I urge you and my colleagues on the committees reviewing this legislation to give your utmost attention in the weeks and months ahead. Time is running out. The time to act is now.

ENERGY SECURITY ACT OF 1986

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. BREAUX. Mr. Speaker, recent events have proved once and for all that the Reagan administration's blind adherence to Republican ideology is, if not totally bankrupt, shortsighted and intent on bankrupting a vital segment of this Nation's economy and an indus-

try critical to our national security—namely, the oil and gas industry. By its short-sightedness, this administration is playing right into the hands of OPEC. We all remember OPEC—that group of countries that supposedly taught all of the free world a costly lesson about a sanguine dependence on imported oil some 13 years ago. OPEC, we all recall, first tried to destroy western economies by raising the price of crude oil, causing a global recession that we have only recently begun to recover from.

Now that we have lessened our dependence on their oil, they have begun to employ a new tactic, flooding the world marketplace with oil. This tactic is driving the price down to levels that are literally destroying our domestic industry, shutting in crucial production—much of which will never be replaced—making it impossible to spend the exploration dollars necessary to make new discoveries, and making it attractive, if not inevitable, for us to once again purchase enormous amounts of their oil to fuel our economy.

It is apparent to me that our beleaguered energy industry will not receive any help from this Republican administration. After several false starts, this administration has made it clear that it cannot agree on policies that would allow the United States to chart its own energy future. The comments made by various members of the administration surrounding Vice President BUSH's recent trip to Saudi Arabia are truly astounding and illustrative of the Catch-22 this administration finds itself in when it attempts to deal with a real problem ideologically.

First, it appeared that the Vice President was intending to seek a stabilization of OPEC oil production, as a means of stabilizing prices. To quote the Vice President" My plea will be for stability of the marketplace." Their remedy would, of course, benefit no one but OPEC. Why anyone in this Administration would even talk about taking steps that would benefit the oil exporting nations of OPEC is beyond belief.

Second, and compounding this misstep, other administration officials fell all over each other in an attempt to clarify the Vice President's remarks. Treasury Secretary James Baker, while denying that the United States is "in the business of sitting down with OPEC and talking about price levels for oil," also stated that the administration believes "in letting the free market operate." White House Chief of Staff, Donald Regan, says that the administration doesn't have any intention of interferring with oil market prices. And the President's press secretary says that he believes "that real price stability will be obtained by allowing the free market forces to work."

Now, who around here believes that OPEC in general, or Saudi Arabia specifically, operates under free market principles? In the United States, we have laws that protect one or more U.S. companies against the concentrated efforts of another company or companies who are engaged in a practice called predatory pricing. Thus, it is illegal to dump products on the market, lowering the price of that commodity with the express design of forcing competitors out of the marketplace. And that, Mr. Speaker, is exactly the course that is being pursued by the Saudi's and OPEC. It has been estimated that the world supply of oil this month will exceed demand by 4.2 million barrels a day, two or three times the imbalance recorded in January and February. Again, does this sound like the work of free market forces? The Saudi goal, as stated by Sheik Yamani, is to maintain the current glut situation as a means of securing for OPEC a wider world market share, presumably a share in line with that which allowed them to set world prices throughout the 1970's.

But wait, Mr. Speaker, the administration thinks it might have a solution to this critical problem. It is reported that the administration is considering a repeal of the Windfall Profits Tax Act! Now that's a great solution. As misguided as I believe that tax is, and I would support its repeal, the fact of the matter is that almost no revenue is currently being paid under that tax, because the price of oil is being driven to extreme lows. The removal of this tax, while providing a small measure of relief, is simply too little, too late.

Mr. Speaker, today I am introducing legislation that says to OPEC: "We in the United States will not allow you to destroy our energy industry and compromise our national security. We in the United States will determine the rational price for crude oil. And, we in the United States will receive the benefits of a rational pricing policy."

My legislation would establish a sliding tariff on imported crude oil and certain refined petroleum products. The amount of the tariff would, generally, be the difference between the average world price for these commodities and a base price of $25 per barrel for crude oil and the equivalent of $30 per barrel for the covered refined petroleum products. The benefits of such an approach have been debated at great length recently, but I would note that this approach will:

First, place a safety net under the price of domestic oil that will reverse the disastrous events that have recently occurred in our domestic industry and which continue to unfold every day;

Second, promote continued energy conservation while protecting consumers against unreasonable prices; and

Third, raise substantial sums of money at a time when we in Congress continue to search for ways of addressing the enormous Federal deficit without gutting essential Government services and programs.

