HOUSE OF REPRESENTATIVES—*Wednesday, April 23, 1986*

The House met at 10 a.m.

Brigadier F.M. Gaugh, the Salvation Army, Clearwater Beach, FL, offered the following prayer:

Let us bow our heads while we enjoy this time of talking with our God.

Dear God our Heavenly Father, we thank You for this time that has been set aside for strength and enrichment which are available through such fellowship.

Help us to look beyond the things we can see and feel.

Where thoughts of hope and healing need to be shared, let us share them.

Where words of consolation need to be spoken, let our voice be heard.

Where a peaceful spirit is needed, let us radiate it.

Where forgiveness and encouragement need to be offered, let us offer them.

We thank You for this dedicated body and help them to remember that which they think, say or do, will be true, fair, honest, beneficial to all concerned and pleasing in Thy sight.

You have given us good leadership in the past, therefore we trust You for the present and the future.

Thank You, dear God, for listening to us. 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 I, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, under the provisions of clause 1, rule I, I ask that the question be put on the Speaker's approval of the Journal.

PARLIAMENTARY INQUIRIES

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

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. RUSSO. Mr. Speaker, would it be in order after the conclusion of the Journal vote to make a unanimous-consent request to vacate yesterday's proceedings dealing with the——

The SPEAKER. The answer is in the affirmative.

The Chair cannot control the fact that somebody could object to the unanimous-consent request.

Mr. RUSSO. Is the Speaker prepared to do something subsequent to that?

The SPEAKER. What does the gentleman have in mind?

Mr. RUSSO. Would the Speaker then send the matter to the Rules Committee for report this afternoon?

The SPEAKER. What matter is the gentleman referring to?

Mr. RUSSO. House Resolution 427, as I understand.

The SPEAKER. On the resolution that was passed yesterday by unanimous consent, it has been decided by the leadership on the majority side that that matter will go to the Rules Committee this afternoon, be reported and require a two-thirds vote for consideration if called up today.

The answer is in the affirmative.

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

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. DURBIN. Mr. Speaker, after that matter is referred to the Rules Committee, could the leadership give any indication to the body as to when it will be brought to the floor for consideration?

The SPEAKER. It will be brought as soon as it has been reported by the committee.

Mr. DURBIN. Mr. Speaker, does that decision preclude the possibility of a unanimous-consent request on the same subject?

The SPEAKER. The Chair can still entertain the unanimous-consent request.

Mr. DURBIN. I thank the Chair.

The SPEAKER. The procedure with a rule is in the event the unanimous-consent request fails.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. In the opinion of the Chair, there are not 218 Members present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 215, nays 178, not voting 40, as follows:

[Roll No. 93]

YEAS—215

Ackerman	Frank	Nowak
Alexander	Franklin	Oakar
Anderson	Frost	Obey
Annunzio	Fuqua	Olin
Applegate	Garcia	Owens
Aspin	Gaydos	Oxley
Atkins	Gejdenson	Panetta
AuCoin	Gephardt	Pashayan
Barnard	Gibbons	Pease
Barnes	Gonzalez	Perkins
Bates	Gordon	Pickle
Beilenson	Gray (PA)	Porter
Bennett	Green	Price
Berman	Guarini	Quillen
Bevill	Hall (OH)	Rahall
Biaggi	Hamilton	Rangel
Boland	Hatcher	Reid
Boner (TN)	Hawkins	Richardson
Bonior (MI)	Hayes	Rinaldo
Bonker	Hefner	Roe
Borski	Hertel	Rose
Bosco	Howard	Rostenkowski
Boucher	Hoyer	Rowland (GA)
Brooks	Hyde	Roybal
Brown (CA)	Jenkins	Rudd
Bruce	Jones (TN)	Russo
Burton (CA)	Kanjorski	Sabo
Byron	Kaptur	Savage
Carper	Kastenmeier	Scheuer
Chappell	Kildee	Schneider
Cheney	Kleczka	Schroeder
Clay	Kolter	Schulze
Coelho	Lantos	Schumer
Coleman (MO)	Leath (TX)	Seiberling
Coleman (TX)	Lehman (CA)	Shumway
Collins	Lehman (FL)	Sisisky
Conyers	Leland	Skeen
Cooper	Lent	Smith (FL)
Coyne	Levin (MI)	Smith, Denny (OR)
Crockett	Levine (CA)	Snyder
Daniel	Lewis (CA)	Solarz
Darden	Lipinski	Spratt
Daschle	Livingston	St Germain
de la Garza	Long	Stallings
DeLay	Lott	Stark
Dellums	Lowry (WA)	Stratton
Derrick	Luken	Studds
Dickinson	Madigan	Swift
Dicks	Manton	Tallon
Donnelly	Markey	Taylor
Dorgan (ND)	Martinez	Thomas (CA)
Dowdy	Matsui	Thomas (GA)
Downey	Mavroules	Torres
Duncan	Mazzoli	Torricelli
Durbin	McCloskey	Towns
Dwyer	McGrath	Traxler
Dymally	McHugh	Udall
Dyson	McKinney	Valentine
Edwards (CA)	Mica	Vento
Edwards (OK)	Miller (CA)	Visclosky
Evans (IL)	Mineta	Waxman
Fascell	Moakley	Weaver
Fazio	Mollohan	Weiss
Feighan	Montgomery	Wheat
Fish	Moody	Whitley
Flippo	Morrison (CT)	Whitten
Florio	Mrazek	Williams
Foglietta	Murtha	Wright
Foley	Myers	Wyden
Ford (MI)	Natcher	Yates
Ford (TN)	Neal	Young (MO)
Fowler	Nelson	

NAYS—178

Andrews	Bentley	Brown (CO)
Archer	Bereuter	Broyhill
Armey	Bilirakis	Bryant
Badham	Bliley	Burton (IN)
Bartlett	Boehlert	Callahan
Barton	Boulter	Carney
Bateman	Breaux	Carr
Bedell	Broomfield	Chandler

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Chapman	Jeffords	Roth
Chappie	Johnson	Roukema
Clinger	Jones (OK)	Rowland (CT)
Coats	Kasich	Saxton
Cobey	Kemp	Schaefer
Coble	Kennelly	Schuette
Combest	Kindness	Sensenbrenner
Conte	Kolbe	Sharp
Coughlin	Kostmayer	Shaw
Courter	Kramer	Shuster
Craig	Lagomarsino	Sikorski
Crane	Latta	Siljander
Dannemeyer	Leach (IA)	Skelton
Daub	Lewis (FL)	Slaughter
Davis	Lightfoot	Smith (IA)
DeWine	Lloyd	Smith (NE)
DioGuardi	Lowery (CA)	Smith (NJ)
Dornan (CA)	Lundine	Smith, Robert (NH)
Dreier	Lungren	Smith, Robert (OR)
Eckart (OH)	Mack	Snowe
Eckert (NY)	MacKay	Solomon
Emerson	Marlenee	Spence
English	Martin (IL)	Staggers
Erdreich	Martin (NY)	Stangeland
Evans (IA)	McCain	Stenholm
Fawell	McCandless	Strang
Fields	McCollum	Stump
Frenzel	McDade	Sundquist
Gallo	McEwen	Sweeney
Gekas	McKernan	Swindall
Gilman	McMillan	Tauke
Gingrich	Meyers	Tauzin
Glickman	Miller (OH)	Traficant
Goodling	Miller (WA)	Volkmer
Gregg	Molinari	Vucanovich
Gunderson	Monson	Walgren
Hall, Ralph	Moore	Walker
Hammerschmidt	Moorhead	Watkins
Hansen	Morrison (WA)	Weber
Hendon	Murphy	Whitehurst
Henry	Nielson	Whittaker
Hiler	Packard	Wirth
Hillis	Parris	Wise
Hopkins	Penny	Wolf
Horton	Petri	Wolpe
Hubbard	Pursell	Wortley
Huckaby	Ray	Wylie
Hughes	Regula	Yatron
Hunter	Ridge	Young (AK)
Hutto	Roberts	Young (FL)
Ireland	Roemer	
Jacobs	Rogers	

NOT VOTING—40

Akaka	Hartnett	Ortiz
Anthony	Heftel	Pepper
Boggs	Holt	Ritter
Boxer	Jones (NC)	Robinson
Bustamante	LaFalce	Rodino
Campbell	Loeffler	Shelby
Dingell	Lujan	Slattery
Dixon	McCurdy	Stokes
Early	Michel	Synar
Edgar	Mikulski	Vander Jagt
Fiedler	Mitchell	Wilson
Gradison	Nichols	Zschau
Gray (IL)	O'Brien	
Grotberg	Oberstar	

□ 1025

Messrs. SWEENEY, MACKAY, BEDELL, LUNDINE, and VOLKMER changed their votes from "yea" to "nay."

Mr. GIBBONS changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

BRIGADIER F.M. GAUGH

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

Mr. BILIRAKIS. Mr. Speaker, it is a great privilege and a pleasure for me to welcome to the House of Representatives, and introduce to you, and through you, to our colleagues, Brigadier F.M. Gaugh of the Salvation Army.

The brigadier was born in Springfield, OH, and received his commission as a Salvation Army officer after graduating from the Army's School for Officers' Training in New York City. He has two undergraduate degrees, a graduate and an honorary degree. He is also a graduate of the Industrial College of the Armed Forces.

You will find him listed in "Who's Who in America," and he is a charter member of the National Association of Social Workers and the Academy of Certified Social Workers; as well as a member of the National and International Conferences of Social Welfare.

Brigadier Gaugh and his wife, Jessie, now reside in the community of Clearwater Beach, in my district, and I am delighted that he could bring us the prayer today.

Thank you, Brigadier, for honoring us with your presence.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the amendments of the House to joint resolutions of the Senate of the following titles:

S.J. Res. 214. Joint resolution to provide for the reappointment of Carlisle H. Humelsine as a citizen regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 215. Joint resolution to provide for the reappointment of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution.

REQUEST FOR CONSIDERATION OF H. RES. 431, AMENDING CLAUSE 1, RULE XLVII OF THE RULES OF THE HOUSE

Mr. DURBIN. Mr. Speaker, I offer a resolution (H. Res. 431) amending clause 1, rule XLVII of the Rules of the House, and ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 431

Resolved, That clause 1 of Rule XLVII of the Rules of the House of Representatives be amended to read as follows:

1. (a) Except as provided by paragraph (b), no Member may, in any calendar year beginning after December 31, 1978, have outside earned income attributable to such calendar year which is in excess of 30 per centum of the aggregate salary as a Member paid to the Member during such calendar year.

(b) In the case of any individual who becomes a Member during any calendar year beginning after December 31, 1978, such Member may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member which is in excess of 30 per centum of the aggregate salary as a Member paid to the Member during such calendar year.

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

Mr. WALKER. Mr. Speaker, I object.

Mr. LOTT. Mr. Speaker, I object.

The SPEAKER. Will the gentleman who offered the objection stand?

Mr. LOTT. Mr. Speaker, I object.

The SPEAKER. The gentleman objects. Objection is heard.

PARLIAMENTARY INQUIRY

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

The SPEAKER. The gentleman will state it.

Mr. DURBIN. Mr. Speaker, is there any procedure presently available before the House to consider this resolution which would restore the language of rule XLVII to exactly the same language as it was?

The SPEAKER. The matter may be referred to the Rules Committee, and if there is a report, a two-thirds vote will bring it to the floor today, and if there is approval on the minority side we will bring the matter to the floor this afternoon.

Mr. DURBIN. Mr. Speaker, will it be brought to the floor this afternoon?

The SPEAKER. It is the intention to refer the matter to the Rules Committee. The Chair cannot dictate what the Rules Committee is going to do, but it will recommend to the Rules Committee.

Mr. DURBIN. I thank the Speaker.

DISCHARGE PETITION

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

The SPEAKER. The Chair notes the gentleman from Mississippi is speaking from the Democratic side.

Mr. LOTT. The Chair has not heard what I am going to speak on as yet.

Mr. Speaker, today I am filing Discharge Petition No. 6 which would discharge the Rules Committee from further consideration of House Resolution 419 which provides for the consideration of House Joint Resolution 283.

House Joint Resolution 283 was introduced last year by the gentleman from Oklahoma [Mr. MCCURDY]. It deals with the issue of aid to the freedom fighters in Nicaragua.

Mr. Speaker, given the urgent need to assist the Contras, this was the only way we could find to bring this matter back to the House now.

This is a bipartisan issue and we urge members on both sides of the aisle to see it that way.

It is an issue of paramount national security importance and we just want

all our colleagues to know that is exactly how we view it.

We are not—repeat not—asking members to sign the discharge petition today. We are instead seeking to meet with members on both sides of the aisle, to listen to their views and to discuss the bipartisan nature of this undertaking.

This is a procedural issue. But it is also an issue of overriding importance. We do not want partisanship to have a place in this procedure—all we ask is the chance to present our case openly and with a fair chance for all sides.

SUMMARY OF SPECIAL DISCHARGE RULE ON CONTRA AID

(H. Res. 419, Rep. Lott and Rep. Michel, April 14, 1986)

1. Immediately upon the adoption of the rule, the House would resolve into the Committee of the Whole for the consideration of H.J. Res. 283, to promote internal reconciliation in Nicaragua on the basis of democratic principles and to further peaceful resolution of the conflict in Central America.

[NOTE: H.J. Res. 283 was introduced by Rep. David McCurdy on May 8, 1985 with 10 cosponsors, and referred to the Committee on Appropriations, Foreign Affairs, Intelligence and Rules.]

2. The joint resolution would be subject to two hours of general debate divided between the majority and minority leaders.

3. All points of order are waived against the consideration of the joint resolution.

4. The rule makes in order the following amendments in the nature of a substitute to be offered only in the following order, waives all points of order against them, makes them in order even if a previous amendment has been adopted, prohibited any amendments to the amendments or a division of the question in the House or in the Committee of the Whole, and provides one hour of debate on each, divided between the proponent and an opponent: (1) an amendment printed in the Congressional Record by May 7th by Rep. Hamilton; (2) an amendment printed in the Congressional Record by May 7th by Rep. McCurdy; and (3) an amendment printed in the Congressional Record of April 21 by Rep. Michel. The last amendment adopted shall be reported back to the House (king-of-the-mountain).

5. After the joint resolution has been amended and reported to the House, the previous question is ordered to final passage without intervening motion except one motion to recommit.

6. After passage of the joint resolution, the House would proceed to the immediate consideration in the House of S.J. Res. 283, the Senate passed contra aid bill, and it would then be in order to move to insert the House passed language or, if the Michel substitute has been adopted, it would be in order as a preferential motion to move the previous question on the Senate joint resolution to final passage without intervening motion.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 844 AND H.R. 2950

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 844 and of H.R. 2950.

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

There was no objection.

IN OPPOSITION TO THE SALE OF ARMS TO SAUDI ARABIA

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

Mr. FLORIO. Mr. Speaker, in recent weeks, tensions in the Middle East have reached a new high with the continuation of terrorist activity and the acceleration of the conflict between the United States and Libya. It is this climate of uncertainty and instability that sets the scene for a $350 million sale to Saudi Arabia that will include a variety of weapons that will only further exacerbate tensions in the area and will not constructively contribute to the peace process.

The introduction of increased weapons to the region at this point in time would provide further fuel for accelerated terrorism and would not help solve the underlying conflict between Israel and the Arab States. The administration proposes to send to Saudi Arabia a military package that will include 1,700 Sidewinder air-to-air missiles, 800 Stinger hand-held antiaircraft missiles, and 200 launchers and 100 Harpoon antiship missiles. I have long opposed the sale of sophisticated weapons to nations in the Middle East that have been adverse to working within the framework of Camp David in resolving the Arab-Israeli conflict and that have consistently opposed our Government's attempts to resolve this conflict within that framework.

During the past 15 years, the United States has transferred to Saudi Arabia nearly $50 billion worth of weapons and assistance. The justification for the past sales and this renewed effort to sell arms to the Saudis has been based on the belief that the introduction of these weapons will not only improve stability in the region but will also induce the Saudi Arabian Government to take an active role in promoting the peace process, in recognizing Israeli's right to exist and in providing the impetus in the Arab world for a peaceful resolution of the underlying conflicts.

During these 15 years, the steps taken by the Saudi Government in this area have been minimal. Instead of indicating support for our Government's position in this area, the Saudi Government only recently condemned the military action taken by the United States against Libya and indicated solidarity with the Libyan regime. Instead of helping to further the peace process, the Saudi Government has undermined the peace process and even refuses to establish diplomatic relations with Egypt.

Of imminent concern is the prospect of introducing additional weapons to the region that could be dangerous in the hands of terrorists. In particular, the Stinger missiles, should they fall in the wrong hands, pose a deadly threat to stability in the region. Stinger missiles, used for guarding the White House, are easy to hide, easy to transport, and easy to operate. They are not only accurate but they are also capable of downing commercial aircraft in flight. At a time when the tourism industry has been wracked by the increase of terrorist incidents directed at aircraft and airports, the Stinger missiles would dramatically increase the risk of further incidents and would result in loss of life. There are no guarantees that these missiles will not fall into the wrong hands.

It has been argued that Saudi Arabia needs this weapons package in order to ensure that the Saudi's can defend their Government against threats from Iran. The threats faced by the Saudi Government from Iran include internal subversion, terrorism, and ground invasion. This particular package of air-based missiles will not address these security threats.

This past January, I visited Israel for the second time and was able to view the security threat that is posed to Israel and to our national interests by the increased buildup of troops, the accelerated tension in the region and the diminishing prospect for renewed peaceful negotiations. By selling arms to the Saudi's or any nation that undermines efforts to seek peace in the Middle East, we are rewarding intransigence rather than promoting peace.

As an original cosponsor of House Joint Resolution 589, a resolution to block the sale of arms to Saudi Arabia, I would like to urge my colleagues to signal their support for peace in the Middle East by opposing this arms sale. Increasing our weapons supply to this region and promoting fear among our ally, Israel, will not foster peace and understanding in the Middle East. Encouraging direct negotiations with meaningful results will.

Our Government cannot continue to condone intransigence with further gifts of instruments of war. Too much time has already been spent in waiting for significant steps in the peace process that have never materialized. I would hope that we can move forward and pursue renewed negotiations to instigate a peaceful and just solution to the conflicts in this vulnerable area of the world.

A CAUTION ON THE LEAKING OF CONFIDENTIAL INFORMATION

(Mr. GINGRICH asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, last Monday some legislators made remarks to the press which amounted to leaking confidential information before the raid on Libya. It weakened the process of executive branch consultation of the Congress and endangered American lives. The facts are clear: From 4 o'clock to 5:45 p.m. the President and senior advisers briefed legislative leaders. Apparently as soon as the meeting broke up some legislators told reporters that the President would be talking at 9 o'clock. By 5:59 p.m. Sam Donaldson of ABC News was in Larry Speakes' office demanding confirmation.

Mr. Speaker, I am circulating today a letter for our colleagues to sign that indicates to the executive branch that we would punish any Members of the House who engaged in leaking information about American operations during a period when they are confidential. I think if we expect to be consulted we have to learn to be responsible in matters of military security.

FEMA'S DISASTER RELIEF BUDGET

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

Mr. KOLTER. Mr. Speaker, 1 year ago, on May 31, a deadly tornado cut a swath of destruction through my district and other parts of Pennsylvania and Ohio.

Now, FEMA, the Federal Emergency Management Agency, the body which oversees the Federal disaster assistance programs has requested a budget for 1987 which will drastically affect our ability to aid and assist people struck by these disasters.

FEMA wants to reduce its budget for disaster assistance by cutting out 75 percent of its authority. FEMA requests a budget of $100 million, when its annual average budget for disaster assistance has been almost $400 million every year since 1974. In 1985 alone, FEMA was required to spend $663 million on 27 declared natural disasters. FEMA wants to reach these savings by changing the formula for eligibility for disaster assistance. This new formula would have made 61 of the last 111 disasters ineligible for assistance. This statistic must also be viewed in light of the fact that the Federal Government only accounts for 15 percent of all disaster assistance, the rest being picked up by State and local governments.

Furthermore, the Federal Government's aid is largely in the form of loans. On the other hand, American aid to disasters abroad comes in the form of grants.

Last year, due to disasters in Colombia, Mexico, Ethiopia, and other countries, the United States spent over $500 million in disaster grants to foreign countries.

I urge my colleagues to join in a nonpartisan effort, to review FEMA and its disaster relief budget proposals. No district is safe from natural disasters. It is our duty to be prepared for them.

TOUGH STANCE AGAINST THE EC COMMENDED

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

Mr. BEREUTER. Mr. Speaker, when the European Community several months ago announced that the entry of Spain and Portugal into the Community would be the occasion for new restrictions on American agricultural exports, it went too far. In the opinion of this and other Members from both bodies, this was the time to say "no way" to the Community. Fortunately in this instance the President also shared our view and acted accordingly.

He sternly warned the Community we would retaliate. He sent the Special Trade Representative and the Agriculture Secretary to Europe to let them know just how serious we were. Initial reports of conversations between the two sides the last few days are encouraging.

The Community has reportedly agreed to put off the effective date of these restrictions until 1987, which buys us time to work on eliminating them altogether.

Clearly our job is only partly finished, with much hard bargaining still to come.

We are off to a good start, and I would like to say to Ambassador Yeutter and Secretary Lyng, "Hang tough."

WE ARE PROPOSING TO GO DEEPER INTO THE RED WITH OUR SPENDING

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

Mr. BATES. Mr. Speaker, on April 15 Congress was to have completed a budget resolution. Gramm-Rudman-Hollings requires that we cut $39 billion from the coming fiscal year. Instead, next week we will be debating a supplemental appropriations bill which will add $1.7 billion in new spending. I have been asked what it is about the supplemental bill that bothers me. The answer is: The spending.

The spending in this bill will haunt us during the budget process, putting us much further away from meeting our $144 billion target goal.

We are proposing to go deeper in the red. Our massive deficits affect individuals, businesses, and our trading partners.

Let's get back to the real issue.

□ 1040

DIAGNOSTICIANS IGNORING THE FACT OF CANCER

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

Mr. DANNEMEYER. Mr. Speaker, the trouble with the Gramm-Rudman approach to deficit reduction is that it tries to ignore the real cause of the growth of deficits. We are like diagnosticians who have agreed beforehand on one point. We want to ignore the fact of cancer. In this context, I wish to quote from the late Garet Garrett, a financial journalist who wrote in the Wall Street Journal on September 30, 1952:

> Irredeemable paper money, that is, money redeemable in nothing but more of itself, is a fatal disease with a record of 100 percent mortality unless halted in time by radical surgery. It has already cost the people control of government. It has enabled the government to convert its own debt into currency, and thereby to fill its own purse. It is the stuff upon which the self-aggrandizing executive principle of government feeds. It is morally devastating and corrupts men by cumulative temptation. It hurts everybody, especially the poor and the dependent.

Mr. Speaker, if we really want to reduce and eventually eliminate budget deficits, we must cut the cost of interest on the Federal debt radically, by returning to redeemable currency without delay.

TELL THAILAND REPRESENTATIVES TO GO HOME

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

Mr. HUCKABY. Mr. Speaker, for several weeks now, representatives of the Government of Thailand have been in Washington lobbying individual Members of Congress about our 1985 farm bill and the rice provisions.

As chairman of the Subcommittee on Cotton, Rice and Sugar, I spent several hours with these representatives explaining to them that, yes, it was the position of our Government to recapture our prior historical markets as such, and pointed out to them that we have had trade complaints pending against them for a number of years now.

Mr. Speaker, I would like to point out to my colleagues that Thailand joined the nonaligned nations, the Communist nations, in voting to condemn the United States for actions in Libya last week.

I would urge my colleagues that when these representatives contact you, tell them it is time that they went home.

LET US MAINTAIN FREEDOM OF RELIGIOUS CHOICE FOR THE MILITARY

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

Mrs. BENTLEY. Mr. Speaker, I urge that you and our fellow Representatives support the Military Chaplains Faith Balance Act of 1984, H.R. 1875, a nonpartisan bill, now pending before this House.

It is necessary to have this legislation to achieve a more balanced representation of religious faiths among Armed Forces chaplains. When we ask our men and women to serve in the defense of our country—they in truth are serving in our stead. And, in that service they should have the ready availability of religious counsel and guidance—and the comfort which it brings—from a representative of their own faith.

I think that this is the least we can offer these men and women in the Armed Forces—this as a religious nation, we owe them this much when we are asking so much of them.

Mr. Speaker, I ask you and my colleagues to join me in supporting the military chaplains bill, H.R. 1875. We should all be working for its passage.

OUR TAX CODE IS UNDERWRITING OIL COMPANIES' PRESENCE IN LIBYA

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

Mr. OBEY. Mr. Speaker, as Americans saw on the evening news Monday night, the administration has permitted United States oil companies to resume business in Libya, despite the President's proclamation of economic boycott.

What Americans may not know is that present law entitles those companies to claim credits on their U.S. tax returns for taxes they paid to Colonel Qadhafi. Last month they paid $130 million to his outlaw regime.

Mr. Speaker, I do not understand the wisdom of allowing United States firms to support with our cash a Libyan Government dedicated to terrorism. I doubt very much that the American people, if they knew, would want to subsidize Qadhafi's terrorism, yet that is what they are being forced to do. The administration has allowed five oil companies to continue to do business with Libya for the moment. The decision was made without public debate to bring this situation out into the open so that the public can participate in decisions about whether they want their Tax Code to continue to underwrite oil companies' presence in Libya.

I am today introducing legislation to end United States tax credits for moneys paid by American oil companies to the Libyan Government. Any of you wishing to join me in cosponsorship are welcome to do so.

LEGISLATIVE LEAKS

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

Mr. BURTON of Indiana. Mr. Speaker, last Monday something unexcusable happened. Legislative leaders from both Houses met with the President to be briefed on the Libyan raid from 4 to 5:45 p.m. Apparently, some legislative leaders from the other body told reporters the President would then address the Nation at 9 p.m. At 5:59, Sam Donaldson of ABC News asked Larry Speakes of the White House for confirmation.

At 6:30, on ABC Nightly News, Donaldson quoted the legislative leader from the other body as saying the President would address the Nation at 9 p.m. ABC News went on to describe the United States military movements, including F-111's in Britain and the KC-10 tankers which had been moved to Britain and the aircraft carriers operating off the coast of Sicily. In a few minutes, ABC had outlined everything a Libyan defense planner would need to know about a probably raid on Libya.

This all occurred 30 minutes before the raid took place. This was really risking American lives.

Members of Congress must learn to keep their mouths shut, at least where national security is concerned.

HOUSE RESOLUTION 431

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

Mr. DURBIN. Mr. Speaker, yesterday the House of Representatives by unanimous consent passed House Resolution 427. The effect of House Resolution 427 was to amend the rules of the House and to increase the limit on outside earned income for Members of the House from 30 percent of their salary to 40 percent.

In addition, while it increased the limit on honoraria income, it effectively repealed the limit on other forms of outside earned income.

This morning I filed with the Clerk of the House, House Resolution 431, which would have restored rule 47 to exactly the same language that existed before the House's action yesterday. It would have continued to limit outside earned income to 30 percent of a Member's salary and all other limitations that were in existence yesterday.

There is an orderly procedure for changing the rules and Members' salaries. Those of my colleagues who agree with House Resolution 427, which I do not, can approach the Rules Committee requesting the change contained in House Resolution 427.

Unfortunately, this morning when I made a unanimous-consent request to consider my resolution, which would have rescinded the action of the House yesterday, there was an objection heard from the minority whip.

I do not believe this matter should be considered by unanimous consent, and I have taken the Speaker's advice to take this matter to the Rules Committee later today. I am hoping we can undo and rescind the action of the House yesterday.

DEFICIT REDUCTION INSURANCE PROGRAM—DRIP

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

Mr. JEFFORDS. Mr. Speaker, today is the day when the Gramm-Rudman Deficit Reduction Act is being argued in the Supreme Court. Also it is 1 week after April 15, the date we were supposed to have our budget before us. Sadly, we did not.

When this body approved the Balanced and Emergency Deficit Control Act of 1985, it made a bold statement about the fiscal mood both here and throughout the Nation. The act imposes some difficult cuts that will be implemented automatically if we fail to meet the designated deficit reduction targets we approved.

The law did not spare cuts in defense spending, in social programs dear to our constituents, in congressional offices themselves. What it did spare was us, our own wallets and pocketbooks.

Today I am introducing legislation to correct that slight oversight. It is called the Deficit Reduction Insurance Program [DRIP]. Its budgetary impact will be micro, but its incentive will be macro to do our job; hopefully more successfully for the budget than the trickle-down theory.

Seriously, what my measure does is simply this. In the event we fail to make the budgetary targets in Gramm-Rudman-Hollings, then our own salaries will be cut equal to the automatic across-the-board percentage cuts that will require others to endure. And the measure will require the salary cuts even if Congress fails to approve a sequestration order under the fall-back procedures within the law.

If we are unable to make the budget decisions that must be made, then they will be made for us under the automatic cutbacks that we ourselves engineered. If that happens, however, we have no right to be exempted from the effects of those cuts.

I have no illusions about the reception this legislation will get. But I cannot help but believe that all of us would be a lot more eager to enact sound budgetary policy, and soon, if we knew that we would all be the poorer if we failed to do so.

□ 1050

IN SUPPORT OF GARRISON DIVERSION UNIT REFORMULATION ACT OF 1986

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

Mr. DORGAN of North Dakota. Mr. Speaker, today we are going to be visiting the Garrison Reformulation Act, and I want to underscore for the Members of the House exactly what it is we are talking about. This is the Garrison Diversion project which is reformulated as a result of a compromise by those who supported the project and those who opposed it.

Persons who historically had opposed this project before this House are now supporting it—the gentleman from Massachusetts [Mr. CONTE], the gentleman from Michigan [Mr. DINGELL], and the gentleman from Pennsylvania [Mr. EDGAR], just to name a couple. Organizations such as the National Audubon Society and the Wildlife Federation are supporting this reformulation.

I think they support it for a couple of reasons. First, this reformulation sharply cuts the cost of this project: $800 million is cut out of an authorization level for this project in the legislation that we will be dealing with today. Second, this legislation resolves most of the environmental questions. Third, it dissipates the objections that the Government of Canada had.

I think this is an awfully good compromise that opponents and supporters have come together to forge. Let me make it clear that this is not charity for North Dakota, this is payment for services rendered. The Government came to North Dakota and said, "We want you to have a permanent flood three-fourths the size of the State of Rhode Island. In exchange for having that flood, we'll give you the benefit of being able to move those waters around your State." The rest of the country got all the benefits; we are still waiting for the project.

This project, which was started when I was 2 years old, now, as a result of this compromise, might very well get built. I hope that is the case. Because of that, I am hoping that the Members of this House will support this compromise that has been very difficult to achieve, but is I think a very rewarding compromise for everybody involved—the State, the people who want it developed, the conservationists, the environmentalists, and for everybody in this House and this country. I think a vote in support of this project will be a good vote.

THE LIABILITY CRISIS—STATE TORT REFORM NEEDED

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

Mr. PORTER. Mr. Speaker, yesterday I said that addressing the liability explosion by heavy, direct Federal regulation of the insurance industry or by putting the Federal Government in the reinsurance business was worse than no solution at all.

The problem is the unpredictability of what the courts will do in personal injury cases. Today, Mr. Speaker, we have a social welfare system for injured parties administered by the courts—which is fine—but it is one that has become unpredictable and without any control on costs—which is not. What is needed is reform of their tort systems by the States to make them more predictable and thus keep insurance companies willing to provide coverage in the market.

If the States don't act substantively and intelligently and soon to make such reforms, the pressure on Washington to take jurisdiction will become irresistible. Next time, I'll suggest what the Federal Government might do, and following that, how the States can make true progress on this issue.

CONDEMNING YESTERDAY'S ACTION INCREASING MEMBERS' ALLOWED HONORARIUMS

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

Mr. CLINGER. Mr. Speaker, I join with those who are condemning the action that was taken in the House by unanimous consent yesterday to raise the amount of honorariums which individual Members could receive. It is no wonder that the public ranks this body as low as it does in terms of credibility and trust, somewhere just above aluminum siding salesmen.

Mr. Speaker, this is a classic case of hands in the cookie jar. We must revise this ill-advised action. Where is our sense of priorities? The budget process is in disarray in this Congress. The public is crying out for us to address the deficit, to deal with the unemployment problems that still exist, to reauthorize Superfund—we have a host of critical items that we need to be addressing. Instead, the leadership of this body seems to be preoccupied with attempting to increase the incomes of individual Members. Shame on them.

PERSONAL EXPLANATION

(Without objection, Mr. BILIRAKIS was given permission to address the House for 1 minute and to extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I regret that, for reasons beyond my control, I was unable to record my vote on House Resolution 425, the rule for consideration of the urgent supplemental appropriations. Had I been present, I would have voted against the resolution. There are a number of elements in the urgent supplemental that were considered objectionable by my colleagues, and rightly so. Not only has the budget deadline of April 15 passed without action, but an appropriation bill requesting $1.7 billion in new spending is proposed in flagrant disregard of budgetary guidelines. The House majority has rewritten or waived every budgetary management procedure that stands in the way of its fiscal appetite. I specifically wish to refer to the Presidential deferral authority, which is the necessary balance between fiscal control and fiscal irresponsibility. The President's deferral authority must be retained. It is the last outpost of fiscal restraint.

GARRISON DIVERSION UNIT REFORMULATION ACT OF 1986

The SPEAKER pro tempore. Pursuant to House Resolution 422 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. 1116.

□ 1055

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. 1116) to implement certain recommendations made pursuant to Public Law 98-360, with Mr. Bosco in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, April 21, 1986, the gentleman from California [Mr. MILLER] had 7 minutes of general debate remaining and the gentleman from Colorado [Mr. STRANG] had 22 minutes of general debate remaining.

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

Mr. Chairman, I rise in support of H.R. 1116, a bill to reformulate—and, I might add, to reform—the Garrison Diversion Unit in North Dakota.

Mr. Chairman, when I began the fight to stop funding for the Garrison project some years ago, I never imagined that some day I would be standing in this well supporting a Garrison authorization. It is a tribute to the outstanding efforts of the Interior Committee members, and particularly Subcommittee Chairman GEORGE MILLER and full Committee Chairman MO UDALL, that I am able to do so.

I would also like to single out the hard work of representatives of the National Audubon Society and the National Wildlife Federation, as well as the Interior Committee staff, whose tireless negotiating efforts have produced a bill that truly represents a win-win approach to the water needs of North Dakota.

Under this legislation, everyone wins—the people of North Dakota, the Federal taxpayers, the Canadian, and the wildlife resources of North Dakota.

Although this is not a perfect bill, it is an outstanding compromise, and a real embodiment of the principle that politics is the art of the possible.

This bill would deauthorize over 900,000 acres of previously authorized irrigation land, ultimately saving some $2.6 billion in Federal expenditures for the project. Some of the most critical wildlife habitat areas—including the Kraft Slough, Taayer Reservoir, and Lonetree Reservoir areas—would be preserved. The flow of waters into the Hudson Bay watershed, of such concern to Canada because of the possibility of harmful biota transfer—has been addressed.

The mitigation of wetland losses has been addressed, by requiring acre-for-acre mitigation. And a new wetlands trust, to provide for additional wetlands protection in North Dakota, the most important duck producing State in the Nation, would be created.

Mr. Chairman, I know that the administration is concerned about this bill. There is no question that it is an expensive measure—and in this Gramm-Rudman environment, any new measure should be subject to strict scrutiny.

But I think the important thing about this bill is not its cost—but the amount that it would save. Because the alternative to this measure—a return to funding under the current authorization—is far, far, worse.

I am confident that this body, which since December 1982 has been on record as opposing funding for the Garrison project, would continue to do so. But the record in the other body is much less favorable, and I believe that the enactment of this authorization reform represents the best way to reduce the cost and environmental impact of the Garrison project, while meeting the legitimate water resource needs of North Dakota.

Mr. Chairman, I want to make it clear that I remain absolutely opposed to continuation of the Garrison project as it is currently authorized. But I strongly support this legislative reform, and urge that it be adopted.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from California.

Mr. MILLER of California. I just want to say quickly to the Members of the House that without the gentleman in the well's involvement, we would not be here today. It was his obstinance at some time, I think, his looking to the future, looking at the real costs of this project as it was reauthorized, some of the environmental problems that caused him to lead the fight against this over a number of years.

Because of that effort on his behalf, I think he is quite right, that we have been able to strike a compromise, and I appreciate all of his support and all of his help in arriving at this final bill.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. CONTE] has expired.

(By unanimous consent, Mr. CONTE was allowed to proceed for 2 additional minutes.)

Mr. CONTE. I want to thank the gentleman from California for his kind remarks.

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

Mr. CONTE. I yield to my good friend, the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. Mr. Chairman, I also want to commend the gentleman for the work he has done on these projects, but I would point out to the gentleman that my amendment is an amendment to the bill. Does the gentleman feel that it is all right to go ahead and subsidize farmers to grow more crops at the same time we are subsidizing farmers not to grow crops? Does the gentleman think that is a sensible thing to do in this society?

This is not a bill we are talking about; this is a provision in the bill that, it seems to me, needs to be corrected. That is the issue. The issue is not the bill.

Mr. CONTE. I am not up here speaking on the gentleman's amendment. All I am saying is that whether the gentleman's amendment is adopted or not, I am asking my colleagues to vote for this bill because it represents a tough, tough compromise. You cannot believe how many meetings I had on this project with the gentleman from North Dakota, his Governor, the Audubon Society, the Wildlife Federation, and others, day after day after day. It was like having molasses in your hands. One day you would have an agreement, and the next day, it was spilling out between your fingers. This is the best we can do.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. CONTE. Mr. Chairman, I yield to my good friend, the gentleman from North Dakota [Mr. DORGAN], who has been such an effective and worthy adversary on this issue.

Mr. DORGAN of North Dakota. Mr. Chairman, I would like to echo the sentiments expressed by the chairman and say that I especially appreciate your support of this compromise.

These things are very difficult to put together, very easy to unravel. The gentleman knows and I know and others in this body who have worked on the compromise know that day after day and month after month now stretching on for a year and a half since that Garrison Commission, we have tried desperately to get a compromise that will hold. Each time we thought we had one, we would lose it.

We finally have one that I think makes sense. The gentleman from Massachusetts [Mr. CONTE] supports it; I support it. It is the art of the possible and I appreciate your support. I appreciate the statement the gentleman has made on the floor today.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MILLER].

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

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

The CHAIRMAN. All time has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the reported bill shall be considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1116

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

SECTION 1. PURPOSE AND AUTHORIZATION.

The first section of the Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) as

amended by striking out "That" and all that follows down through the period at the end of such section and substituting:

"SECTION 1. (a) The Congress declares that the purposes of this Act are to:

"(1) implement the recommendations of the Garrison Diversion Unit Commission Final Report (dated December 20, 1984) in the manner specified by this Act;

"(2) meet the water needs of the State of North Dakota, including municipal, rural and industrial water needs, as identified in the Garrison Diversion Unit Commission Final Report;

"(3) minimize the environmental impacts associated with the construction and operation of the Garrison Diversion Unit;

"(4) assist the United States in meeting its responsibilities under the Boundary Waters Treaty of 1909;

"(5) assure more timely repayment of Federal funds expended for the Garrison Diversion Unit;

"(6) preserve any existing rights of the State of North Dakota to use water from the Missouri River; and,

"(7) offset the loss of farmland within the State of North Dakota resulting from the construction of major features of the Pick-Sloan Missouri Basin Program, by means of a federally-assisted water resource development project providing irrigation for 130,940 acres of land.

"(b) The Secretary of the Interior (hereafter referred to as "the Secretary") is authorized to plan and construct a multi-purpose water resource development project within the State of North Dakota providing for the irrigation of 130,940 acres, municipal, rural, and industrial water, fish and wildlife conservation and development, recreation, flood control, and other project purposes in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto) and substantially in accordance with the plans set out in the Garrison Diversion Unit Commission Final Report dated December 20, 1984.

"(c) Nothing in this Act is intended, nor shall be construed, to preclude the State of North Dakota from seeking Congressional authorization to plan, design, and construct additional Federally-assisted water resource development projects in the future.

"(d) Nothing in this Act shall be deemed to diminish the quantity of water from the Missouri River which the State of North Dakota may beneficially use, pursuant to any right or rights it may have under federal law existing immediately before the date of enactment of this Act and consistent with the treaty obligations of the United States.

"(e) The authorization for all features of the Missouri-Souris Unit of the Pick-Sloan Missouri Basin Program located in the State of North Dakota, heretofore authorized in section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 891), for which no funds have been appropriated for construction, and which are not authorized for construction by this Act, is hereby terminated, and sections 1 and 6 of the Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) are hereby repealed.

"(f) In implementing the provisions of this Act, the Secretary is directed to construct all supply works to the capacity identified in the Garrison Diversion Unit Commission Final Report, except that the Secretary is directed to construct the James River Feeder Canal to a capacity of no more than 450 cubic feet per second, and the Sykeston Canal to the capacity specified in Section 8(a)(1) of this Act.

"(g) Any investment related to features constructed by the Secretary that are no longer employed to full capacity pursuant to the recommendations of the Garrison Diversion Unit Commission Final Report shall be nonreimbursable.".

SEC. 2. FISH AND WILDLIFE.

Section 2 of the Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended by adding the following new subsections at the end thereof:

"(i) Notwithstanding any other provisions of this section, the mitigation for fish and wildlife losses incurred as a result of construction of the project shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction.

"(j) The Secretary is directed to implement the provisions of the Garrison Diversion Unit Commission Final Report with respect to fish and wildlife conservation, including habitat impacts, mitigation procedures, and enhancement, except for the following:

"(1) The Secretary shall take no action to alter the status of Sheyenne Lake National Wildlife Refuge prior to the completion of construction of Lonetree Dam and Reservoir.

"(2) Development and implementation of the mitigation and enhancement plan for fish and wildlife resources impacted by construction and operation of the Garrison Diversion Unit shall not be limited by the cost constraints based on estimates contained in the Garrison Diversion Unit Commission Final Report.

"(3) Credit toward mitigation recommended by the Garrison Diversion Unit Commission Final Report for reservoir sites is not authorized.".

SEC. 3. IRRIGATION FACILITIES.