Mr. Speaker, various commentators have noted that an import fee makes so much sense that Congress probably will not pass one. I hope that these commentators are wrong, that we in Congress do have the foresight to legislate in this rational manner.

DR. SPENCER SMITH

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. O'NEILL. Mr. Speaker, during our just concluded recess, the House lost one of its most valuable staff members, and I lost an old and good friend. Dr. Spencer Smith, economist on the Democratic Steering and Policy Committee, died March 29.

Many of us knew that Spencer was ill but it was a mark of his character and strength that he continued with his duties, despite a recurrence of cancer that the doctors said was inoperable and terminal.

Spencer was my strong right arm in pursuit of a solution to the complicated and stormy budget and tax reform issues. He labored long and diligently to advise me on these issues and his counsel will be sorely missed.

Spencer joined the staff of the Steering Committee in 1975 and served our distinguished former Speaker, Carl Albert, as well as he did me. A major project that Spencer and Dr. Joseph McMurray took on for Speaker Albert in 1976 was the drafting of a proposed Democratic party platform which was presented to the Democratic National Committee. Key proposals in the document, centering on the environment, economy, and joblessness, were adopted by the national convention in that year.

He was awarded his doctorate degree in economics by the University of Iowa. He taught economics at the universities of Iowa, Maryland, Minnesota, and Kansas and in 1952 he went to work for the Office of Price Stabilization. He was in charge of the Food and Restaurant Division and supervised a force of 1,500 employees.

Spencer's expertise was in the field of economics, but his heart was in preserving and protecting the environment. He served full time as secretary of the Citizens Committee on Natural Resources. In subsequent years he was chairman of the board of trustees and executive committee of the National Park and Conservation Association; chairman of the C&O Canal and River Rights Council; and chairman of the Citizens Permanent Conference on the Potomac River Basin. Just last year, he was named an honorary member of the Accokeek Foundation for his effort in protecting Piscataway Park.

Spencer was also active in his community and church. He was a former president of the Virginia State Parent-Teachers Congress of PTA's. He was also a member of the Mount Olivet United Methodist Church in Arlington and he taught a men's Bible study class.

I was notified while out of the country of Spencer's passing and I felt deep regret that I could not be present for the funeral services. One of our colleagues who was there, the distinguished majority whip, TOM FOLEY, noted during his memorial speech that "Had there not been a congressional recess at this time, this church would be filled with Members of Congress, such was the respect and affection that so many Members had for Spencer."

Millie and I offer our sympathy to Spencer's wife, Elaine, and his two daughters, Victoria Barrett of Painesville, OH and Kristi Caplan of Arlington.

TO CONTROL THE THREAT OF ACID RAIN

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. WIRTH. Mr. Speaker, scientists from this and other countries have been warning us of the growing threat of acid rain. Countless scientific reports have been issued—one only last month by the National Academy of Sciences—documenting a real and present danger to the survival of lakes, streams, and forests across this country. Other studies show that this problem is spreading to the Rocky Mountain West. And these reports leave little doubt about the urgent need for action.

Today more than 150 of my colleagues and I are introducing legislation to bring the acid rain threat under control. This legislation represents an historic step forward in the Nation's commitment to protecting our lakes and forests from the silent danger of acid rain.

The bill that we are introducing today is a broad-based response to the rapidly accumulating evidence that acid rain is a threat that respects no boundaries and that can not be corrected unless the Federal Government, States, and industry work together. In that spirit, this bill combines the best features of a number of bills that I and other Members have supported in the past. As a result, Members from both parties and from all parts of the country have joined in introducing this legislation.

Mr. Speaker, we have a special concern in the West, where recent scientific research on acid rain in the Intermountain West has produced alarming results. The high country of the Rocky Mountains cradles more than 7,000 lakes. Many of these lakes lie on granite bedrock, surrounded by the sheer walls of glacial cirques. We have learned that high altitude lakes in the Rockies, and the Sierras and Cascades as well, have very little "buffering capacity," or the ability to neutralize acids. This means that these lakes could be acidified by air pollution that is only one-tenth as severe as acid deposition levels that have resulted in acidification of lakes in the Northeast.

It is imperative that we act before our mountain lakes and streams begin to show the effects of acid rain. It would be a tragedy if we discovered one day that cutthroat trout no longer can survive in Rocky Mountain National Park's lakes, and that we are left with still and lifeless expanses of water. If these lakes could be restored at all, it would be only at costs that stagger the mind. We simply can not afford to gamble on the survival of these high mountain ecosystems.