Section 5 of the Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended to read as follows:

"SEC. 5. (a)(1) Subject to the provisions of subsection (a)(2) of this section, the Secretary is authorized to develop irrigation in the following project service areas: Turtle Lake (13,700 acres), McClusky Canal (4,000 acres), Lincoln Valley (6,515 acres), Harvey Pumping (2,000 acres), New Rockford (20,935 acres), New Rockford Canal (1,200 acres), LaMoure (13,350 acres), West Oakes Extension (4,000 acres), and West Oakes (19,660 acres). The Secretary is prohibited from developing irrigation in these areas in excess of the acreage specified herein, except that the Secretary is authorized and directed to develop up to 28,000 acres of irrigation in other areas in North Dakota, not located in the Hudson Bay, Devils Lake, or James River drainage basins.

"(2) The Secretary is prohibited from obligating any funds for construction of irrigation service facilities in the areas listed in subsection (a)(1) of this section prior to September 30, 1990. After that date, the Secretary may obligate funds only after completing and submitting to the Congress, the report required by section 5(c) of this Act.

"(b)(1) The Secretary may not commence construction of the Sykeston Canal, the James River Feeder Canal, and James River channel improvements until the report required by Section 5(c) of this Act has been completed and submitted to the Congress.

"(2) The Secretary is directed to proceed immediately with the construction of—

"(A) the New Rockford Canal;

"(B) the Oakes Test Area; and

"(C) project features authorized in Section 7 of this Act.

"(c)(1) The Secretary is directed to submit a comprehensive report to the Congress as soon as practicable, but not later than the end of fiscal year 1988 on the effects on the James River in North Dakota and South Dakota of water resource development proposals recommended by the Garrison Diversion Unit Commission and authorized in this Act. The report shall include the findings of the Secretary with regard to:

"(A) the feasibility of using the Oakes Aquifer as a water storage and recharge facility, and an evaluation of the need for off-stream regulatory storage in the lower James River basin;

"(B) the capability of the river to handle irrigation return flows, project water supplies, and natural runoff without causing flooding, property damage, or damage to wildlife areas, and mechanisms or procedures for compensation or reimbursement of affected landowners for damages from project operation;

"(C) the impacts of Garrison Diversion Unit irrigation return flows on the river and on adjacent riverine wetland areas and components of the National Wildlife Refuge System, with regard to water quantity, water quality, and fish and wildlife values;

"(D) the need for channelization of the James River under the irrigation and municipal, rural, and industrial water development programs authorized by this Act;

"(E) the cost and efficiency of measures required to guarantee that irrigation return flows from the New Rockford (Robinson Coulee) irrigation service areas will not enter the Hudson Bay drainage and the impact these return flows will have on the James River;

"(F) the feasibility of conveying project flows into the lower James River via Pipestem Creek; and

"(G) alternative management plans for operation of Jamestown and Pipestem Reservoirs to minimize impacts on the lower James River.

"(2) The costs of the study authorized by this subsection shall be nonreimbursable.

"(3) The study authorized by this subsection shall be carried out in accordance with the requirements of the National Environmental Policy Act.

"(d) The Secretary is prohibited from obligating funds to construct irrigation facilities in the service areas listed in subsection (a)(1) until a contract or contracts, in a form approved by the Secretary, providing for the appropriate payment of the costs allocated to irrigation have been properly executed by a district or districts organized under State law. Such contract or contracts shall be consistent with the requirements of the Reclamation Reform Act of 1982 (title II, Public Law 97-293, 96 Stat. 1263).

"(e) The Secretary is authorized to develop irrigation in the following project service areas within the boundaries of the Fort Berthold and Standing Rock Indian Reservations: Lucky Mound (7,700 acres), Upper Six Mile Creek (7,500 acres), and Fort Yates (2,380 acres), except that, no funds are authorized to be appropriated for construction of these projects until the Secretary has made a finding of irrigability of the lands to receive water as required by the Act of July 31, 1953 (67 Stat. 266; 43 U.S.C. 390a). Repayment for the units authorized under this subsection shall be made pursuant to the Leavitt Act (25 U.S.C. 386a).

"(f) The Secretary shall not permit the use of project facilities for non-project drainage not included in project design or required for project operations.".

SEC. 4. POWER.

Section 6 of the Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended to read as follows:

"SEC. 6. (a) Municipal, rural, and industrial water systems constructed with funds authorized by section 7 of this Act shall utilize power from the Pick-Sloan Missouri Basin Program, as established by section 9 of the Flood Control Act of 1944 (Act of December 22, 1944), for the operation of such systems.

"(b) Notwithstanding the provisions of section 302(a)(3) of the Department of Energy Organization Act (42 U.S.C 7152(a)(3)), any portion of the costs properly chargeable to irrigation for the Garrison Diversion Unit which are beyond the ability of water users to repay as authorized by Reclamation law may be repaid from power revenues, except repayment of investment in irrigation for the Garrison Diversion Unit made after the date of enactment of this Act may not exceed forty years from the year in which irrigation water is first delivered for use by the contracting party and shall be made in equal annual installments.

"(c) Pursuant to the provisions of the last sentence of section 302(a)(3) of the Department of Energy Organization Act of 1978 (42 U.S.C. 7152(a)(3)), any reallocation of costs to project purposes other than irrigation as a result of section 1(e) of this Act shall not result in increased rates to Pick-Sloan Missouri Basin Program customers unless: (1) full use has been made of the current development method of ratesetting in analyzing the repayment status and cost allocations for the Garrison Diversion Unit and (2) the resulting rate increase, if any, is made in equal amounts over the ten year period beginning on the date of any such reallocation pursuant to this Act. Costs reallocated to project purposes other than irrigation as a result of section 1(e) of this Act shall be repaid, if reimbursable, with interest at the rate specified in section 4(b) of this Act beginning on the date of any such reallocation without retroactive interest. Nothing in this Act shall alter or affect in any way the current repayment methodology for other features of the Pick-Sloan Missouri Basin Program.".

SEC. 5. MUNICIPAL, RURAL, AND INDUSTRIAL WATER SERVICE.

The Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended by adding the following new section at the end thereof:

"SEC. 7. (a)(1) The Secretary of the Interior is authorized to construct municipal, rural, and industrial water systems to serve areas throughout the State of North Dakota.

"(2) All planning, design, construction and operation of the municipal, rural, and industrial water systems authorized by this section shall be undertaken in accordance with a cooperative agreement between the Secretary and the State of North Dakota. Such cooperative agreement shall set forth in a manner acceptable to the Secretary the responsibilities of the State for:

"(A) needs assessments;

"(B) feasibility studies;

"(C) engineering and design;

"(D) construction;

"(E) operation and maintenance; and,

"(F) the administration of contracts pertaining to any of the foregoing.

"(3) Upon execution of the cooperative agreement required under this subsection, the Secretary is authorized to convey to the State of North Dakota, on a nonreimbursable basis, the funds authorized in section 10(b)(1) of this Act. The non-Federal share of the total cost of construction of each water system for which the State of North Dakota receives funding pursuant to this section shall be 25 percent, committed prior to the initiation of construction. The non-Federal share of the cost of operation, maintenance, and replacement of each municipal, rural, and industrial water system funded by this section shall be 100 percent. The Southwest Pipeline Project shall be deemed to be eligible for funding under the terms of this section.

"(b) The Secretary is authorized and directed to construct, operate, and maintain a Sheyenne River water supply and release feature (including a water treatment plant) capable of delivering 100 cubic feet per second of water for the cities of Fargo and Grand Forks and surrounding communities. The costs of the construction, operation, maintenance, and replacement of this feature, exclusive of conveyance, shall be nonreimbursable and deemed attributable to meeting requirements of the Boundary Waters Treaty of 1909.

"(c) The Secretary is authorized and directed to construct, operate, and maintain such municipal, rural, and industrial water systems as he deems necessary to meet the economic, public health and environmental needs of the Fort Berthold, Standing Rock, and Fort Totten Indian Reservations.

"(d) Municipal, rural, and industrial water systems constructed with funds authorized under this Act may deliver Missouri River water into the Hudson Bay drainage only after the Secretary of the Interior, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, has determined that adequate treatment has been provided to meet the requirements of the Boundary Waters Treaty of 1909.".

SEC. 6. SPECIFIC FEATURES.

The Act of August 5, 1965 (Public Law 89-108, 79 Stat. 443) is amended by adding the following new section at the end thereof:

"SEC. 8. (a)(1) In accordance with the recommendations of the Garrison Diversion Unit Commission Final Report and section 1 of this Act, the Sykeston Canal shall be constructed as a functional replacement for the Lonetree Dam and Reservoir. The Sykeston Canal shall be designed and constructed to meet only the water delivery requirements of the irrigation areas and municipal, rural, and industrial water supply needs authorized in this Act. The Sykeston Canal shall be located, constructed, and operated so that, in the opinion of the Secretaries of the Interior and State, no violation of the Boundary Waters Treaty of 1909 would result. The Secretary may not commence construction on the Sykeston Canal until a master repayment contract consistent with the provisions of this Act between the Secretary and the appropriate non-Federal entity has been executed.

"(2) The Lonetree Dam and Reservoir shall remain an authorized feature of the Garrison Diversion Unit; however, construction funds may be requested by the Secretary for Lonetree Dam and Reservoir only after:

"(A) The Secretary has determined that there is a need for the dam and reservoir based on a contemporary appraisal using procedures such as those employed in the preparation of feasibility studies for water resources development projects submitted to Congress;

"(B) consultations with the Government of Canada have reached a conclusion satisfactory to the Secretary of State, after consultation with the Administrator of the Environmental Protection Agency, that no violation of the Boundary Waters Treaty of 1909 would result from the construction and operation of the dam and reservoir; and,

"(C) the Secretaries of the Interior and State have submitted the determinations required by subparagraphs (A) and (B) above to the Congress and 90 calendar days have elapsed.

"(b) Taayer Reservoir is deauthorized as a project feature. The Secretary is directed to acquire up to 5,000 acres in the Kraft and Pickell Slough areas and to manage the area as a component of the National Wildlife Refuge System giving consideration to the unique wildlife values of the area. In acquiring the lands which comprise the Kraft and Pickell Slough complex, the Secretary is authorized to acquire wetlands in the immediate vicinity which may be hydrologically related and nearby uplands as may be necessary to provide for proper managemnt of the complex. The Secretary is also authorized to provide for appropriate visitor access and control at the refuge.".

SEC. 7. EXCESS CROPS.

The Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433), is amended by adding the following new section at the end thereof:

"SEC. 9. Until the construction costs of the facilities authorized in section 5 are repaid, the Secretary is directed to charge a "surplus crop production charge" equal to 10 per cent of full cost, as defined in Section 202(3)(A)-(C) of the Reclamation Reform Act of 1982 (Public Law 97-293, 96 Stat. 1263), for the delivery of project water used in the production of any basic agricultural commodity if the total supply of such commodity for the marketing years in which the bulk of the crop would normally be marketed is in excess of the normal supply as determined by the Secretary of Agriculture. The Secretary of the Interior shall announce the amount of the surplus crop production charge for the succeeding year on or before July 1 of each year.".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

The Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended by adding the following new section at the end thereof:

"SEC. 10. (a) There are authorized to be appropriated $338,305,000 for carrying out the provisions of section 5 and section 8(a)(1) of this Act. Such sums shall remain available until expended.

"(b)(1) There is authorized to be appropriated $200,000,000 to carry out the provisions of section 7(a) of this Act. Such sums shall remain available until expended.

"(2) There are authorized to be appropriated $61,000,000 to carry out the provisions of section 7(b) through section 7(d) of this Act. Such sums shall remain available until expended.

"(c) There is authorized to be appropriated for carrying out the remaining provisions of this Act $80,535,000. No funds are authorized for the construction of the Lonetree Dam and Reservoir. There are also authorized to be appropriated such additional funds as may be necessary for operation and maintenance of the unit.

"(d) Any funds previously appropriated for the Garrison Diversion Unit may be expended to carry out any of the provisions of this Act.".

SEC. 9. WETLANDS TRUST.

The Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended by adding the following new section at the end thereof:

"SEC. 11. (a) FEDERAL CONTRIBUTIONS.—From the sums appropriated under Section 10 of this Act for the Garrison Diversion

Unit, the Secretary of the Interior shall make an annual Federal contribution to a Wetlands Trust established in accordance with subsection (b), and operated in accordance with subsection (c), of this section. The amount of each such annual contribution shall be as follows:

"(1) For fiscal year 1986: $2,000,000.

"(2) For each of the fiscal years 1987 through 1990: 3% of the total amount appropriated under Section 10 of this Act, but not to exceed $500,000 for each such fiscal year.

"(3) For each fiscal year after 1990: 5 percent of the total amount appropriated under Section 10 of this Act, but only to the extent that a contribution to the Trust equal to 10 percent of the Federal contribution is provided or contracted for by the State of North Dakota from non-Federal funds. The contributions of the State of North Dakota may be paid to the Trust in such amounts and in such manner as may be agreed upon by the Governor and the Secretary.

"(4) The total Federal contribution pursuant to this Act shall not exceed $12,000,000.

"(b) ESTABLISHMENT OF TRUST.—A Wetlands Trust shall be treated as established in accordance with this subsection if it complies with each of the following requirements:

"(1) The Trust is established as a nonprofit corporation under the laws of North Dakota with its principal office in North Dakota.

"(2) The Trust is under the direction of a Board of Directors which has the power to manage all affairs of the corporation, including administration, data collection, and implementation of the purposes of the Trust.

"(3) The Board of Directors of the Trust is comprised of 6 persons appointed as follows, each for a term of 2 years:

"(A) 3 persons appointed by the Governor of North Dakota.

"(B) 1 person appointed by the National Audubon Society.

"(C) 1 person appointed by the National Wildlife Federation.

"(D) 1 person appointed by the North Dakota Chapter of the Wildlife Society.

Vacancies on the board are filled in the manner in which the original appointments were made. Any member of the Board of Directors is eligible for reappointment for successive terms. Any member appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed is appointed only for the remainder of such term. A member may serve after the expiration of his or her term until his or her successor has taken office.

"(4) Members of the Board of Directors serve without compensation.

"(5) The corporate purposes of the Trust are to preserve, enhance, restore, and manage wetland and associated wildlife habitat in the State of North Dakota.

"(c) OPERATIONS OF THE TRUST.—A Wetland Trust established as provided in subsection (b) shall be deemed to be operating in accordance with this subsection if each of the following requirements are met:

"(1) The Trust is operated to preserve, enhance, restore, and manage wetlands and associated wildlife habitat in the State of North Dakota in accordance with its corporate purpose as provided in subsection (b)(5).

"(2) Pursuant to its corporate charter, the Trust has the authority to exercise each of the following powers:

"(A) The power to acquire lands and interests in land and power to acquire water rights. Lands or interests in lands may be acquired by the Trust only with the consent of the owner thereof and with the approval of the Governor of North Dakota.

"(B) The power to finance wetland preservation, enhancement, restoration, and management or wetland habitat programs.

"(3) All funds received by the Trust under subsection (a) are invested in accordance with the requirements of subsection (d). No part of the principal amount of such funds may be expended for any purpose. The income received by the Trust from the investment of such funds shall be used by the Trust exclusively for its purposes and operations in accordance with this subsection or, to the extent not required for current operations, reinvested in accordance with subsection (d).

"(4) The Trust agrees to provide such reports as may be required by the Secretary or the Governor of North Dakota and makes its records available for audit by Federal and State agencies.

"(d) INVESTMENT OF TRUST FUNDS.—The Secretary of the Interior, in consultation with the Secretary of the Treasury and the Governor of North Dakota, shall establish requirements for the investment of all amounts received by the Trust under subsection (a) or reinvested under subsection (c)(3). Such requirements shall ensure that such amounts are invested in accordance with sound investment principles and shall ensure that persons managing such investments will exercise their fiduciary responsibilities in an appropriate manner.".

SEC. 10. SOIL SURVEYS.

Section 1 of the Act of July 31, 1953 (67 Stat. 266; 43 U.S.C. 390a) is amended by inserting at the end thereof the following: "Such surveys shall include an investigation of soil characteristics which might result in toxic or hazardous irrigation return flows."

SEC. 11. SHORT TITLE.

This Act may be referred to as the "Garrison Diversion Unit Reformulation Act of 1986".

SEC. 12. COMPLIANCE WITH APPROPRIATIONS ACT.

This Act to reformulate the Garrison Diversion Unit shall be deemed to meet all the time and substance requirements specified in the Fiscal Year 1986 Energy and Water Development Appropriations Act (Public Law 99-141).

AMENDMENTS OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer five technical amendments, and I ask unanimous consent that they be considered en bloc, considered as read, and printed in the RECORD.

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

There was no objection.

The text of the amendments is as follows:

Amendments offered by Mr. MILLER of California: On page 7, strike lines 21 through 24 and insert in lieu thereof the following: " '(g) Where features constructed by the Secretary are no longer used to full capacity pursuant to the recommendations of the Garrison Diversion Unit Commission Final Report, that portion of the Secretary's investment attributable to the construction of such unused capacity shall be nonreimbursable.'.".

On page 19, line 24, insert "(1)" immediately after "(a)".

On page 19, line 25, strike "$338,305,000" and insert in lieu thereof "$270,395,000", and strike "section 5" and insert in lieu thereof "section 5(a) through section 5(c)".

On page 20, after line 2, insert the following: "(2) There is authorized to be appropriated $67,910,000 for carrying out the provisions of section 5(e) of this Act. Such sums shall remain available until expended.".

On page 21, line 2, after the word "established" insert "by non-Federal interests".

On page 21, line 21, strike "ESTABLISHMENT OF TRUSTS" and insert in lieu thereof "STRUCTURE OF THE TRUST".

On page 21, lines 22 and 23, strike "treated as established in accordance with this subsection" and insert in lieu thereof "eligible to receive Federal contributions pursuant to subsection (a)".

On page 22, line 1, after the word "established" insert "by non-Federal interests".

On page 23, line 9, after the word "established" insert "by non-Federal interests".

On page 23, line 10, after the word "if" insert ", in the opinion of the Secretary,".

On page 21, line 12, strike "to the extent that" and insert in lieu thereof "if".

On page 21, line 13, strike "the Federal contribution" and insert in lieu thereof "all Federal contributions".

On page 19, line 19, insert after the period the following: "The surplus crop production charge shall not apply to crops produced in the 5,000 acre Oakes Test Area for research purposes under the direction of the Secretaries of the Interior or Agriculture.".

Mr. MILLER of California. Mr. Chairman, these amendments are offered to clarify several ambiguities which have developed over interpretation of several provisions in H.R. 1116. In addition, they resolve problems identified by the administration with the Wetlands Trust.

The first technical amendment clarifies the intent regarding the nonreimbursable portion of the costs of constructing features that are not employed to their full capacity as a result of this bill and the Commission recommendations. Only the incremental cost of such unused capacity shall be nonreimbursable. Abandoned facilities and the capacity of features employed by the project (such as McClusky Canal) will be reimbursed.

The second amendment provides a separate authorization ceiling for the Indian irrigation service areas to be developed on the Fort Berthold and Standing Rock Indian Reservations. This amendment ensures that this authorization ceiling will not be siphoned off by the non-Indian irrigation works. This amendment does not increase or decrease the total authorizations of appropriations in H.R. 1116, as reported.

The third amendment is intended to clarify that the Wetlands Trust will be established by non-Federal interests through subsequent action, not by enactment of this legislation. Thus, the Wetlands Trust is not a Federal agency, and its board of directors are not officers and employees of the United States by reason of their appointment. This concern was expressed by the administration in their comments on the bill.

The fourth amendment clarifies the financial obligation of the State of North Dakota to the Wetlands Trust. The State is expected to contribute an amount equal to 10 percent of all Federal contributions, including those appropriated in fiscal years 1986 through 1990. In the event that such cost sharing is not provided under arrangements that are mutually acceptable to the Secretary and the Governor, no further Federal contributions will be authorized after fiscal year 1990.

The final technical amendment provides that the surplus crop production charge shall not apply to crops produced in the 5,000-acre Oakes Test Area for research purposes under the direction of the Secretaries of the Interior or Agriculture. Once this area is no longer needed for research purposes, the surplus crop production charge will be assessed.

Mr. Chairman, these technical amendments have been cleared with the minority, and it is my understanding, there is no objection.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. MILLER].

The amendments were agreed to.

□ 1100

AMENDMENT OFFERED BY MR. DASCHLE

Mr. DASCHLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DASCHLE: Page 10, line 3, insert "60 days after" before "the report."

Mr. DASCHLE. Mr. Chairman, I have a simple amendment to offer to this bill. My amendment requires that the report on James River Valley irrigation features mandated in this legislation be submitted to Congress for 60 days before construction of those features can begin. The intent of my amendment is to strengthen the compromise legislation worked out by the chairman of the subcommittee, my friend from North Dakota, and many others.

This amendment will not damage North Dakota's hopes for responsible water development in any way. As a South Dakotan, I fully understand the critical need for water development in semiarid rural States, and I know firsthand about the Federal Government's longstanding commitment to develop water resources in North Dakota and my State.

Over half-million acres of prime farmland was sacrificed with the construction of the four mainstem dams in South Dakota. Like North Dakota, we were promised significant water development in exchange for this extraordinary sacrifice; and, like North Dakota, we have yet to fully realize our dream for Federal water development. So the last thing I intend to do with this minor amendment is endanger the delivery of responsible water development for our neighbors to the north.