Let me briefly review the elements of this innovative piece of legislation. First and most important, it assures that emissions of sulfur dioxide or SO_2, which form sulfuric acid in the atmosphere, will be reduced by more than 10 million tons annually. This is an enormously important step forward in preventing the acidification of thousands of lakes in the Northeast and in Canada. However, since Colorado utilities already have installed state-of-the-art pollution control technology at most facilities, Colorado already is in or very near compliance with this legislation.

At the same time, this bill leaves to the Governors of the individual States complete discretion in deciding how each State's emissions reductions will be achieved. For example, a Governor could decide to switch from high-sulfur coal to low-sulfur coal. Or he could choose to install scrubbers that remove SO_2 from the gases emitted through smokestacks. Or he could choose a combination of these and other emission control strategies.

This flexibility especially important to Colorado and other Western States, since fuel switching may be a much less expensive way to reduce SO_2 emissions than are scrubbers. And as a westerner, I do not believe we can afford to shortchange low-sulfur coal as a viable and practical option for reducing SO_2 emissions.

Another point, of equal importance to Colorado, is that this bill does not establish a fee to subsidize pollution control in other States. Although this bill does include a provision to protect electrical energy customers from rate shock, the EPA Administrator must first determine that the costs of pollution control will lead directly to rate hikes of more than 10 percent for residential customers of a specific utility. Then, and only then, the Administrator could decide to impose a fee on generation of electrical energy to cover only the interest component of capital improvements needed for pollution control.

Of special importance to the West, I have insisted that this bill include strong provisions that are vital to preventing acid rain damage in Colorado and throughout the Rocky Mountains.

First, this bill reiterates that copper smelters in this country must comply with air pollution laws. In the Intermountain West, copper smelters contribute nearly 70 percent of the total SO_2 emissions from all sources combined. These emissions lead directly to acid rain in the high elevation areas of Colorado, Utah, and Wyoming. All but two of the smelters are in full compliance with Federal antipollution laws for reducing SO_2 emissions into the regional airshed. This bill makes clear that all smelters must reduce their SO_2 emissions to the level Congress set as long ago as 1977. Just bringing these two smelters into full compliance with the Clean Air Act will result in a 400,000 ton reduction in SO_2 emissions.

Second, we can not ignore the enormous copper smelter that is being constructed in Mexico, a few miles from our border. The uncontrolled emissions from this smelter, at Nacozari, would wipe out all of the clean air improvements that will be gained by this bill, and more. This simply is not acceptable. For that reason, this bill includes a provision that instructs the Secretary of State to negotiate an agreement with the Mexican Government to insure that emissions from Nacozari are fully controlled, just as they would be if the smelter were being built in this country. That is only fair, since the air pollution from Nacozari will end up in this country.

Finally, this bill takes a first step toward addressing the brown cloud problem that confronts the city of Denver in my State, and other cities as well. This bill includes provisions to tighten up on car and truck tailpipe emission standards for both particulates and nitrous oxides—two of the principal contributors to the photochemical smog that Colorado is trying so hard to eliminate along the front range. These new requirements codify what EPA already is planning to do in controlling mobile source emissions. As a result, this bill ensures that we don't slip backward—so we continue to make progress in cleaning up the air in our urban areas.

Mr. Speaker, I rise in support of this legislation, and I urge all of our colleagues who have not yet joined as sponsors to do so. This is a fair, balanced, and bipartisan measure to address a serious national problem. It truly is an historic step, and it deserves our support.

WORLD FOOD DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. GILMAN. Mr. Speaker, today I am introducing House Joint Resolution 595 which would designate October 16, 1986, as "World Food Day." World Food Day celebrates the founding of the Food and Agriculture Organization of the United Nations in 1945. For the past 5 years Congress has supported this commemorative day which has been an effective tool in increasing the public's awareness of the global problems of hunger and malnutrition.

As public concern about world hunger grows, the importance of special days like World Food Day increases. Hundreds of colleges, universities, and other organizations participated in various activities to help educate their communities on the problem of hunger last year. These individual activities add up to the huge worldwide movement that will give the hungry the support they need to succeed. Public concern has already created enormous resources for Africa and is stimulating the political commitment needed to achieve long-term success.

By designating October 16, World Hunger Day, Congress will join these communities and initiatives in a committed national effort to alleviate hunger in the world.

Mr. Speaker, at this point, I am inserting the full text of the House Joint Resolution 595 to designate October 16, 1986, as "World Food day."

SUPER SIXTIES

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. BILIRAKIS. Mr. Speaker, this weekend a "super" idea is being celebrated for the ninth consecutive year in Clearwater. It's called "Super Sixties" and began as a special ministry for senior adults by the Trinity Baptist Church.