Still, certain aspects of this legislation remain controversial among outdoorsmen, conservationists, and farmers in South Dakota. The authors of this legislation recognized our concerns and agreed to thoroughly study these features to ensure that the livelihoods of landowners along the southern reaches of the James are not threatened by the quality and quantity of irrigation flows returned to the James from the Garrison project.

Section 5(c) of this legislation requires that no construction take place on the Sykeston Canal, the James River Feeder Canal, and James River channelization until the full implications of the construction of those features are reported to Congress. The bill calls for a comprehensive report on the precise impact James River Valley irrigation will have on the beautiful James River in North and South Dakota. I strongly support this provision.

As written, the James River Valley irrigation report is required only to be "completed and submitted to the Congress." My amendment simply requires that this critically important report be submitted for consideration a full 60 days before construction of these multimillion-dollar irrigation features are begun. If this body sees the need for the report in the first place, common sense dictates that we should be given ample time to review its findings once it's completed.

I applaud Mr. DORGAN, the subcommittee chairman, Mr. MILLER, Garrison project sponsors, national conservation groups, and others for working so hard to work toward a consensus on this difficult issue. Still, questions remain in my own mind about the environmental soundness and economic feasibility of the James River Valley irrigation portions of the Garrison reauthorization legislation.

I anticipate that the report called for in this compromise bill will provide the answers to those remaining questions and lead to an informed final decision by Congress in the near future. I urge the adoption of this amendment.

Mr. MILLER of California. Mr. Chairman, I rise in support of the amendment of the gentleman from South Dakota and commend him for offering this amendment. I think the gentleman has spent time with the committee, drawing our attention to concerns that the people in his State have with the outcome of this project, concerns that they have for the James River area.

I believe this amendment will allow once again for members of this committee and the Congress to focus in and make sure that when the final construction stages of this project go forward, that they do so without any injury or insult to the James River Plain.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. Yes, I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Chairman, let me reemphasize, as I have on many occasions to the gentleman from South Dakota [Mr. DASCHLE] that it is our intention to be good neighbors. We have worked together on a lot of things in North and South Dakota, Congressman DASCHLE and myself.

It is fully our expectation that the study of the effects on the lower James will guide development. That is precisely why the compromise included the phasing of construction so that construction on the features that would lead to irrigation of the lower James will not be started until after we have that study.

I think the 60-day amendment is a reasonable one. I think it makes sense. I will support it.

Again, as we go through this process, it is the full expectation of those of us in North Dakota to work fully and completely with those of you in South Dakota to make certain that we resolve all these problems.

Mr. DASCHLE. Mr. Chairman, if the gentleman will yield, I thank the gentleman from North Dakota. That is certainly our intent, the intent of this amendment. We will be working with the gentleman from North Dakota and with those in North Dakota to make sure that the successful conclusion of this effort comes about.

Mr. DORGAN of North Dakota. Mr. Chairman, I thank the gentleman.

Mr. DASCHLE. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes to engage in a colloquy with the subcommittee chairman.

The CHAIRMAN. Without objection, the gentleman from South Dakota [Mr. DASCHLE] is recognized for 2 additional minutes.

There was no objection.

Mr. DASCHLE. Mr. Chairman, I would like to engage in a brief colloquy with the chairman of the subcommittee about the intent of the substitute and the required report on the effects of the Sykeston Canal. James River Feeder Canal, and James River channelization on the James River in South Dakota.

Mr. MILLER of California. I would be pleased to address the gentleman's concerns.

Mr. DASCHLE. First, I thank the gentleman for including section 5(c) of this bill, which puts a hold on these James River Valley irrigation features until a comprehensive report on their effect can be delivered to Congress. That section of the bill is supported by

me and by many farmers, outdoorsmen, and conservationists in South Dakota.

I would, however, like to take a moment to clarify the intent of that section. I am concerned that past reports on the effects of Garrison irrigation features have not adequately studied the effects of James River Valley irrigation on the James in South Dakota. Is it the intent of the authors of this legislation that the report required in section 5(c) of this legislation should thoroughly study the environmental and economic impacts on the Sand Lake Wildlife Refuge and the entire southern stretch of the James River in South Dakota?

Mr. MILLER of California. That is clearly the intent. I am quite aware of South Dakota's concerns about the effect of the Garrison project on downstream James River Valley landowners and the James ecosystem in South Dakota. It is my intent that this report fully address those issues as they affect both North and South Dakota.

Mr. DASCHLE. I thank the gentleman and appreciate his assurances. His efforts to address South Dakota's concerns are deeply appreciated.

Mr. MILLER of California. Mr. Chairman, I simply again state my support for the amendment. I know of no opposition and I ask for an "aye" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. DASCHLE].

The amendment was agreed to.

Mr. DORGAN of North Dakota. Mr. Chairman, I move to strike the last word, and I rise to engage in a colloquy with the chairman.

H.R. 1116 makes the Southwest Pipeline in North Dakota an eligible project to receive municipal and industrial water grants. This project is now in an early phase of construction and substantial amounts of State funds have been invested. Would the State funds already expended upon this project be credited toward the required 25 percent non-Federal share of this and other projects?

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield, I would agree with the gentleman's interpretation. Funds previously expended by the State on the Southwest Pipeline could be credited toward the non-Federal share of the costs of the Southwest Pipeline.

Mr. DORGAN of North Dakota. Mr. Chairman, I thank the chairman of the committee for that assurance. I have another colloquy that I would like to engage in with the chairman.

Mr. Chairman, as many of my colleagues know, most of the land taken for construction of the Garrison Dam and Reservoir came from the Fort Berthold Indian Reservation. The project required relocation of 85 percent of the members of the Three Affiliated Tribes which occupy the Fort Berthold Reservation. Lake Sakakawea, which was created when the Missouri River in North Dakota was dammed by the Corps of Engineers, cuts diagonally across the Fort Berthold Reservation. Similarly, Lake Oahe—part of the Oahe Dam project—is situated on the Standing Rock Sioux Reservation in North Dakota.

I point this out to remind my colleagues that North Dakota Indian tribes made substantial contributions to—and sacrifices for—the construction of Garrison Dam. The Garrison Diversion Unit Commission recognized the massive disruption in reservation life created by the Garrison and Oahe projects. Like the State of North Dakota, the Indian tribes gave up their rich river bottom land which provided the economic base of the Indian farming and ranching community.

The Garrison Diversion Unit Commission recognized that significant Garrison-created problems on these reservations must be resolved as part of the overall settlement of the Garrison controversy. Pursuant to the recommendations of the commission, Secretary Hodel, in September 1985, appointed a five-member Joint Tribal Advisory Committee to study the Indian issues identified by the commission.

The JTAC has not yet completed its work and, therefore, its recommendations were not available to the Interior Committee during its work on H.R. 1116. We anticipate, however, that the committee's final report will be filed by the end of May.

Because the JTAC's findings and recommendations were not available to the House Interior Committee, H.R. 1116 contains what should be described as only the first phase of the Dam. The bill authorizes development of limited irrigation systems on both the Fort Berthold and Standing Rock Reservations, following soil surveys, land classifications, and a determination as to the susceptibility to agricultural crop production as required by the act of July 31, 1953, as amended. In addition, the Secretary of the Interior is directed to construct such MR&I water systems as are necessary for the economic, public health, and environmental needs of the reservations, but an authorization ceiling of $20 million is placed on this undertaking.

We fully expect that the JTAC will recommend enhancement of irrigation and MI&R authorizations for the two reservations that it was empaneled to study. I hope that those recommendations, and all recommendations of the JTAC, will receive the careful attention of the Water and Power Resources Subcommittee chaired by my distinguished colleague from California, Mr MILLER. It is my understanding that Chairman MILLER intends to schedule hearings on the JTAC report soon after it is filed. On behalf of the Indians of North Dakota, I look forward to working with him and the subcommittee in drafting appropriate legislation after review of the JTAC's recommendations. I see this legislation as the second phase of the resolution of the Indian-related issues created by the mainstem dams. I hope that we can then move this legislation very soon after the hearings are held.

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield, the understanding of my distinguished colleague from North Dakota is correct. The Subcommittee on Water and Power Resources will give early consideration to the final recommendations of the Joint Tribal Advisory Committee. I am delighted that he is going to work with us in fashioning legislation after receipt of this report and in moving that legislation along its congressional path.

H.R. 1116 is, among other things, designed to offset the loss of rich North Dakota farmland for the construction of the Garrison Dam and Reservoir. I believe it is important that all elements of North Dakota society, including its Indian tribes, be properly compensated for this loss. In this regard, I look forward to reviewing the final report of the Joint Tribal Advisory Committee. I expect the chairman of that committee, Gen. C. Emerson Murry, to supply my subcommittee with a copy of that final report when he files it with Secretary Hodel. In this way, the subcommittee can immediately commence work on the second phase of the resolution of Garrsion-related Indian issues.

Mr. DORGAN of North Dakota. On behalf of myself and the Indian tribes of my State, I appreciate the support espoused by my colleague and his commitment to resolving these further Garrison issues.

AMENDMENT OFFERED BY MR. BEDELL

Mr. BEDELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BEDELL: Page 19, strike out lines 7 through 19 and insert in lieu thereof the following:

"SEC. 9. (a) Until the construction costs of the facilities authorized in section 5 are repaid, the irrigator shall, by contract with the Secretary of the Interior, agree to pay full cost as defined in section 202(3)(A)-(C) of the Reclamation Reform Act of 1982 (P.L. 97-293; 96 Stat. 1263), for the delivery of project water used in the production of any basic agricultural commodity if the total supply of such commodity for the marketing years in which the bulk of the crop would normally be marketed is in excess of the normal supply as determined by the Secretary of Agriculture.

"(b) The Secretary of the Interior shall announce the amount of the full cost payment for the succeeding year on or before July 1 of each year.".

Mr. BEDELL (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 Iowa?

There was no objection.

(By unanimous consent, Mr. BEDELL was allowed to proceed for an additional 15 minutes.)

The CHAIRMAN. The gentleman from Iowa [Mr. BEDELL] is recognized for 20 minutes.

Mr. BEDELL. Mr. Chairman, first of all, let me say that there is no one in this body for whom I have greater regard than my friend, the gentleman from North Dakota, BYRON DORGAN, and rightly or wrongly, I consider him a great friend.

Mr. Chairman, I rise today because I fear that we in the Congress may be shirking a responsibility unless we address one particular part of this legislation.

My amendment, pure and simple, would simply say that people who use Federal water to irrigate crops that are in surplus will have to pay the full cost of that water if they are going to irrigate crops that we are paying other farmers not to grow.

Two of our largest problems at this time would appear to be our budget deficit and the tremendous agricultural surpluses that we face that are such a burden to us. I do not need to talk to this body about the problem with our budget deficit. We have all faced the problem with Gramm-Rudman. We face the problem that we do not have the money we need for health research, for agriculture, for small business, for all the different programs that are important to our society.

I would hope that I would not have to speak about the surplus problem that we have in agriculture. As I serve on that Agriculture Committee, let me tell you, it is not just a problem for us. It is a world problem. You know the cost that we have in trying to take care of that surplus here.

I cannot understand how anybody in this body could say that it makes sense today with the problems we face to pay farmers to grow more crops at the same time we are paying farmers not to grow those very same crops.

Now, it has been brought up, and rightly so, that indeed North Dakota gave up something and they are entitled to some reimbursement and some benefits back. But let me read to you what was in the 1965 Garrison Act as we passed it:

For a period of 10 years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity as defined in the Agriculture Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(B)10 of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

This provision in the 1965 law recognized that we should not be supplying subsidized water to grow crops that were in surplus. The problem is that the 10-year prohibition has now expired. That was a standard provision that was inserted in dozens of authorization projects at that time.

□ 1115

My amendment is clearly consistent with congressional intent on the Garrison Diversion project as expressed some 20 years ago. The only difference is, my amendment is less harsh. The original law said that you could not deliver any water. My amendment says you can deliver water, but beneficiaries will have to pay the full cost to the taxpayers.

Some people say, "Look, this is unfair because this is a new proposal and it only applies to Garrison." I have here a list of some 43 projects on which the legislation provided that water would not be supplied to provide for the growth of surplus crops.

It is true in many of those cases that it said from 10 years from the date of authorization, and that that term has expired in many of those cases. But clearly, the prohibition has been the intent for some long time. Indeed, in some of these projects, the prohibition is not only for 10 years from the date of authorization; it is for 10 years from the date that the project was indeed completed.

In addition to that, in 1982 during House debate on the Reclamation Reform Act, which has set the water policy for our country, an amendment was adopted. My amendment, which I offered, was adopted here on the House floor by voice vote and read as follows:

"Notwithstanding any other provision of law, no water from any Federal reclamation project authorized after the date of enactment of this Act shall be delivered within 10 years of the date irrigation water is first made available to construction blocks within such project for the irrigation of any" surplus crop.

We passed that here in the House, clearly showing that that was our desire. What happened was that it went to a conference committee and the conference committee weakened it to say we should have a study. The study was completed, and let me read to you from the study by the USDA's Economic Research Service:

Reclamation and commodity program goals conflict. The Nation should develop and articulate a policy on the desired linkage between the long-term agricultural capacity needs and the short-term agriculture stability and income objectives.

Further, in the conclusion:

Requiring farmers who use USBR water to pay full costs for water used on program crops as long as the crop is declared in surplus represents a policy strategy to eliminate one of the subsidies, the subsidy provided by the USBR program.

Under this plan, USBR farmers would be placed on a comparable basis with other program crop producers in the Nation.

I repeat that: They would be placed on an equal basis with other program crop producers in the Nation.

National production efficiency would be expected to improve, as production would move toward areas of comparative advantage. Program costs would be reduced due to lower production and higher prices. Administrative costs would increase somewhat to insure compliance. The use of full-cost pricing for project water on farms in excess of 960 acres already is a feature of Public Law 97-293.

Clearly, that study pointed out what we are doing is subsidizing water to grow more crops at the same time we are paying farmers not to grow those same crops.

We have a letter, as well, from the Department of the Interior. This is dated March 6, 1986. Let me read from the letter of the Department of the Interior.

We believe that the time has arrived to remove the SRPA program from Federal interest subsidies. In these times of Federal budget exigencies and large surpluses of agricultural production, we can no longer afford to grant interest-free SRPA loans for irrigation-related purposes.

Let me give an example of this subsidy situation, and I hope my colleagues will catch this, and particularly the gentleman from Massachusetts [Mr. CONTE], because he has been greatly concerned, I think, over some of the costs of our agricultural programs. I would hope the gentleman would listen to this to understand exactly how this would work.

For example, the average-size farm to be irrigated in this bill is 278 acres. The subsidy that the taxpayers will be paying is $300 per acre per year. That means we will be subsidizing the average farmer to the tune of $83,400 to supply him the water each year.

But that is not the biggest part of the problem. The problem is, if he were to grow corn on that land and we have too much corn, then we are going to have to somehow get other farmers to reduce the amount of corn that they grow. The way our farm program works is that we tell farmers, "If you will set aside 20 percent, or one-fifth of your land, we will pay you a payment on the corn you grow on the rest of your land." Therefore, for every 1 bushel of corn we reduce, we have to

pay farmers for producing 4 bushels that they produce on the rest of their land.

The Department of Agriculture estimates that that payment will be $1.11 per bushel. That means that we have to pay $1.11 per bushel for 4 bushels to get 1 bushel reduced, or we have to pay $4.44 per bushel for every extra bushel of corn that has to be reduced. Multiplying by 278 acres, this means that the taxpayers will not only be subsidizing that average farmer for $83,400 each year; they will have to subsidize other farmers $150,338, or nearly twice as much, per year to reduce production to offset the first farmer's increase.

I do not see how we can possibly say that that is the thing to do with the problems that we have at this time in our budget.

We have said that this is a delicate compromise. I understand that. But I hope we understand who made the compromise. This compromise was negotiated between the State of North Dakota and two environmental organizations, the National Wildlife Federation and the National Audubon Society. That is perfectly proper. We should concern ourselves with the environment. I might mention that two other environmental organizations support my amendment, and we have letters to show that, the Sierra Club and the National Resources Defense Council.

But that is not really the issue. The issue is, what is it that we are here to do in service to our people? My contention is that it is not up to us to let the environmentalists and some States decide how we are going to spend our tax money and what is going to happen to our taxpayers. My contention is that that is what we are here for. We are here to determine how money is to be spent. For us to say that we are going to give that duty to two environmental organizations in one State, and then say for every dollar they spend that we are going to have to spend 2 more dollars trying to take care of the surpluses that could be created if they do that simply does not make any sense.

I guess the greatest concern I have is whether or not we are going to decide that it is our responsibility to decide what we do in regard to the expenditures of funds from our Federal taxpayers.

□ 1125

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

Reclamation law currently requires full repayment with the entire Federal reimbursable project investment, without interest in the case of irrigation, during a period generally not to exceed 50 years. Traditionally part of this is paid by the irrigators and the remainder is paid by power customers.

I would reiterate, the remainder is paid by power customers. This committee proposal would add to the irrigator's portion of the repayment a surcharge equal to 10 percent of full cost, as defined in the Reclamation Reform Act of 1982.

This charge would have to be paid solely by the irrigator. In the case of Garrison, for example, this charge would amount to an increase of about 75 percent over the irrigator's currently calculated total ability to pay.

In short, the committee proposal, the compromise before us will be a significant disincentive to the production of surplus crops.

The Bedell proposal would require payment of 100 percent of full cost for irrigation water used to grow surplus crops. This cost would have to be borne solely by the irrigators and would exceed by a factor of at least 500 percent the calculated irrigator's ability to pay.

In short, the Bedell proposal would effectively be a complete ban on the growing of surplus crops on the Garrison project. Unlike traditional agriculture, irrigation projects are long-term development investments.

Additional, dependable production capability which does not depend on weather cycles is desirable for the long term. It should not be made totally contingent on a short-run decision about crop surpluses. However, this will be the impact of the Bedell amendment which may well prevent new irrigation projects from being built in a large part of the West, and possibly force abandonment of existing projects at contract renewal.

The Bedell amendment will effectively destroy the Garrison compromise. It will, therefore, prevent this project from providing important benefits to the local and national economies by using a scarce resource, water.

I should not have to point out to anybody from the Midwest or the Farm Belt that the farm community is in trouble. This bill is antifarm, antihomestead, this measure, this amendment, antifarm, antihomestead, and antiopportunity.

The opportunity to use less land to grow the same amount of crops should be regarded by anybody from Iowa as an absolutely magical proposal. To take away this opportunity under a shortsighted attempt to talk about the surplus problem, when, in fact, we are getting at the surplus problem with our current farm legislation, is to deny those farming communities and those families in North Dakota, the opportunity for a future and for opportunity.

I think the amendment is very damaging and strongly oppose it.

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

Mr. STRANG. Mr. Chairman, I yield to my friend, the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, the gentleman talked about the short run surpluses. Does the gentleman believe that our agricultural surpluses are short run?

Mr. STRANG. The agricultural surpluses have been long run. I believe the direction of our farm policies are going to make them shorter run; I certainly hope so.

Mr. BEDELL. If the gentleman will yield further, our farm policies try to control those surpluses by paying farmers not to grow crops. Is that not correct?

Mr. STRANG. I think perhaps it is correct. I do not think it is germane to the gentleman's amendment nor to my comments.

Mr. BEDELL. Will the gentleman yield?

Mr. STRANG. I yield further to the gentleman from Iowa.

Mr. BEDELL. The gentleman said that the farm community is in trouble because of surpluses.

Mr. STRANG. My remarks to the gentleman and to this body, to the Chair, were directed at the problem that the farm community does not need one more hammering by withdrawing opportunity from that community. This particular amendment takes away opportunity.

I do not think I want to do that to the Farm Belt, nor do I think this body does.

Mr. BEDELL. Mr. Chairman, will the gentleman yield further?

Mr. STRANG. Mr. Chairman, I yield to the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. At least I think the Agriculture Committee would tell you, and I think the farmers across the country would tell you that indeed our farmers are in trouble and they are in trouble because of surpluses. If the farmers are in trouble because of surpluses, then this gentleman thinks that it does not make very much sense to spend taxpayers' money to increase those surpluses.

This gentleman's amendment is simply an effort to improve the bill. I do not see how Members can very well sit here and say that we think it makes sense to spend taxpayers' money to increase our farm surpluses at a time when we are also spending large amounts of taxpayers' money to reduce those surpluses.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. STRANG] has expired.

(On request of Mr. BEDELL, and by unanimous consent, Mr. STRANG was allowed to proceed for 5 additional minutes.)

Mr. STRANG. Mr. Chairman, I further yield to my friend, the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. Mr. Chairman, does the gentleman feel that when he

talked about the 10-percent disincentives, does he believe that 10-percent disincentives would, indeed, prevent irrigators from using irrigated water to grow crops that are not surplus?

Mr. STRANG. Mr. Chairman, with all due respect to my friend from Iowa, I find his arithmetic a little bit voodoo and since the Socratic manner is not an opportunity in which two can engage simultaneously with any profit, I would ask the gentleman if any farm groups support the Bedell amendment?

Mr. BEDELL. Mr. Chairman, I do not think the farm groups support it or oppose it. I have certainly not contacted any. I do not know that the farm groups even know that this is an issue. I think this is an issue that should be addressed by us in the Congress.

I think it is an issue of how we spend our money.

Would the gentleman want to answer or not, I do not trying to press you, does the gentleman believe that the 10-percent disincentive would cause farmers not to grow crops that are not surplus?

Mr. STRANG. In response to the gentleman's question, reclaiming my time, I would say that that disincentive, yes, would help. I would also point out that these are very long projects. Garrison is for all time. This is a final solution. These disincentives, coupled with a trend away from subsidies in our farm policies, will provide those people with an opportunity for a small portion of the promises made by this Government 40 years ago. This amendment, unintentionally, wreaks great havoc to that promise.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. STRANG. Mr. Chairman, I am happy to yield to my friend, the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Chairman, is it the gentleman's understanding that this surcharge which exists in this compromise is the only surcharge of its type in the United States? In other words, with all of the reclamation out there, with all of the irrigation from these reclamation projects that exists, we have agreed in this compromise to impose a surcharge and it will be the only surcharge that exists. The surcharge is 10 percent.

What the gentleman from Iowa is suggesting is that in this instance where the only surcharge will exist, 10 percent is not satisfactory; it must be 100 percent of less than 1 percent of all of the irrigation in the western part of the United States. Is that not exactly what we are talking about?

Mr. STRANG. That is my understanding. I would point out that, for example, you cannot resolve all the surplus problems in agriculture in the United States on the backs of the citizens of North Dakota, nor is it a good place to start.

Mr. BEDELL. Mr. Chairman, will the gentleman yield further?

Mr. STRANG. I am happy to yield to my friend from Iowa.

Mr. BEDELL. Mr. Chairman, the gentleman has made a point that this is a new thing in terms of charging a charge for the use of that water, 10 percent of the cost, but it should also in fairness be pointed out that there are a number of projects where it is absolutely prohibited from using water for surplus crops production. It seems to me that telling them they have to pay the cost of the water is much less onerous than telling them they cannot use the water no matter what.

Mr. STRANG. Mr. Chairman, reclaiming my time, I would offer by way of response the comment that this amendment, if passed, will simply deny them the opportunity to use the water ever.

Mr. BEDELL. Mr. Chairman, will the gentleman yield further?

Mr. STRANG. I am happy to yield to my friend, the gentleman from Iowa [Mr. BEDELL].

□ 1140

Mr. BEDELL. Will the gentleman yield further?

Mr. STRANG. I am happy to yield to my friend.

Mr. BEDELL. Because I want to be quite clear as to, because that was confusing, I felt, a little bit yesterday in our debate in regard to the taxpayer cost. It was brought up that the electric users would have to pay 85 percent of the capital cost of the project.

The gentleman does agree, does he not, that when the Government goes and borrows money for this project, the Government is going to have to pay interest on the money it borrows to construct the project. Does he agree to that?

Mr. STRANG. I would agree to that.

Mr. BEDELL. And I assume the gentleman agrees that in this bill there is no interest cost to anyone; that they only have to pay the capital cost. So the taxpayers are going to have to subsidize each year the interest cost on that capital cost.

If we have got $700 million of investment and if the interest cost is 6.5 percent, which I was advised has been the rate on short term government securities, that is $45.5 million, which is $350 per acre per year that we will indeed, that taxpayers will be subsidizing to cover the interest cost on the investment.

Mr. STRANG. If I might reclaim my time on this matter. Those are statistics which will not be borne out, because they choose to ignore the return to the Government from productivity. That is always left out of these arguments; there is always this austere argument that the Government is simply having to pay.

I reject that argument, and I furthermore feel that this body has got to recognize an absolutely magnificent compromise made.

(By unanimous consent, Mr. STRANG was allowed to proceed for 1 additional minute.)

Mr. STRANG. A compromise which is supported by the strongest traditional opponents of this project. That has to send a message. We are a nation of compromise. We are also a nation of heart, and I think that to pull the rug from under the people who have relied on something out of Garrison for 45 years, would be a tragedy to the farm community.

Mr. BEDELL. Mr. Chairman, I ask unanimous consent that the gentleman have 2 additional minutes.

Mr. STRANG. Mr. Chairman, I yield back my time.

The CHAIRMAN. The gentleman does not desire the time.

Mr. DORGAN of North Dakota. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I rise in opposition to the amendment and would like to say, this is a case of creating a condition and then debating that condition with yourself. This is not a debate, I believe, that the gentleman from Iowa is having with me or with the chairman of the subcommittee. We happen to agree, philosophically, with the sort of thing the gentleman is saying.

The facts the gentleman are alleging are not necessarily the case. The facts that he suggests or implies are that we are going to have a lot of land that is not now currently producing surplus crops go into the production of surplus crops, which is going to disadvantage some farmers someplace else. That is not the fact, and I will describe that in just a moment.

The gentleman has said, in supporting his amendment, that his intention is to try and move away from the production of crops which are in surplus. We agree. That is why in this compromise, there is a 10-percent surcharge on surplus crops. That is, water used to produce crops that are declared in excess of surplus is subject to a 10-percent surcharge.

The gentleman from Iowa will readily admit that that condition does not exist anywhere else; it does not exist in other States in the western reclamation areas; it exists only in this compromise.

Because we philosophically agree with what he is trying to do—but it is interesting to me to note that what he is trying to do with his amendment, in my judgment, is exactly the opposite of what he is telling us on the floor. That is, the result of his amendment will in my judgment lead to more pro-

duction of crops that are in surplus or excess.

Let me explain why, just for a moment. The gentleman from Iowa knows, because I told him the other day, that the land that is going to be irrigated in North Dakota with this reformulated project predominantly at this point does grow crops that are in surplus or excess.

The gentleman also knows, because I told him a couple of days ago, that of the private irrigation in North Dakota at the present time, 90 percent of it is nonsurplus crop irrigation, because largely the surplus crops; the corn, the wheat and so on, do not lend themselves to the kind of irrigation practices that the gentleman is alluding to.

In fact, what we are raising are forage crops, alfalfa; we have the capacity for dry, edible beans—the crops that are not program crops in the USDA Program. Now, it seems to me that the gentleman from Iowa is here on the floor because he would want more of that land that is to be irrigated to move from surplus crops into nonsurplus crops; forage crops, specialty crops, I assume dry, edible beans and so on. I assume that is the gentleman's intent.

If that is his intent, it seems to me he would want to allow the flexibility for farmers to move from their current production approaches to the ability to produce those forage crops and edible beans, and in order to do that, obviously to get the irrigation apparatus, to get the kind of structure you want in the economy, perhaps some bean processing plants and so on; you have got to have some time, some interval to accomplish that.

I think what the gentleman is saying is immediately there is a 100-percent penalty that exists if this amendment passes; and I say to the gentleman from Iowa that what that means is that in the long run we are not going to have irrigation. In the long run, if we do not have that kind of irrigation in those areas, they are going to produce what they are now producing; those are crops that are in surplus.

So I think that the amendment the gentleman raises simply defeats the purpose the gentleman expresses.

Let me make one other point, if I might, Mr. Chairman. This is the wrong place for the gentleman to be trying to make this policy; and I think he admitted that the other day. This is the wrong place to make that policy. The gentleman says it is the only place. It is a convenient place, but it is the wrong place.

If the gentleman's policy is to say that those who use irrigation water in parts of this country should never be able to use irrigation water with respect to crops that are declared in excess of surplus at some given time; and yes, this excess or surplus crop is temporary; anybody who does not believe that I think has not studied the world food supply situation.

If the gentleman from Iowa really wants to press his point and apply some uniform, fair standard—at least fair in his mind—to irrigated acres through the Bureau of Reclamation, then do that; but do not do it here on less than 1 percent of the irrigated acres with a 100-percent fee—that is not reasonable.

It is not reasonable at all, in my judgment, and not appropriate.

Again, I think the gentleman will do exactly the opposite of what he is standing here today telling us he intends to do.

So, my friends, I would suggest that we dispense with the Bedell amendment, defeat the Bedell amendment, retain in this legislation a 10-percent surcharge which will exist as the only surcharge on any of these reclamation project irrigation features in this country; and I think that is a very reasonable approach; it was a hard-fought compromise.

(On request of Mr. BEDELL, and by unanimous consent, Mr. DORGAN of North Dakota was allowed to proceed for 4 additional minutes.)

Mr. BEDELL. Will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the gentleman.

Mr. BEDELL. I particularly appreciate the opportunity to be heard, Mr. Chairman, because the last thing I would want to do is appear to be trying to single out my good friend from North Dakota.

The fact is, that in my amendment, which in 1982 did pass with a uniform standard that went further than this—it said "you can't even use water for that." Unfortunately that was knocked out in the conference committee. The House supported that and agreed to that.

This is the next bill. If it had been any other bill, I certainly would be doing the same thing. This is the way the project works, and this is what we have to do.

Mr. DORGAN of North Dakota. If I might reclaim my time. The gentleman will admit, of course, that to have a project exist that has a 100-percent penalty with less than 1 percent of the irrigation and all the rest of the 99 percent of the irrigation have no penalty seems a contradictory policy.

At least the result, if the gentleman's amendment passes, would be to create a terribly uneven situation. Would the gentleman admit to that?

Mr. BEDELL. Yes. I guess the question is, if something is wrong, should we correct it, or since it has been wrong, should we say we are going to keep doing it wrong for the rest of our lives? My opinion is that we should correct it.

Will the gentleman yield further?

Mr. DORGAN of North Dakota. Yes, I will be glad to yield.

Mr. BEDELL. Does the gentleman believe that 10 percent would stop growing of surplus crops?

Mr. DORGAN of North Dakota. Well, we talked about that the other day. In my judgment, the 10 percent will largely impede the irrigator from growing surplus crops, yes.

Mr. BEDELL. See, if it would stop it, it seems to me then we ought to have decent water policy which I would feel is 100 percent, and not have the taxpayers have to subsidize to grow crops, at the same time we are paying not to grow them, if that is the case.

If I can go further, the gentleman said that he needed time. How long will it be until this thing is completed and people start getting water from this project?

Mr. DORGAN of North Dakota. Let me reclaim my time. The gentleman creates a case and then beats it over the head, and it is not a case at all. The case is not that we are going to have acres and acres of irrigation in the Lower James of North Dakota that is going to produce surplus crops.

That is not the case, and so you can create that and debate it and beat it, but it is not the case.

What I was trying to say to the gentleman earlier is that a 10-percent surcharge, in my judgment, is a very reasonable approach; one that does single us out, and one that the gentleman nodded his head affirmatively to that is probably an uneven policy to single us out; but one, nonetheless, that we accept.

Mr. BEDELL. If the gentleman will yield further. I am told the Garrison Study Commission projected for dry land farming in the South, 39-percent surplus crops; and with irrigation, it would be 75 percent. In the North, 25 percent going to 60-percent surplus crops.

□ 1150

Mr. DORGAN of North Dakota. I can tell you the preponderance of the crops grown now in areas that will be irrigated are crops that are declared to be in excess. I can also say the crops grown on land that is irrigated in North Dakota is like 90-percent nonsurplus crops. Most of the experts I have talked to indicate that the crops that will be grown on this irrigated land will be forage crops such as alfafa, such as dry edible beans, specialty crops that people can move in and out of. The last thing, I think, in the world that our farmers want to do is raise more crops that are in surplus that have a low price attached to them. A low commodity price does not get you much when you go to the country elevator. Your farmers in Iowa, I am sure, do not want to produce crops that are in surplus and

find out when they harvest and sell them they do not get any money.

The gentleman from Colorado said this is a compromise. Well, it is a compromise of a lot of things. The State of the gentleman from Iowa, and he knows this well, his State has received substantial benefits from this project. He has never been down to the floor lauding that or complaining about it. It is part of what we do as neighbors. We build a project, some people get benefits, other people get costs. But all of us were promised, and this is part of the benefits structure that we were promised. In putting this together, we decided there were people like the gentleman from Iowa who felt very strongly about the surplus crop issue. We could not come out with a compromise that said let us have no surcharge. In fact, we created a surcharge and much to the consternation of some people around here, incidentally, who do not want to see a surcharge. But we created one and it is the only one that will exist.

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

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Iowa.

This proposal to amend the project helps fulfill a commitment made to North Dakota over 40 years ago.

Perhaps no reclamation project has been the subject of as much study and restudy as the Garrison diversion project.

During the most recent formulation of the project, all points of view; Federal, State, local, agricultural, and evironmental, were carefully considered.

After consideration, all points of view were welded into the compromise package which is embodied in H.R. 1116 and is supported by all affected interested parties.

The project would be significantly scaled down in scope while cost-sharing requirements and fish and wildlife mitigation features would be significantly increased.

The scaled-down project represents a savings of $800 million below the current authorized project and $2.6 billion less than the project as originally authorized.

The project, as scaled down by H.R. 1116, already requires higher cost sharing than is currently required for other reclamation projects.

A key feature of this higher cost sharing is a 10-percent surcharge for farmers using irrigation water for surplus crops.

If H.R. 1116 is approved, Garrison will be the only project in the country with a surcharge for irrigation water used for surplus crops.

The surcharge not only supplements the existing cost sharing requirements of Federal reclamation law but provides a major incentive to farmers to grow nonsurplus crops.

As a farmer myself, I can assure you that a 10-percent surcharge for water provides a tremendous incentive to grow nonsurplus crops.

Increasing the surcharge will have the effect of discouraging a change away from surplus crops.

In order to shift to nonsurplus crops, farmers need time to allow for crop rotation and the purchase of different farm and irrigation equipment.

Irrigation water needs to be available and in place in order to make it possible to shift to nonsurplus crops.

A 100-percent surcharge will result in farmers not using irrigation water and continuing to farm as before.

If this amendment is adopted, it will not kill the project—it will kill the compromise—a compromise that greatly reduces the scope and cost of the project.

Good projects make good neighbors. We in Minnesota, Iowa, South Dakota, and other States in the region have benefited from the electricity, navigation and flood control benefits of Garrison.

It is time the citizens of North Dakota, who gave up five counties worth of their land, should derive at least a portion of the benefits from the project.

I note that the Interior and Insular Affairs Committee carefully considered the gentleman's amendment but rejected it by a 4-to-1 margin.

I urge my colleagues in the House to do likewise.

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

Mr. Chairman, I rise to oppose the Bedell amendment to H.R. 1116 to require producers to pay full cost of water from the Garrison diversion unit as a condition for producing corn and other basic program crops designated by the U.S. Department of Agriculture.

The issue that accompanies all water-project legislation is under what terms and conditions shall the United States continue to develop its water resources.

Yes, we have surpluses now. Yes, agricultural land is a glut on the market. Yes, we have a budget deficit.

But the world is living hand-to-mouth. Surpluses of commodities and of land could disappear over night. It could stop raining in the incomparable Midwest.

The Garrison diversion unit and the O'Neill unit are not isolated projects, although they must stand on their own merits. They are, additionally, part of the mighty 10-State Pick-Sloan Missouri Basin Program. This program, begun in the 1940's is a long-range development program of water planning.

It contemplates the construction of about 150 water projects such as the Garrison and O'Neill projects, but some were designed for flood control, some for navigation, some for recreation, for municipal and industrial water supplies, and, yes, some for irrigation.

The intent of the Interior Committee in bringing forth this compromise bill at this time is to establish certain new precedents in this project that could be made applicable to other water projects not yet constructed.

Because Nebraska has reached a new consensus on a major water project in our State, a project known as the O'Neill unit, I am deeply concerned how the House disposes of this bill that reformulates and reauthorizes Garrison.

If Garrison is the stalking horse for other projects in other States, then Nebraskans must examine this legislation with care because the fate of the O'Neill unit, as would be modified in my bill, H.R. 1590, could well be decided also by the fate of Garrison.

Frankly, I am deeply opposed to any restriction on production of surplus crops in Federal water projects because it is unfair. It is unfair because similar restrictions do not yet exist in other Federal water projects. It is unfair to make national policy on a project-by-project basis. Policy should be made by the Congress in the usual way—by passing comprehensive, broad-based legislation that includes policy determinations affecting all producers everywhere.

Nevertheless, on the floor today, here, now, the committee has brought forth a bill that proposes to penalize producers in the Garrison project by an amount equal to 10 percent of the full cost of water produced in this Federal project. The committee rejected an amendment to eliminate this unfair provision. And it also rejected the Bedell amendment, which, of course, is far, far more unreasonable and unfair than the provision already in the bill.

So, the reclamation States, like Nebraska, are supposed to be glad that the surplus crop production surcharge is "only" 10 percent of full cost and not some higher figure.

I oppose the Bedell amendment because it is so bad and not because what is in the bill as presented to us is so terribly attractive.

We are seeking modification of the project in my State, the O'Neill unit.

Now, in this bill modifying the Garrison diversion unit, we in Nebraska can see the handwriting on the wall. This restriction on crop production is not and never will be on our agenda. It is an issue being forced upon the reclamation West by people who lack full understanding of the mystical impor-

tance of water in areas that do not have much precipitation compared to more fortunate regions of the East and Midwest.

Here in the House, which is increasingly dominated by urban-based Members, we have an increasingly tough job of education and reeducation with respect to water resource development in the United States.

We are building a 100-mile-long subway here in Washington, DC, for an amount approaching the $15 billion total investment in the reclamation West over the last 80 years. And that subway will never produce anything—surplus or otherwise—besides a spiraling operating loss that is projected soon to be an annual $300 million. And it is not even finished yet.

We are recommissioning battleships, which some experts say are totally obsolete and of only limited use, at costs in excess of what our O'Neill unit will cost, and, not far, I assume, from what Garrison's completion will cost.

And we are building the subway and fixing up the battleships with almost no outcry or clamor about the wisdom of such large public investments.

Yet, water projects, which produce food, make efficient use of water and return much of it to original sources, and create tax revenues, jobs, and other economic benefits—water projects are reviled as wasteful, pork-barrel political payoffs to Members of Congress.

I ask you what Communist country would not gladly exchange their system's discredited, inefficient agricultural disasters for our system. What sub-Sahara land, and Ethiopa, would not sacrifice its gross national product for our water resources development complex?

The Bedell amendment eventually would stop U.S. water development dead in its tracks if it is approved by the Congress and then becomes the pattern for other water projects.

The reason is simple. Farmers still have free choice in this country. Under Federal law, Federal water projects must have local sponsors capable of contracting for repaying part of the construction costs.

Under State laws, local sponsors can organize themselves into irrigation districts with taxing powers. But, in most States, farmers may petition out of these districts. They don't have to be in the the water project if they don't want to be.

At full cost, which in the case of the O'Neill unit would be around $300 per acre per year for 40 years, what farmer in his right mind would sign up for the project water?

Even at 10 percent of full cost, or $30, I question whether O'Neill unit producers would, under present circumstances, sign up for the project.

In my view, it makes little sense to set a flat "surplus crop production charge" for 10 percent of full cost before knowing, with respect to O'Neill, at least, how much the project will cost or when it may be completed. Far wiser, I say, would be to make the 10 percent a ceiling figure, instead of the bill's imperative directing a charge "equal to 10 percent of full cost * * *."

I wish to associate myself with the arguments against the Bedell amendment in a letter to Members dated April 22, 1986, and signed by the gentleman from North Dakota [Mr. DORGAN] and the gentleman from Minnestoa [Mr. STANGELAND].

I agree that the proposed amendment would destory the hard-won compromise on the Garrison project. I agree, for now, that we will have to accept the 10 percent.

And while I urge my colleagues to reject the Bedell amendment and approve the committee bill as presented to the House, I serve notice that I will oppose the inclusion in my bill, H.R. 1590, modifying the O'Neill unit in Nebraska, of not only any provision requiring full-cost penalty but any crop restriction at all.

If such a restriction is forced onto my bill, I will thereupon seek the guidance of my State's water policymakers and local sponsors as to whether to proceed further.

To reiterate, Mr. Chairman, I oppose the Bedell amendment, and I ask the House to reject it.

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

Mr. Chairman, first to all, I would like to begin by commending the people who were responsible for negotiating out the bill that is before us. It is a very good bill, and I urge commendation of this House for them finally breaking a logjam which we have had in this area for quite a while, and getting it behind us.

Mr. Chairman, the author of the amendment, our beloved friend from Iowa, Mr. BEDELL, has decided to retire at the end of this session, his amendment will improve this bill.

Mr. Chairman, I rise in support of the gentleman's amendment.

I am aware that penalties for surplus commodity production are already in the bill. However, I have my doubts that the bill's penalties are severe enough to ensure that the newly irrigated lands won't be used for surplus crop production. There is no reason the Federal Government should provide any irrigation subsidy to farmers who use these lands for producing surplus commodities.

Farm programs are costing the taxpayers billions of dollars a year. It seems to me that we should make every effort to make sure that other Government programs don't result in increased production of commodities that are already in surplus. This gentleman's amendment gives us the opportunity to do just that.

The new farm bill established a huge conservation reserve under which we will pay farmers to take 40 million acres out of production over the next 5 years, in addition to the millions of acres of annual set-asides under the wheat and feed grains program. It would be ridiculous for us to turn around and pay irrigation subsidies to farmers in North Dakota for bringing new land into production of those surplus crops.

If a farmer still wants to produce these crops, let him pay the full costs of production as farmers in other States do. Let's make sure we aren't spending the taxpayers money to add to the surplus with these newly irrigated lands when we're already spending their money to reduce it. I urge my colleagues to support the amendment.

□ 1205

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

Mr. PETRI. I yield to my colleague from Iowa.

Mr. BEDELL. Mr. Chairman, I thank the gentleman for his statement.