Under the leadership of Pastor William Kline, "Super Sixties" provides a nondenominational ministry that is upbeat and positive

and highlights special services and opportunities for our senior adults. Those who participate enjoy programs ranging from financial advice to old-fashioned sing-alongs. Each weekly program lasts from 9:30 a.m. until noon with those attending receiving a free lunch at the end of the program.

I am proud to say that this very successful program receives no Federal, State, or local funding and, instead, operates through donations received at the door as well as special fundraising drives. Their newspaper recycling program alone brings in more than $1,000 each time the three tractor-trailers are unloaded.

This innovative and exciting program for senior adults began 9 years ago with 125 charter members. It is now believed to be the world's largest church-related senior adult ministry with an average of 1,000 people participating each week. In addition, Pastor Kline and his "Super Sixties" coordinators have established seminars on how to develop a senior adult ministry, having already shared that information with fellow Americans as well as individuals from Australia, Korea, Europe, and Canada.

Mr. Speaker, I want to commend Pastor Kline and members of Trinity Baptist Church for establishing this very successful program for our senior adults. As they commemorate that success at their annual banquet on April 12, they should know that all America applauds their efforts and appreciates their leadership. "Super Sixties" is, indeed, a "super success."

TRIBUTE TO ANTHONY M. TARABOCCHIA

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. TORRICELLI. Mr. Speaker, I rise today to honor Mr. Anthony M. Tarabocchia. On April 13, 1986, Mr. Tarabocchia will be honored with a testimonial dinner by UNICO National and the Italian-American Forum of Lodi.

Mr. Tarabocchia is truly deserving of the title humanitarian. He has undertaken numerous efforts on behalf of senior citizen, youth and sports progams at the community and county levels. Tony has been directly responsible for raising thousands of dollars to benefit such worthy causes as the UNICO High Hopes College for the musically talented, mentally disabled and the Boys Towns of Italy. Tony truly exemplifies the spirit of UNICO's motto of "Service Above Self."

In recent years, Tony's interests and accomplishments have been recognized with many awards. He has had the honor of receiving the highest award which UNICO National can bestow, the Antonio R. Rizzuto Award. Tony has been presented with the Star of Gold of the Republic of Italy and named "Man of the Year" by the Italian-American Forum. The town of Lodi has even given Tony the keys to the city and proclaimed a "Tony Tarabocchia Day."

The many achievements of Tony Tarabocchia would fill several volumes. He has combined a successful business career with a lifetime of caring for others. His spirit and dedication deserve to be recorded in history as part of the CONGRESSIONAL RECORD.

It is with great honor and pleasure that I join with so many of Tony's friends in honoring him with this testimonial dinner.

AID FOR THE AGED

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1986

Mr. MICA. Mr. Speaker, 6 years ago, Abe Meltzer, an industrialist and a resident of Boca Raton was watching television news. The commentator reported it as just another human interest story—the camera was showing poverty stricken people in their seventies and eighties, in the twilight of their lives, groveling through garbage cans behind supermarkets for some scraps of food. This news story showing the agony of poverty in the midst of the wealthiest country in the world, deeply touched Mr. Meltzer. He founded a public charity entitled Aid For The Aged, Inc. to meet the needs of these elderly poor.

For the last 6 years, this charity, based in Boca Raton, has been distributing help to social service agencies servicing the elderly from Miami to West Palm Beach. The gold coast of Florida is not golden if you are old, poor and in need of basic services. Aid For The Aged has been an important part of our community alleviating these needs.

Aid For The Aged has been concerned with the broad spectrum of aging problems—the basic needs of food and transportation, the loneliness of the aged when spouses die and family is not there, the real fear of dying and the pain of terminal illness, the struggle to avoid institutionalization and to maintain dignity and usefulness to the end, and most important the challenge to remain young in spirit and continue to be a useful part of this society.

After Abe Meltzer's death, his widow Florence assumed the presidency of Aid For The Aged this past year. She has carried on the good work of this charity and has expanded its support within the community. This year Aid For The Aged has provided grants for 15 programs ranging from a meals program provided by the Ascension Lutheran Church to an emerging Alzheimer's Disease Association, to Crisis Line, to Hospice to the Jewish Family and Children's Service. Their grants reflect the broad range of services to the elderly within our community in the 14th Congressional District.

I am proud to salute Aid For The Aged and its president, Florence Meltzer and its officers, Albert Gortz, Benjamin Ossman, Emanuel Siedeman, and Rabbi Bruce Warshal. I commend this fine public charity for community support.