I would like to point out just one or two things. First of all, the House clearly has spoken on this issue in 1982 when we passed in the House a provision with regard to water policy that said you simply will not deliver water for surplus crops. This is less onerous than that. And the only way we are going to get it if that was knocked out is each time come through and keep it in, since the House has already spoken. This is an effort to comply with what the House has already said.

The biggest concern that this gentleman has goes way beyond the cost of the subsidy for growing crops. It is that it will cost us about $2 more in additional subsidy to get other farmers not to grow those crops that we are paying farmers to grow.

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

Mr. PETRI. I yield to the gentleman.

Mr. STRANG. Mr. Chairman, I respect the gentleman's arguments, and I understand that nobody in this body, and would agree nobody in this body wants to participate in a plan which would simply have the Congress in the position of stimulating vast acreages of already surplus crops.

Mr. Chairman, I would ask my friend to listen to the words of our colleague from North Dakota, who pointed out that when you can put irrigation into a community and you have a community in which the only crops available are surplus crops because it is dry land, you cannot reasonably expect the crops to come irrigation to

be surplus crops out of the self-interest of the farmer.

This particular amendment takes away from the farmer the opportunity cost which he simply must have to get through this greatest crisis in 50 years.

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

Mr. PETRI. I yield to the gentleman.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, like a lot of Members, I am caught in a difficult spot; first, because of my respect for the work done by Mr. DORGAN of North Dakota and others. I mean, Congressman DORGAN is one of the bright present and future leaders of our country, and I am sure of North Dakota. I respect the gentleman a great deal. And between the gentleman from Iowa [Mr. BEDELL], who I hate to see leave this body. The gentleman adds a great deal to our common sense.

But the question I have in listening to the debate today is if we do not want to pay farmers to grow surplus crops or to subsidize them, why do we not prohibit that in the bill? I think that is what the gentleman from Iowa [Mr. BEDELL] has tried to do.

Everyone says we are opposed to subsidizing the growth of surplus crops. Why do we not make that point?

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

Mr. Chairman, let me say to Members of the House that I have stood with my colleague, Mr. BEDELL, in the last 12 years trying to reform reclamation projects. I have participated in and led fights against projects since my first year in this Congress that I felt were boondoggles, that I felt were pork barrel, that I felt did not meet the public interests.

The Garrison project was one of those projects. I voted many times against it, because I felt that it could not be justified.

A couple of years ago, the Appropriations Committee decided that they would make one last chance, that they would send this project back to the people of North Dakota, that they would send this project back to those people who were divided about it, to the Canadians, to the environmental groups, to those who were concerned about the local economies, to those who were concerned about the economies of this project, and see if they could reformulate it.

The commission reported this project. We took that commission, massaged it further, made further reforms, made it even tougher than that commission, and brought this project at the mandate of the Appropriations Committee to the floor of this Congress.

The provision that we are now arguing over, for those who are new to this fight, let me say is a major reform. The gentleman from Iowa [Mr. BEDELL] is correct when the gentleman says the previous law had a restriction on the delivery of subsidized water to newly irrigated land. But the people who put that in put it in for window dressing. They put it in to convince Members of Congress that somehow when we started irrigating lands in the fifties and the sixties in California that that would not hurt southern cotton, that that would not hurt crops in the southeastern part of the United States.

But do you know what? It never went into effect because it said it was from 10 years to the date of enactment of the bill, and it took longer than 10 years to build each and every one of these projects. So, in fact, it was window dressing.

Then we tried, and Congressman BEDELL introduced in the Reclamation Reform Act of 1982, a provision that would have tried to do the same thing in that bill. That was rejected by the House and the Senate in the conference report of the Reclamation Reform Act.

What we have here is the first real opportunity to reform the manner in which we deliver subsidized water in major Federal reclamation projects. It is my very honest belief, and I say this to Members of the Congress who I am asking to vote for this, that I am using my capital with and my credentials, as one who has participated in this fight, that this provision would not allow for the growth of those subsidized crops because the farmer would not find it in his economic interest to do so.

This is a substantial surcharge. This is over and above what the farmer will have to pay for the full repayment of this project back to the Federal Government. And that surcharge, certainly in this farm economy and in any farm economy that we see in the future, is the deterrent.

I think you have already heard a number of people speak against the Bedell amendment, and also speak against the committee, because they understand what we are doing. We are playing for keeps in this bill. This is a 10-percent surcharge when those crops are declared surplus.

I agree, and I have fought projects in my own State. I have fought with my colleagues from my own State with projects that they have, because I did not believe we should be doing what Congressman BEDELL has pointed out here. I believe that this is a deterrent. This is not some kind of window dressing to get you all to vote for it. This is not some kind of effort to pretend like we are doing something to be hard on this part when we are not. What we are doing here is a major, major redirection.

It is like what we have in some of the public works bills with local cost sharing. What we are saying to this farmer is, you want to participate in growing surplus crops with federally subsidized water, you are going to pay a penalty. You are going to pay a fee, and we believe in structuring this fee, given the cost of this project, that that will be a deterrent to that decision by that farmer.

Now I think that that is the best we can politically do, and that is far different from anything that has happened in either the Senate or the House in the 12 years I have been here with respect to reclamation.

Garrison provides us the opportunity to do that. It is the granddaddy of the water projects at this time. It is one that has been controversial. Let me say that it was not an easy time getting people to agree to this. But I think they also understand our own problems here in terms of the Federal budget. They also understand the farm economy and the weakness there. They understand the competition from farmers in other areas.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. They understand the competition from farmers in other areas who do not want to see this kind of competition. We believe that this will withdraw that.

We had a provision in California. But do you know what? It never went into effect either there, because by the time the Department of Agriculture had made its determinations in surplus crops, the farmers had already made their investment. Then they were told after the fact, so it was continuously waived for 10 years.

This one is real. This one is real. It is up front. And I think it is a correction in policy that has been badly needed over the years.

Mr. BEDELL. Mr. Chairman, the gentleman does agree, does he not, that in 1982 the House passed legislation that said that surplus water will simply not be delivered for the production of surplus crops? Does the gentleman agree to that?

Mr. MILLER of California. I agree with that, and I believe that I supported that amendment by the gentleman.

Mr. BEDELL. And the gentleman does agree that there are projects at this time on which that is in effect, does he not?

□ 1215

Mr. MILLER of California. None that I know of.

Mr. BEDELL. Well, let me read them to you. The San Juan Channel, initial stage, in the Colorado River project, the Navajo Indian—you have the list there, I think. The one's and two's are projects in which the surplus crops cannot be grown for 10 years after.

Mr. MILLER of California. Let me say to the gentleman that the Reclamation Reform Act carries with it—

Notwithstanding any other provision of this law in the case of Federal reclamation projects authorized before the date of enactment, any restriction prohibiting the delivery of irrigated water for the production of excess.

That is my whole point, that that act in fact was not real, that in fact it did not prevent what you and I tried for years to prevent from happening. And I believe an upfront surcharge, in fact, will meet that goal that you and I have fought for in the Congress and that it is your goal today in offering your amendment. I think, in fact, this is the politically palatable way that you can do it without the absolute prohibition. I think the result is the same.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(On request of Mr. BEDELL and by unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes)

Mr. BEDELL. Does the gentleman agree that in this proposal, as it is in the bill, that farmers would pay 10 percent of the cost of delivering the water and the taxpayers would pay 90 percent; is that correct?

Mr. MILLER of California. That is not the case. The farmers are going to pay full O&M, as the Reclamation Reform Act requires, and then the farmers are going to pay an additional fee based upon—we needed to come up with what we thought was a dollar amount that would work as a disincentive. And it is a fee, it is not related to the notion that there is 100 percent subsidy and the farmer agrees to pay 10 percent of it. That is not what is happening here. I know that is the argument that the gentleman has made in the past.

This is a surcharge, it is based upon 10 percent of the cost of the delivery of the water, which is based upon the cost of the project, and in this case that is a very, very substantial fee. Again I will say I believe it is a disincentive.

Mr. BEDELL. If the gentleman will yield further, it seems to me it is important that we have this clear, that the farmer is going to pay 10 percent of the cost of delivering the water.

Mr. MILLER of California. No.

Mr. BEDELL. Of the interest cost of delivery of the water.

Mr. MILLER of California. No. The irrigation districts that contract with the Federal Government, should they decide to go ahead and build this project, should they decide that they can afford it—and that is up to some question right now, in this farm economy—should they decide, they will prepay the cost of this project. They will do that over a 40- to 50-year period in doing so.

It is like highways and airports. What we are saying is that in the case that where those farmers then want to engage in the farming of crops that are in surplus, they will pay an additional fee beyond what would ordinarily be charged in terms of the operation and maintenance repayment of this project over the 40-year life of the contract or 50-year life of the contract.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(On request of Mr. BEDELL and by unanimous consent, Mr. MILLER of California was allowed to proceed for 4 additional minutes.)

Mr. BEDELL. If the gentleman will yield further, I guess the issue is, it seems to me, if the 10 percent would prevent farmers from planting surplus crops, as the gentleman thinks it would, the 10 percent, then does it not make sense to say that we are going to remove the taxpayers from having to pay part of the cost, because if you are going to accomplish it, anyway, what is wrong with having water policy that clearly says that we do not think it is right to subsidize farmers to grow at the same time we are paying farmers not to grow crops?

Mr. MILLER of California. Let me ask the gentleman the reverse of that question: What is wrong is if this accomplishes the water policy you want to accomplish that we do not do it this way, what is wrong with doing it this way when in fact it will accomplish the same goal? As has been pointed out here by a number of people in the tortured path of this bill to the floor, the tortured path of this project is that this is a compromise, and you have to allow some people to walk away with some face, understanding the obligations that they have undertaken, the changes that they have agreed to, and you have to have them have the ability to hold their heads up.

We believe this does that while at the same time accomplishing the very purpose the gentleman is raising.

Mr. BEDELL. The gentleman asked me a question, so may I reply?

Mr. MILLER of California. Yes.

Mr. BEDELL. If they both accomplish it and if it would seem to make more sense to most Members, which I assume it would, that they would not——

Mr. MILLER of California. We will find that out in a little while. Let me reclaim my time. Let me just say, the answer is that I believe that purpose is being met, and I think this is the best way to do it, the most forthright way to accomplish that within the reclamation policy.

And let us not pretend for a moment—and let me keep my time for a moment—let us not pretend that you are going to take this one reclamation project and somehow you are going to change the agricultural policy in this country. The problems that run through the ag bill and the ag policy are far greater and wider in magnitude than this one. This addresses the contribution that has been made in the past by reclamation projects to that problem. That is all we can do here. I believe the committee bill in fact does that, as do many of the people who have fought side by side with the gentleman against wasteful projects.

Mr. BEDELL. The gentleman asked me a question. May I try to reply?

Mr. MILLER of California. I yield to the gentleman.

Mr. BEDELL. The gentleman asked me the question: Why should we change it if the 10 percent will accomplish it?

The reason that this gentleman thinks we should change it is that I believe that it does not make sense for taxpayers to subsidize the growing of more crops at the same time that we are paying farmers not to grow crops.

The 100 percent would accomplish that. The 10 percent does not accomplish that. The 10 percent still says that we will continue to offer subsidies to farmers to grow cros that are in surplus that we are paying other farmers not to grow.

So if they both accomplish it, it would seem to this gentleman that it makes sense to have a policy which I would think would make sense to the taxpayers.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

MR. MILLER of California. I yield to the gentleman from North Dakota.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. DORGAN of North Dakota. Mr. Chairman, let me again underscore the point that irrigation opportunities in that area of North Dakota that will be irrigated under this project will allow the production of crops that are not in surplus from lands that are now producing crops that are in surplus. That is precisely what is going to happen. It is what the gentleman from Iowa is trying to say this morning needs to happen. I am saying that is what will happen if you have these irrigation opportunities.

But if you set up conditions that persuade people not to go ahead and make the front-end investments because they do not have the time, in an

orderly way, with crop rotations, plantings, and other things, to accomplish this, then you will assure that those lands are going to remain in excess crops or surplus crops, we are not going to have the opportunity to switch to nonsurplus crops, and I think for that reason the amendment that the gentleman from Iowa has offered is completely counterproductive. I want to reemphasize once again that what we have done in this compromise is historic. It is the only place that it exists in Federal law when we pass this legislation. I think it is the right approach and it is the appropriate approach.

Mr. MILLER of California. I thank the gentleman.

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

Mr. MILLER of California. I yield to the gentleman from Colorado.

Mr. STRANG. I thank the gentleman for yielding.

Mr. Chairman, I would echo the gentleman's comments, and I would simply point out that the compromise which the gentleman has crafted is in fact a 75-percent increase over currently calculated ability to pay. That is a major disincentive, but it is not antifarm or antifamily or antiopportunity. I congratulate the gentleman on his compromise.

Mr. MILLER of California. I think the gentleman is quite correct. I think one of the serious questions that will be asked down the road is whether or not in this farm economy the farmers will engage this project at the base price, forget the 10-percent surcharge, whether or not they will be able to engage in the base price, and that is because of the delays we have had over the years in the construction of this project.

Mr. STRANG. If the gentleman will yield, let us point out that if you do not get this bill passed you are locking in those farmers to current surpluses. The only thing they can raise is wheat and corn. And this water will provide an opportunity for alternative crops.

Mr. MILLER of California. I thank the gentleman.

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

Mr. MILLER of California. I yield to the gentleman from Indiana.

Mr. SHARP. I thank the gentleman for yielding.

Mr. Chairman, as the gentleman knows, I do not agree with him totally on this, though I am delighted in his work of trying to craft a better bill than the project originally shaped up to be, but I think it is important that we do pass the Bedell amendment. I think it is very important that we establish clearly we are not going to go forward in this country with dramatically contradictory policies in which we are going to be subsidizing crops that we are spending a fortune now to try to get out of production elsewhere in the country. I think it makes no sense for us. We have high deficits, and we have a farm crisis. The legislation, as it goes forward, costs us money and it subsidizes a product that we are spending a fortune to try to get off of the market.

So I hope that my colleagues will support the Bedell amendment on this to make it a much more rational kind of policy. I appreciate the situation of the gentleman from North Dakota and the years of commitment that people have made there. But, frankly, I think the wise thing for us to do in 1986 is to vote for the Bedell amendment.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, let me respond to the gentleman, and then I will yield.

I think the point is here, with the 10-percent surcharge, the subsidy in fact will not be extended to that land for that purpose. If that farmer desires to irrigate his land, he must do so in another crop in order to make a profit, because I think the 10-percent surcharge irradicates any possibility of that farmer making a profit on that land.

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

Mr. MILLER of California. I yield to the gentleman from Louisiana.

Mr. HUCKABY. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from Indiana and in support of the amendment of the gentleman from Iowa as such.

It certainly makes no sense at a time when we are trying to get a conservation reserve off the ground to literally buy out millions of acres of land in production today for these surplus crops to further compound this situation.

In addition to that, all the scientists are telling us we are on the threshold of a major breakthrough in bioengineering, in gene splicing, where we are going to see a doubling or tripling of yields within the next 10 to 15 years.

So it is highly unlikely that we will need this farmland within the foreseeable future to produce these surplus crops. I think the Bedell amendment makes sense, and I would urge my colleagues to support it.

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

Mr. Chairman, I want to give my colleague and friend, the gentleman from California, a chance to perhaps explain to the Committee one more time why if indeed we want to stop the growth in surplus crops, namely, through the tool of reducing subsidies to those crops, why we should not impose the Bedell 100-percent test for which we are certain there will be no water to surplus crops, why we would oppose that and support a 10-percent test which leaves open the possibility of taxpayer subsidies to surplus crops. I do not understand that.

I would be glad to yield to my friend.

Mr. MILLER of California. Well, let me say to the gentleman, as I said earlier, I think that within the realm of the compromise that had to be reached here, by phrasing it in the manner of a surplus, I believe that that surplus, and in fact honestly believe, that the 10-percent surcharge when calculated will irradicate any possibility of a farmer making the economic decision to use that land to grow those crops. An outright prohibition of that flies in the face of the whole notion of reclamation projects. I saw the opportunity to provide this surcharge and accomplish the goals that I have stated have been Mr. BEDELL's goals and my goals for many years. I think in fact that is accomplished by the bill. The gentleman may differ with that. But I think that to suggest that somehow this is the root of the agricultural problem in this country, when I see we are paying 15 cents for every pound of cotton, people are growing cotton only for one market. Here we are saying that we are going to go ahead and develop the land but we are going to take away, unlike all of the other support programs in the agricultural bill, we are going to take away the incentive to grow subsidized crops, but we are going to allow a farmer to develop that land, to have an adequate supply of water, to have a committed supply of water, and have the opportunity to branch out into that agriculture. Today that is not possible for these farmers, and I think that is the gist of the bill.

Mr. ROEMER. Let me reclaim my time. I thank the gentleman for his answer. Let me see if I can paraphrase his answer.

Mr. MILLER of California. Well, I would rather restate it than have the gentleman paraphrase it.

Mr. ROEMER. Well, I will give you a chance to do that, because you probably will not like my paraphrase.

The 10-percent rule is set for political reasons.

Mr. MILLER of California. No. The 10-percent rule——

Mr. ROEMER. I have not yielded yet. Let me finish my paraphrase. Maybe it will show how far off base I am.

The 10-percent rule has interwoven in it some pride of authorship and some political comity, and it has nothing to do with the stoppage of taxpayers' subsidy for surplus crops.

If we want to stop the subsidy of surplus crops, the way to do it is the 100-percent rule. If there is another reason, let us get to the heart of it.

I yield to my friend.

Mr. MILLER of California. I would say to the gentleman that I disagree with his characterization of my answer. I believe that the 10-percent rule adds on such an additional surcharge that, in fact, the subsidy is gone, that at that point there is no subsidy because the farmer will not make that decision. That goes to the economics of the farmland, to the cropping pattern and to the cost of raw material which, in this case, is federally developed water, that in that point it is gone.

This is not an attempt to appear to be doing something. It is the honest belief of this gentleman that, in fact, that goal is accomplished through the language in the legislation.

Mr. ROEMER. I accept that, and I thank the gentleman for his answer. I just take the position that if we are going to stop the subsidy, the way to do it is with the 100-percent rule.

□ 1230

It meets the test of common sense, economic need, and good policy.

I further agree with my colleague, the gentleman from California, that we ought not to make a mountain out of this one bill. This will not change agricultural policy in America. We ought to do that at some point, but this bill does not.

But as far as this test is concerned, I ask my colleagues to meet the Bedell standard, 100 percent.

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

Mr. ROEMER. Yes, I am glad to yield.

Mr. SHARP. Mr. Chairman, I do not want to take anything from the skill and work of our colleague, the gentleman from California. He has done an excellent job on a very difficult bill, I know that; but I differ with the gentleman on the assumption that actually is prohibitive with the 10 percent. I know the gentleman believes in good faith that it is prohibitive by having the 10-percent surcharge, that therefore, the farmer will not want to grow any of the prohibitive crops; but the fact is each farmer is going to calculate that and there still is a major subsidy, water subsidy, here for the acreage, even with the 10-percent additional cost that they might have to pay.

It may well work out that a farmer may wish to do that.

I think we are not asking them to sit around calculating that. We want them to know exactly that they are going to have to pay the full freight if they are going to engage in subsidized crops.

Now, it is important also to remember that if they do not engage—I do not mean subsidized crops, but if they do not engage in prohibited crops, there is no difficulty with them using this land.

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

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

I just want to make a couple points. I commend the gentleman from California, the subcommittee chairman, for the way he has handled an extremely difficult situation.

My heart went out to the gentleman from North Dakota. I have been in the middle of these statewide water project fights most of my life and the gentleman has conducted himself with real skill and ability in getting this bill to the floor.

We debated the amendment that is now before us in the committee. We defeated the 100-percent version of it. We defeated an amendment which would have eliminated any surcharge, and I think we have got about the right place to do it.

One bill should not carry all the load. Things are changing in agriculture. I say to myself and my friends from the East and from the South that we are having upfront payments now for water projects. We are talking about realistic interest rates. The fight has not been in vain. The message is getting across on surplus crops.

But here is a little State, promised 40 years ago when the Government moved in and took some of their best bottom land, the best agricultural lands in the whole State, that justice would be done and 40 years later we are trying to do justice and we have a finely negotiated compromise settlement of this overall problem. It would be a shame to upset it.

If we pass the amendment, it could be very costly, because the Government is going to save a lot of money if we get this matter settled and do not have to keep the covenant in other ways, but it could be a very costly mistake, although well-intentioned, to adopt this amendment and I strongly oppose it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. BEDELL].

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

Mr. BEDELL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 94]

Ackerman	Dicks	Jones (NC)
Alexander	DioGuardi	Jones (OK)
Anderson	Dixon	Jones (TN)
Andrews	Donnelly	Kanjorski
Annunzio	Dorgan (ND)	Kaptur
Applegate	Dornan (CA)	Kasich
Archer	Dowdy	Kastenmeier
Armey	Downey	Kemp
Aspin	Dreier	Kennelly
AuCoin	Duncan	Kildee
Badham	Durbin	Kindness
Barnard	Dwyer	Kleczka
Barnes	Dymally	Kolbe
Bartlett	Dyson	Kolter
Barton	Eckart (OH)	Kostmayer
Bateman	Eckert (NY)	Kramer
Bates	Edwards (CA)	LaFalce
Bedell	Edwards (OK)	Lagomarsino
Beilenson	Emerson	Lantos
Bennett	English	Leath (TX)
Bentley	Erdreich	Lehman (CA)
Bereuter	Evans (IA)	Lehman (FL)
Berman	Evans (IL)	Leland
Bevill	Fascell	Lent
Biaggi	Fawell	Levin (MI)
Bilirakis	Fazio	Levine (CA)
Bliley	Feighan	Lewis (CA)
Boehlert	Fields	Lewis (FL)
Boggs	Fish	Lightfoot
Boland	Flippo	Lipinski
Boner (TN)	Foglietta	Livingston
Bonior (MI)	Foley	Lloyd
Bonker	Ford (MI)	Long
Borski	Ford (TN)	Lott
Bosco	Fowler	Lowery (CA)
Boucher	Frank	Lowry (WA)
Boulter	Franklin	Luken
Brooks	Frenzel	Lundine
Broomfield	Frost	Lungren
Brown (CA)	Fuqua	Mack
Brown (CO)	Gallo	MacKay
Broyhill	Garcia	Madigan
Bruce	Gekas	Manton
Bryant	Gephardt	Markey
Burton (CA)	Gibbons	Marlenee
Burton (IN)	Gilman	Martin (IL)
Bustamante	Gingrich	Martin (NY)
Byron	Glickman	Martinez
Callahan	Gonzalez	Matsui
Campbell	Goodling	Mavroules
Carney	Gordon	Mazzoli
Carper	Gray (IL)	McCain
Carr	Gray (PA)	McCandless
Chandler	Green	McCloskey
Chapman	Guarini	McCollum
Chappie	Gunderson	McDade
Cheney	Hall (OH)	McEwen
Clay	Hall, Ralph	McGrath
Clinger	Hamilton	McHugh
Coats	Hammerschmidt	McKinney
Cobey	Hansen	McMillan
Coble	Hartnett	Meyers
Coelho	Hatcher	Mica
Coleman (MO)	Hawkins	Mikulski
Collins	Hayes	Miller (CA)
Combest	Hefner	Miller (OH)
Conte	Hendon	Miller (WA)
Conyers	Henry	Mineta
Cooper	Hertel	Mitchell
Coughlin	Hiler	Moakley
Courter	Hillis	Molinari
Coyne	Holt	Mollohan
Craig	Hopkins	Monson
Crane	Horton	Montgomery
Crockett	Howard	Moody
Daniel	Hoyer	Moore
Darden	Hubbard	Moorhead
Daschle	Huckaby	Morrison (CT)
Daub	Hughes	Morrison (WA)
Davis	Hunter	Mrazek
de la Garza	Hutto	Murphy
DeLay	Hyde	Murtha
Dellums	Ireland	Myers
Derrick	Jacobs	Natcher
DeWine	Jeffords	Neal
Dickinson	Jenkins	Nelson

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Panetta
Parris
Pashayan
Pease
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Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Roberts
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)

□ 1245

The CHAIRMAN. Three hundred ninety Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Iowa [Mr. BEDELL] for a recorded vote. Five minutes will be allowed for the vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 203, not voting 31, as follows:

[Roll No. 95]

AYES—199

Ackerman
Archer
Armey
Atkins
AuCoin
Barnes
Bartlett
Barton
Bateman
Bates
Bedell
Beilenson
Bennett
Bentley
Berman
Biaggi
Biliraki
Bliley
Boehlert
Bonker
Boulter
Brooks
Broomfield
Broyhill
Burton (IN)
Bustamante
Carney
Carper
Chandler
Chapman
Clay
Coats
Cobey
Coble
Coleman (MO)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Crane
Crockett
Dannemeyer
Derrick
DeWine
DioGuardi
Dwyer
Dyson
Eckert (NY)
Edwards (CA)
Edwards (OK)
English
Erdreich
Evans (IA)
Evans (IL)
Fawell
Fields
Fish
Florio
Foglietta
Fowler
Frank
Frenzel
Garcia
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Green
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hansen
Hatcher
Hayes
Hendon
Henry
Hertel
Hiler
Hillis
Horton
Huckaby
Hughes
Jacobs
Jeffords
Jenkins
Kanjorski
Kasich
Kastenmeier
Kemp
Kildee
Kolter
Kostmayer
LaFalce
Lagomarsino
Lent
Levine (CA)
Lightfoot
Long
Lundine
Lungren
Mack
MacKay
Markey
Martin (IL)
Martin (NY)
Mavroules
McCloskey
McCollum
McDade
McGrath
McHugh
McMillan
Mikulski
Miller (OH)
Miller (WA)
Mitchell
Moakley
Molinari
Moody
Moore
Morrison (CT)
Mrazek
Murphy
Neal
Nelson
Nowak
Obey
Owens
Parris
Pease
Penny
Petri
Pickle
Porter
Pursell
Rangel
Rinaldo
Ritter
Roemer
Roth
Savage
Saxton
Scheuer
Schroeder
Schuette
Schulze
Seiberling
Sensenbrenner
Sharp
Shaw
Shumway
Sikorski
Siljander
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert (NH)
Snowe
Solarz
Solomon
Spratt
St Germain
Stark
Stenholm
Stratton
Studds
Sweeney
Swindall
Tallon
Tauke
Tauzin
Towns
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Waxman
Weaver
Weber
Weiss
Wheat
Whittaker
Wolpe
Wortley
Yates
Yatron
Young (FL)

NOES—203

Alexander
Anderson
Andrews
Annunzio
Applegate
Aspin
Badham
Barnard
Bereuter
Bevill
Boggs
Boland
Boner (TN)
Bonior (MI)
Borski
Bosco
Boucher
Brown (CA)
Brown (CO)
Bruce
Bryant
Burton (CA)
Byron
Callahan
Campbell
Carr
Chappie
Cheney
Clinger
Coelho
Coleman (TX)
Coyne
Craig
Daniel
Darden
Daschle
Daub
Davis
de la Garza
DeLay
Dellums
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dymally
Eckart (OH)
Emerson
Fascell
Fazio
Feighan
Flippo
Foley
Ford (MI)
Ford (TN)
Franklin
Frost
Fuqua
Gallo
Gejdenson
Gephardt
Gordon
Gray (IL)
Gray (PA)
Guarini
Hammerschmidt
Hartnett
Hawkins
Hefner
Holt
Hopkins
Howard
Hoyer
Hubbard
Hunter
Hutto
Hyde
Ireland
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kennelly
Kindness
Kleczka
Kolbe
Kramer
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Luken
Madigan
Manton
Marlenee
Martinez
Matsui
Mazzoli
McCain
McCandless
McEwen
McKinney
Meyers
Mica
Miller (CA)
Mineta
Mollohan
Monson
Montgomery
Moorhead
Morrison (WA)
Murtha
Myers
Natcher
Nielson
Oakar
Olin
Oxley
Packard
Panetta
Pashayan
Pepper
Perkins
Price
Quillen
Rahall
Ray
Regula
Reid
Richardson
Ridge
Roberts
Rodino
Roe
Rogers
Rose
Rostenkowski
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Schaefer
Schneider
Schumer
Shelby
Shuster
Sisisky
Skeen
Slaughter
Smith (NE)
Smith, Denny (OR)
Smith, Robert (OR)
Snyder
Spence
Staggers
Stallings
Stangeland
Stokes
Strang
Stump
Sundquist
Swift
Synar
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Valentine
Watkins
Whitehurst
Whitley
Whitten
Williams
Wise
Wolf
Wyden
Wylie
Young (AK)
Young (MO)

NOT VOTING—31

Akaka
Anthony
Boxer
Breaux
Chappell
Early
Edgar
Fiedler
Gaydos
Gregg
Grotberg
Heftel
Johnson
Latta
Leach (IA)
Loeffler
Lujan
McCurdy
McKernan
Michel
Nichols
O'Brien
Oberstar
Ortiz
Robinson
Roukema
Vucanovich
Wilson
Wirth
Wright
Zschau

Messrs. OXLEY, TORRES, LEHMAN of Florida, DORNAN of California, and ANNUNZIO changed their votes from "aye" to "no."

Messrs. LUNGREN, CHANDLER, and SWEENEY changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1300

The CHAIRMAN. Are there further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Bosco, 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. 1116) to implement certain recommendations made pursuant to Public Law 98-360, pursuant to House Resolution 422, 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.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. 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. WALKER. 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 254, nays 154, not voting 25, as follows:

[Roll No. 96]

YEAS—254

Ackerman
Alexander
Anderson
Andrews
Annunzio
Applegate
Aspin
Barnard
Bateman
Bennett
Bentley
Bereuter
Bevill
Biaggi
Boggs
Boland
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Brooks
Brown (CA)
Brown (CO)
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Callahan
Carney
Carr
Chapman
Chappell
Cheney
Clinger
Coelho
Coleman (TX)
Collins
Conte
Cooper
Coyne
Darden
Daschle
Daub
Davis
de la Garza
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dyson
Eckart (OH)
Eckert (NY)
Emerson
English
Erdreich
Evans (IL)
Fascell
Fazio
Fish
Flippo
Florio
Foley
Ford (MI)
Fowler
Franklin
Frost
Fuqua
Gallo
Garcia
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall, Ralph
Hammerschmidt
Hatcher
Hawkins
Hayes
Hefner
Holt
Hopkins
Horton
Howard
Hoyer
Hughes
Hunter
Hutto
Hyde
Ireland
Jenkins
Johnson
Jones (NC)
Jones (OK)
Kaptur
Kemp
Kennelly
Kindness
Kleczka
Kolbe
Kolter
Kramer
LaFalce
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Lott
Lowery (CA)
Luken
Lundine
MacKay
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McGrath
McHugh
McKinney
Mica
Miller (CA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Monson
Montgomery
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Nielson
Nowak
Oakar
Olin
Packard
Panetta
Pashayan
Pease
Pepper
Perkins
Petri
Pickle
Price
Quillen
Rahall
Rangel
Ray
Reid
Richardson
Ridge
Rinaldo
Roberts
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Schaefer
Schneider
Schumer
Sensenbrenner
Shaw
Shelby
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (OR)
Snyder
Solarz
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Strang
Stump
Swift
Swindall
Synar
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Visclosky
Walgren
Watkins
Waxman
Weiss
Wheat
Whitley
Whittaker
Whitten
Williams
Wise
Wortley
Wright
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)

NAYS—154

Archer
Armey
Atkins
AuCoin
Badham
Barnes
Bartlett
Barton
Bates
Bedell
Beilenson
Berman
Bilirakis
Bliley
Boehlert
Boner (TN)
Boulter
Broomfield
Broyhill
Burton (IN)
Campbell
Carper
Chandler
Chappie
Clay
Coats
Cobey
Coble
Coleman (MO)
Combest
Conyers
Coughlin
Courter
Craig
Crane
Crockett
Daniel
Dannemeyer
DeLay
Dellums
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dowdy
Dreier
Dymally
Edwards (CA)
Edwards (OK)
Evans (IA)
Fawell
Feighan
Fields
Foglietta
Ford (TN)
Frank
Frenzel
Gekas
Gingrich
Goodling
Gregg
Hall (OH)
Hamilton
Hansen
Hartnett
Hendon
Henry
Hertel
Hiler
Hillis
Hubbard
Huckaby
Jacobs
Jeffords
Jones (TN)
Kanjorski
Kasich
Kastenmeier
Kildee
Kostmayer
Lagomarsino
Leach (IA)
Lightfoot
Livingston
Long
Lowry (WA)
Lungren
Mack
Madigan
Markey
Marlenee
Martin (IL)
McCollum
McDade
McEwen
McKernan
McMillan
Meyers
Mikulski
Miller (OH)
Miller (WA)
Moody
Moore
Moorhead
Morrison (CT)
Mrazek
Neal
Nelson
Obey
Owens
Oxley
Parris
Penny
Porter
Pursell
Regula
Ritter
Roemer
Roukema
Saxton
Scheuer
Schroeder
Schuette
Schulze
Seiberling
Sharp
Shumway
Sikorski
Siljander
Slaughter
Smith (IA)
Smith, Robert (NH)
Snowe
Solomon
Spence
Spratt
Stratton
Studds
Sundquist
Sweeney
Tallon
Tauke
Tauzin
Vander Jagt
Vento
Volkmer
Walker
Weaver
Weber
Whitehurst
Wolf
Wolpe
Wyden
Yates

NOT VOTING—25

Akaka
Anthony
Boxer
Breaux
Early
Edgar
Fiedler
Gaydos
Grotberg
Heftel
Latta
Loeffler
Lujan
Manton
McCurdy
Michel
Nichols
O'Brien
Oberstar
Ortiz
Robinson
Vucanovich
Wilson
Wirth
Zschau

□ 1310

The Clerk announced the following pair:

On this vote:

Mr. Anthony for, with Mr. Zschau against.

Messrs. SPRATT, FOGLIETTA, and BARTLETT changed their votes from "yea" to "nay."

Mr. SMITH of Florida and Mr. ENGLISH changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will inform the House that despite the fact we are taking special orders, we understand the Rules Committee will meet at 1:30 and we are anticipating that legislation will be on the floor later today.

□ 1325

COMMUNITY DEVELOPMENT BLOCK GRANT IMPROVEMENT ACT OF 1986

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

Mr. MITCHELL. Mr. Speaker, today I am introducing the Community Development Block Grant Improvement Act of 1986. The Community Development Block Grant [CDBG] Program is the largest and one of the most important sources of community development funds available to low-income neighborhoods and families. It has had a significant impact in my district and I'm sure that's true of your district as well.

Yet, this successful program is threatened, not because of failures in the program as much as by its success. This program, established to benefit "principally persons of low and moderate income," is now seen by some as "not sufficiently targeted" to low and moderate income beneficiaries. It has been suggested that since it is not exclusively a low-income, safety net program, it should be cut. The most recent budget proposal would reduce the CDBG program by 10 percent below the current level for fiscal year 1985.

To cut CDBG would be a classic case of "throwing out the baby * * *." It makes far more sense to target the available money more narrowly to low and moderate income recipients than to reduce the money available.

For that reason, the Community Development Block Grant Improvement Act of 1986 will ensure that 100 percent of the CDBG money will go to low and moderate income beneficiaries. I invite you to join me as a sponsor of this legislation.

The bill will accomplish the following six goals:

First, require that all CDBG money be expended for the benefit of families and individuals with incomes of 120 percent or less of the median income in their area.

Second, further discourage displacement.

Third, require the development of an economic development strategy before any CDBF funds are expended on economic development projects.

Fourth, reinstitute the application process so that communities may receive advance approval for their CDBG plans.

Fifth, restore authority for multiyear grants to nonentitlement communities.

Sixth, encourage greater citizen review, community monitoring and participation.

I believe these are practical, sensible changes which will enhance the appeal of an already good program to help our low-income persons and families.

J.J. CROSETTI RECEIVES SOLIDARITY MEDAL FROM GOVERNMENT OF ITALY

The SPEAKER. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, it is with great pride that I inform my colleagues that the Government of Italy has decided to award a Solidarity Medal to J.J. (Joe) Crosetti, a native son of Watsonville, CA, and an outstanding citizen of Santa Cruz County for many decades. On July 13, Lodge No. 2016 of the Order of Sons of Italy in America will present this prestigious award to Mr. Crosetti, and I would like to take this opportunity to list the achievements of this great man.

Joe Crosetti is the chairman of the board of J.J. Crosetti Co., as well as Crosetti Frozen Foods, Crosetti Cold Storage, and Crosetti Orchards. He is also president of Transit Cooling, Inc. He is a leading member of the agricultural community of Watsonville and Santa Cruz County and his work on behalf of that community and his fellow citizens seems far beyond the possible accomplishments of one individual.

Joe Crosetti was born in 1908 in Watsonville. His parents were Frank and Margherita Crosetti, who were immigrants from Italy. Joe attended the Watsonville schools, graduating from Watsonville High School in 1927. That year, he formed his own band, and they went around the world playing for the Dollar Steamship Lines.

In 1935, Joe married Theresa Muzzio, and they celebrated their 50th wedding anniversary just last year. They have three children and six grandchildren.

Joe began his career working for the Horgan Co. A few years later, he started on his own, and today, his frozen foods plant employs 600 workers. His products are shipped around the world.

Among Joe's achievements and contributions to the agricultural and business communities of Santa Cruz County and California over the past several decades are the following: president of the Santa Cruz County Fair Board—six times; Exposition Hall at Santa Cruz County Fairgrounds dedicated in his honor—1969; member of California Board of Agriculture—8 years; State Fair Board vice president—8 years; chairman, State Horse Show—3 years; director of the 14th Agricultural District—40 years; member of first agricultural tour of Soviet Union; president, California-Arizona Farm Labor Association—6 years; president, Watsonville Chamber of Commerce—1947; Watsonville Chamber of Commerce Man of the Year—1963; president of Grower-Shipper Vegetable Association—1963; former member board of directors of Western Growers Association.

Joe has also been very active in charitable causes, serving as president of the Watsonville chapter of the American Red Cross for 42 years, as president of the Santa Cruz County Cancer Society. A number of local charities, as well as needy individuals and families in the area, have been able to count on his support over the years. In addition, he has been a member of the Elks Club for 51 years; a charter member, and the only honorary member, of the Lions Club; a Paul Harris fellow of the Rotary Club; and a member of the Commonwealth Club of San Francisco.

In 1965, Joe was honored by resolutions adopted by the California State Senate, Santa Cruz County, and the city of Sacramento. He was a member of the county grand jury from 1944 to 1946; a delegate to the Presidential convention of 1964; and a member of the electoral college in 1964.

Mr. Speaker, as a son of Italian immigrants, as a member of the agricultural community of neighboring Monterey County, and as Joe Crosetti's Representative in Congress, I am proud of his accomplishments. He is the kind of person upon which this country has been built—he has worked hard, made opportunities, succeeded, spread his success to his employees, to his colleagues, and to his community, and has contributed of his time and resources to those less fortunate than he.

I and my wife Sylvia, a friend and relative to Joe Crosetti, hope to be able to attend the ceremony at which Joe receives his Solidarity Medal. We will bring with us the well-deserved congratulations and respect of all my colleagues for this remarkable and outstanding citizen, farmer, father, and friend.

INTERNATIONAL TERRORISM

The SPEAKER. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, tomorrow I will introduce legislation to create a nonpartisan Presidential Commission to conduct an ongoing evaluation of international terrorism, monitor the activities of various agencies with jurisdiction over terrorism, and recommend specific steps the United States and its allies can take to combat its spread.

This legislation will include specific authority for the Commission to offer international bounties for the successful capture and prosecution of known terrorists under the laws of the nations against which the terrorist acts were committed.

I continue to support military action as an effective option to protect innocent lives from terrorists. A meaningful long-range policy against terrorism must also include other options. The containment of terrorism will require a broader and more comprehensive approach. The recent attack against Libya was justified, but we can not assume this is the last we will hear from Libyan-backed terrorists.

The mindless murder of Peter Kilburn and two British subjects, the assaults against our diplomats in Peru and Sudan, and other recent actions against Americans in Europe tell us that terrorism goes beyond regional borders and national political alignments. The problem is one which runs deep in the religious and cultural heritage of parts of the world and one which we can not expect to be resolved solely by short-term military action alone.

I hope the creation of this Commission will lead to a coordinated policy by which we act, not just react, against the terrorists. The United States can do more than just get tough. We can get smart. The international bounty is one way to use our resources to induce the cooperation of peoples throughout the world. Terrorism is not new. We have addressed it effectively in the past. We can do it again today.

AGRICULTURAL EXTENSION SERVICE

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina [Mr. COBEY] is recognized for 60 minutes.

Mr. COBEY. Mr. Speaker, I rise today to urge my colleagues to reject the administration's proposed 59-percent reduction in funding for the Cooperative Extension Service, also known as the Agricultural Extension Service.

The fiscal 1987 budget proposed by the administration would reduce Federal funding for extension programs from $328 to $148 million—a cut of 59-percent.

This reduction would seriously hamper the efforts of a remarkably flexible, responsive program which has aided American farmers and farm communities.

In my State of North Carolina, this proposal would mean the layoff of 340 Extension personnel, including 110 Extension agents and 60 agricultural specialists. Pest management, small farmer assistance, and rural development programs, among others, would be curtailed or terminated.

In Utah, the proposed cut would wipe out a nutrition program for low-income people in rural areas and would eliminate such Extension programs as farm safety, farm financial management, and pesticide training.

In Tennessee, the 59-percent reduction in Federal funds would mean reducing by one-fifth the services conducted in farm communities across that State.

The New York Extension Service would lose 300 personnel if we adopt the cut that has been proposed. This would affect sea grant, conservation,

and pest management programs based out of Cornell University.

These examples show that the administration's plan would have a significant impact on programs affecting America's farmers. At a time when we have many problems in agriculture, this is not the time to make deep reductions in the Agricultural Extension Service.

Congress has a special challenge to help extend the present economic recovery to America's farms. We must not forget that farmers provide the backbone of our economy, and since the days of Washington and Jefferson, farming has been important not only to our economy, but to our heritage as well.

Helping the small family farms across America is and should be a part of our Federal agriculture policy. The Extension Service is one of the most important aids to small family farmers, and we must keep it strong.

Since it was established as part of the Smith-Lever Act of 1914, the Extension Service has brought agricultural and scientific research from America's colleges and universities directly to America's farms.

Without the Extension Service, a great deal of research would waste away in scientific journals and classroom labs.

Extension staff and volunteers in more than 3,000 counties nationwide work directly with farmers to give them the latest information on efficient farm management. The amount of information passed on to farm families is amazing—techniques involving energy conservation, pest control, computerized farm management, farm machinery safety procedures, landscaping, home economics, nutrition, protection of the environment, and community planning. In addition, the Extension Service operates the popular 4-H program for youth—exposing many young people in rural areas to fields of knowledge they would otherwise never discover.

I should point out to my colleagues that those who benefit most from the Extension Service are not wealthy people, but low- and middle-income citizens in rural communities who make up much of Middle America. Their quality of life has been enhanced greatly by the efforts of the Extension Service.

As a member of the Congressional Rural Caucus and as a representative from a very rural State, I recognize, as many in this Congress do, the wholesome values that are nurtured in rural communities. In rural communities, there is a great emphasis on community, on family, on helping out your neighbor. I, for one, want to see rural communities prosper and grow stronger in the future. The Extension Service can help make that happen.

Through seminars, newsletters, brochures, training sessions, and individual conferences, the Extension Service gives farm families the tools to produce more efficiently the food products we consume. This, in turn, has undoubtedly led to lower food prices for the general public than would otherwise be the case.

Many farm families today live in a climate of uncertainty. Economic problems have caused tremendous stress for some. This is certainly not the time to reduce funding for a program that has helped many farmers economize and make it through the tough years.

The Extension Service can serve as a vital tool in our efforts to strengthen the farm economy.

Many in Congress may not be familiar with the Extension Service, but this 72-year-old program is present in all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Marianas, and Micronesia. In each of these States and territories, a land-grant college or university operates an extension service for that area.

Let me just share with you some of the successes of the Extension Services around the country.

Extension education programs have played a direct role in the rapid expansion of the aquaculture industry in the Southeastern United States. Programs in water quality management, fish diseases, fish nutrition, and use of computer software in fish farm management have helped increase productivity. The Mississippi Extension Service, for example, has organized programs like this for catfish farmers, leading to a 17-percent increase in farm-raised catfish in the past year.

Extension's Integrated Pest Management [IPM] Program has helped reduce costs for farmers and has helped protect the environment. In Alabama, IPM reduced production costs of pecan growers by $1.9 million, increased income for cotton producers by $24.6 million, and reduced production costs for peanut farmers by $1.2 million. Insecticide and fungicide costs were reduced in States like Maine, New York, Utah, and West Virginia because of Extension's fruit IPM programs.

In California, Texas, Kentucky, Ohio, and other States, Extension personnel have helped farmers develop soil conservation techniques.

In Oklahoma, Extension personnel worked with key producers, feed industry, and pharmaceutical companies to bring about the use of protein supplements for summer stocker cattle. This resulted in an 8.4-million pound gain in meat at a value for producers of about $4.6 million.

The Extension Service has helped ease the financial and emotional stress that many farm families are experiencing today. The Service has helped over 100,000 farm families with intensive financial management assistance. This includes help in revising their financial and farm business plans and making changes to improve their financial situation. This assistance has been targeted toward areas where the financial crisis is most acute. In Iowa, for example, Extension's ASSIST Program had helped over 8,000 farmers in analyzing options for servicing debt and managing cash flow.

Extension helps bring the latest market information to all areas of the country with its Computerized Outlook and Information Network [COIN] system. To facilitate marketing decisionmaking, the Extension Service now obtains reports and information from several USDA agencies and makes them available electronically to Extension specialists within hours of their release. State specialists retrieve and adapt the information to local situations, and make their analyses available to farmers and others via codaphones, radio, TV, and State computerized videotext networks. They also distribute newsletters and write articles for trade newspapers.

These examples should demonstrate how important a county Extension agent is to local farmers. The Extension agent is a key source of vital information in thousands of rural areas across this Nation.

Our new Secretary of Agriculture, Richard Lyng, wasn't in Office when the administration's agricultural budget was formulated. That leads me to believe that the Office of Management and Budget is primarily responsible for the deep cut that has been proposed for the Extension Service.

In any event, Secretary Lyng said in an Associated Press interview shortly after he took office that he wants to emphasize during his tenure the services of the Department of Agriculture.

This, I believe, is the proper approach for any Secretary of Agriculture to take. The Secretary cannot force changes in many macroeconomic forces, such as interest rates and the value of the dollar, that affect directly the livelihood of farmers. He can, however, help provide key services to American farmers, such as export development programs, credit assistance initiatives, and support services such as the Extension Service.

The Extension Service is one of the key services in USDA that Secretary Lyng should emphasize. Thus, we should not drastically cut this program as the administration has proposed.

Many Members in this House care deeply about the budget deficit. I am a fiscal conservative and I share the budget concerns many of you have.

With the new balanced budget law that was passed last year, we now have

a fixed spending limit. We must reduce the deficit to no more than $144 billion.

I am prepared to join my colleagues in cutting spending to meet that goal. In doing so, we must prioritize programs and be careful not to cripple useful Federal services.

I submit to you today that the money spent on the Agricultural Extension Service is a bargain for taxpayers. It is not a bureaucratic, unresponsive, slow-to-move agency. With Federal, State, and local government funds, the Extension Service in each State works directly with farmers to determine their needs, the problems they face, and how the Extension Service can be of help.

The Extension Service accounts for only seven-tenths of 1 percent of the roughly $53 billion budget for the U.S. Department of Agriculture.

Recently, my staff asked the Congressional Research Service to compare Federal funding increases for the Extension Service with increases in commodity support programs and the total USDA budget. What we found was interesting.

Since 1976, Federal funding of the Cooperative Extension Service has increased 50 percent. During that same time period, net outlays for Federal price supports and related programs increased 1,736 percent and the total USDA budget grew 393 percent. Clearly, the Agricultural Extension Service has not contributed to the increase in agricultural spending or in Federal spending.

For point of reference, I should point out that the Consumer Price Index since 1976 has increased 93 percent. Therefore, Federal funding of the Extension Service has actually lagged behind the inflation rate in the past 10 years.

Nevertheless, many Extension personnel I talk to understand the need to trim Federal costs. They are willing to accept the 4.3-percent cut in Federal extension funds that resulted from the across-the-board cut in most Federal programs on March 1 this year; but, to cut Federal extension funds further would, in my opinion, be penny wise and pound foolish.

There are plenty of better places for us to cut funds. Many people, for example, ask me why Congress doesn't close down some of our unneeded military bases. I believe we could consolidate some of the committees we have in Congress. We could stop subsidizing Amtrak which should be run by the private sector.

I could go on, but the point I wish to make is this: the Cooperative Extension Service deserves a higher priority in the Federal budget than it has been given. I think we should appropriate enough funds to continue extension services at the current levels.

For those who agree with me, I invite you to cosponsor House Resolution 413 which I introduced recently. This resolution expresses the sense of the House that Federal funding for the Extension Service be made at a level sufficient to continue the current operations of the Service.

The Extension Service deserves your support. Thus, I invite my colleagues to support House Resolution 413.

□ 1335

Mr. Speaker, I yield to my distinguished fellow colleague, the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. I thank the gentleman for yielding.

Mr. Speaker, I am speaking of the Reagan administration's proposal to reduce funding for the Cooperative Extension Service by 59 percent in fiscal year 1987.

For over 70 years the Agricultural Extension Service has brought the expertise and guidance of its agents to farmers and farm families all across America. I dare say that there are few people listening to me today who have not benefited in some way from programs sponsored and maintained by the Agricultural Extension Service.

While numerous Government-funded programs benefit their recipients indirectly, the Extension Service provides direct guidance and training to the thousands of Americans who turn to it annually for assistance. By proposing funding cuts of such magnitude for the Extension Service, the administration is sending a loud and clear message to farmers and their families that their needs are unimportant and can be ignored.

The Extension Service continues to be one of the most effective Federal agricultural programs. I will even go so far as to say that the Extension Service is among the most effective Federal programs of any kind. It has brought the benefits of the latest agricultural research and technology to farm families, which in turn has aided Americans living far from the barns and fields of rural America.

Mr. Speaker, at a time when American farm families are undergoing their worst crisis in 50 years, I would like to mention just a few of the ways that the Extension Service in my district—the Second District of North Carolina—is helping farm families survive.

In Caswell County, agricultural technicians are working one-on-one with small and marginal producers to help them diversify. Agents are also working with producers on farm financial records and budgets, encouraging better recordkeeping and farm management.

The staff of the Granville County Agricultural Extension Service is offering computer training for farmers, using software that calculates enterprise budgets, cash flow, balance sheets, income statements, family living budgets, and personal finance decisions. Extension agents are even setting appointments after regular hours and even on weekends to assist farmers with financial management.

In Johnston County, the Extension staff has initiated and developed the leadership needed to, among other things, secure countywide toll free telephone service, and a county produce market.

Perhaps most important of all, the Extension Service throughout the Second District is conducting workshops to help farmers alleviate family stresses brought on by the current economic crisis. Let us not add to their stresses by taking away the very funding for these workshops.

In North Carolina, the proposed cuts would mean a reduction of 340 Agricultural Extension Service positions and termination of the entire expanded Food and Nutrition Education Program, which provides nutritional education to more than 7,310 disadvantaged families. The impact would be devastating.

I find this administration's callous disregard of the needs of farmers and their families unconscionable and the gutting of a cost-effective program irresponsible. For an administration which constantly trumpets its pro-family outlook, this proposal would deal a heavy blow and ironic blow to families on our farms.

We all agree on the need to reduce spending, but the Cooperative Extension Service is no place to cut. I urge all my colleagues to join me in trying to maintain the full scope of extension programs. American farmers have given us their best over the years, and they deserve no less from the Congress.

□ 1350

Mr. OBEY. Mr. Speaker, I thank my colleague, the gentleman from North Carolina [Mr. VALENTINE] for coming to the floor and, during this special order, helping to underscore the importance of maintaining at least the current levels of funding for this most important program for farmers, the Agricultural Extension Service.

Mr. WHEAT. Mr. Speaker, I rise today to join my colleagues in opposition to the Reagan administration's proposed budget cuts in the Cooperative Extension Service [CES]. Extension programs have been a great success in rural, suburban, and urban communities, and it is my hope that Congress will oppose major cuts in this important educational program.

Mr. Speaker, the Cooperative Extension Service is the educational arm of the Department of Agriculture and provides information and advice for people about subjects ranging from crops to the dinner table, including agricultural production and marketing, nutrition,

family living, and youth and 4-H programs. Funding is provided by a partnership of Federal, State, and county governments.

CES originally provided services only to rural areas, and retains the image of being a program that mainly serves the rural community. However, as a Representative of the Kansas City metropolitan area, a large number of my urban and suburban constituents have let me know the importance of these programs. The CES has surpassed its original mission of the education of rural residents and now is vital for the development of urban and suburban communities as well.

Extension programs reached more than 110,000 people in the Kansas City area in the last year. These people received expert instruction in home economics, food and nutrition, money management, energy conservation, and child safety. Approximately 3,000 people volunteered their time and effort to make these programs possible.

Mr. Speaker, CES programs have been especially helpful in depressed low-income areas in the inner city. For example, the Expanded Food and Nutrition Education Program, slated for elimination by President Reagan, teaches families to provide nutritional needs on a limited budget and how to grow and preserve food safely. This program served 6,777 families in Missouri last year, 95 percent of whom were below the poverty level. Extension programs also offer low-income residents instruction in urban gardening, weatherization, and do-it-yourself home repairs.

These programs also provide benefits above and beyond valuable infomation. The sense of pride, independence, and community spirit given by extension programs provide enrichment in addition to knowledge. The 4-H program, for example, has been teaching the fundamentals of citizenship and character to boys and girls for years.

Mr. Speaker, the continuing education provided by the Cooperative Extension Service programs should remain a priority of the Federal Government. The proposed cuts in these important programs would hurt residents of both the inner city and rural areas. Educational programs such as CES directly contribute to the strength and well-being of America, and should continue to be one of our country's priorities.

Mr. LUNDINE. Mr. Speaker, I rise today to express my support and admiration for the excellent services which Cooperative Extension provides in the 34th Congressional District of New York and across the country.

The southern tier of New York has benefited greatly from the services which Cooperative Extension provides, and I am very concerned with the President's proposal to cut its budget by 67 percent in our State.

Since it was established in 1914, the Cooperative Extension Service has provided many important services in more than 3,000 counties nationwide. It has helped bring agricultural research from America's laboratories and college thesis papers directly to America's farms.

Most recently, the Cooperative Extension Service helped educate farmers in my area about the Dairy Termination Program. In fact, this education program drew the largest crowd ever to the Cooperative Extension Center in Cattaraugus County.

Through the Expanded Food and Nutrition Education Program [EFNEP], Extension Services have helped low-income families with young children receive valuable nutrition information in order to improve their diets and better use available food resouces.

Also, the 4-H program which Cooperative Extension runs, and in which 39 percent of the youth in upstate New York participate, has had a great effect on the personal development of our state's young people. I feel that these services are too valuable to give up.

In an effort to protect this important funding, I have become an original cosponsor of House Resolution 413, expressing support for providing the Federal funding needed to maintain the current functions of the Extension Service—a service which takes up only seven-tenths of 1 percent of the USDA budget. These Federal extension funds are matched with support from county governments and land-grant colleges to support the Extension Service in each State. I am hopeful that this resolution will send an important message to the President that the Congress will not support his plan to cut the funding for Extension Services.

I hope my colleagues will join me today in saluting the work of Cooperative Extension Services across the country, and will work to ensure that the Federal support for these important services is preserved.

Mr. LAFALCE. Mr. Speaker, I rise to cite the significant contributions of Cooperative Extension to the development of our country. Over the years, Cooperative Extension has been in the forefront of a governmental effort to make both farmers and nonfarmers alike more productive and self-sufficient. It did this with information about crop management, handling of chemicals, and many auxilliary services.

Indeed, other countries of the world have looked to Cooperative Extension and have emulated it as they provided agricultural information to their own populations in the hope that success similar to the U.S. program would ensue.

Today, this success is threatened. President Reagan plans to gut the Cooperative Extension budget in fiscal year 1987, but cutting an estimated $328 million back to $140 million. Unless the Congress intervenes, this proposed cutback will be on top of an additional cut this year as a result of the Gramm-Rudman-Hollings Deficit Reduction Act which will pare down Cooperative Extension's $343 million budget to $328 million.

Given this tremendous reduction is funding proposed by the administration, it seems very unlikely that important programs like food nutrition education, farm safety, financial management, so needed by farmers at present, pest control, 4-H, seminars in husbandry and home economics, and natural resource conservation will be undertaken at the county level without Federal help.

The assumption that the New Federalism of the administration covers common defense and scarcely anything else is playing its latest card in the proposed gutting of Cooperative Extension. I think that we should resist the emasculation of this significant program, Democrats and Republicans alike.

Mr. FRANK. Mr. Speaker, I want to thank the gentleman from North Carolina for taking out this special order. I think it is important for us to recognize the useful community services which the Extension Service provides. The Extension Service has strong, bipartisan backing. The Extension Service provides aid during tough times, especially to young people, and it deserves a higher priority in the Department of Agriculture budget than the administration is giving it.

The President's budget for fiscal year 1987 would target the Cooperative Extension Program for a 59-percent cut which, incidentally, would cut the Massachusetts program by 68 percent. I appreciate the need to cut the deficit, but it is inappropriate and unfair to ask the Cooperative Extension Program to carry a disproportionate share of the Department of Agriculture's burden. Overall, the Department faces a 12-percent cut.

I am especially disturbed that the budget request would completely eliminate the earmarked funds for the Expended Food and Nutrition Education Program [EFNEP], which in Massachusetts alone has helped more than 46,000 families and 219,000 children to more effectively meet their nutritional needs.

In addition, I am concerned that the President's proposed budget would restrict the use of these funds by stipulating that extension agents could perform other services only after the needs of farm operators have been fully met. While the agriculture programs are important, I am afraid that this plan represents a masked attempt to eliminate existing programs in home economics, community resource development, natural resources, and 4-H youth development. These programs are important in assisting individuals, especially the young, to develop the skills and knowledge that will help them to live more productive and responsible lives.

Mr. HORTON. Mr. Speaker, I rise in strong support of the Cooperative Extension Program and in opposition to the President's proposed drastic cuts. In the administration's proposed fiscal 1987 budget, Cooperative Extension faces a cut of 59 percent—this in addition to the 4.3-percent cut sustained on March 1 as a result of the Gramm-Rudman deficit reduction package.

In New York alone, the Federal allocation would be reduced from $11.3 million to $3.6 million—a cut of 67 percent. In all, 5 major programs and approximately 300 positions are slated to be eliminated if a cut of this magnitude passes Congress. I am here to help my colleagues make all Members of the House aware of the tremendous importance of the Cooperative Extension Program to our Nation's farmers.

The President's budget proposal specifically eliminates several programs, including: Expanded Food and Nutrition Program, farm safety, urban gardening, pest management, financial management programs, and the Renewable Resources Extension Act. Other areas which would see substantial damage include 4-H and State home economics programs.

Lucinda Noble, the director of Cooperative Extension at Cornell University, of which I am an alumnus, noted that drastic personnel re-

ductions would accompany a cut of the magnitude proposed by the administration. She added that some of the programs which would be the hardest hit are the Expanded Food and Nutrition Education Program, sea grant, integrated pest management, urban gardening programs, and renewable resources.

Mr. Speaker, more than 6 million people in New York State alone are served by Cornell's Cooperative Extension Service. Included in those 6 million are people from every county in the State.

Cooperative Extension is one of the most highly successful programs ever instigated by the Federal Government. Working with State and local governments, Cooperative Extension provides a tremendous amount of information for farmers and nonfarmers alike. It has kept the 4-H program, which is very important in the upstate New York area, alive and growing.

Ms. Noble noted a sad irony in the timing of these cuts. The first extension agent in New York State was employed 75 years ago this spring. During the diamond jubilee of Cooperative Extension in New York, it is tragic that we must make such an effort simply to assure this program's survival.

Mr. Speaker, I hope this special order will help those who were previously unaware of the tremendous importance this program plays in this country support our efforts to provide reasonable funding for Cooperative Extension.

GENERAL LEAVE

Mr. COBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today.

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

There was no objection.

GENERAL LEAVE

Mr. COBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the subject of the special order today by the gentleman from North Carolina [Mr. BROYHILL].

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

There was no objection.

NUCLEAR WASTE POLICY ACT AMENDMENTS 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 pleased to join with several of my colleagues in introducing the Nuclear Waste Policy Act Amendments of 1986. This legislation is necessary to derail a bureaucratic juggernaut that is now out of control, and which threatens to waste billions of electric ratepayers' dollars. I am, of course, referring to the Department of Energy's Second High Level Nuclear Waste Repository Program.

In January, the Department of Energy narrowed the number of areas under consideration for a second repository from 235 to 12 areas in 7 States. Two of the 12 areas are in North Carolina. I have reviewed the information available about these sites, and in a meeting last week with Secretary Herrington and Mr. Rusche, I stated that I was unalterably opposed to these areas being targeted as potential second repository sites.

I do not intend to review the basis for my position on these sites today. The State of North Carolina has recently submitted its views to the Secretary. The States excellent comments cover all of my concerns. I have every confidence that the Secretary will carefully review the State of North Carolina's views, and that the Secretary will reach the same conclusions that I have—that the North Carolina areas are not suitable for hosting a permanent high level waste repository.

However, in my review of the status of the Second Repository Program, a second issue came to my attention—the need for the Second Repository Program. After careful study, I have come to the conclusion that we do not need to pursue the development and siting of a second repository at this time.

The second repository was premised on the need to store at least 140,000 metric tons of high level waste by the year 2020.

Recent projections by the Energy Information Administration indicate, however, that the amount of waste needed to be disposed of will be far, far less than the 157,000 metric tons of waste projected back in 1983. The recent EIA projections range from 75,000 metric tons to 126,000 metric tons. This reflects a reduction of between 20 to 50 percent. I would ask the Speaker to include in today's RECORD, following my statement, table 7 of a publication by EIA entitled "World Nuclear Fuel Cycle Requirements 1985."

Back in 1983, the midcase EIA projection was over 130,000 metric tons of waste by the year 2020. Now our midcase projection, which assumes more than a doubling of our current nuclear waste capacity, is approximately 106,000 metric tons of waste. This is a drop of almost 20 percent in just 3 years, and falls about 35,000 metric tons below the 140,000 metric tons originally used to justify the second repository.

Thus, even under the very optimistic assumption of the doubling of our nuclear capacity, the 70,000 metric ton artificial cap on the first repository will not be reached under the mid-case scenario until sometime after the year 2010.

This point is documented even more clearly by comparing the high-case 1983 EIA projection, with EIA's current low-case projection. I believe the low-case projection is a more realistic figure. As I am sure everyone is aware, no new nuclear powerplants have been ordered since 1979. And I suspect none will be ordered for a long time. The low-case projection is consistent with the current state of the nuclear industry—for it only assumes 36 new 1,000 megawatt nuclear powerplants will be ordered and placed into service by the year 2020.

Under the more realistic low-case assumptions, we expect to produce a total of less than 90,000 metric tons of waste by the year 2020. This is a dramatic drop of almost 45 percent from our 1983 projection of 157,000 metric tons, and conclusively shows that the first repository, even if storage is limited to 70,000 metric tons, will provide ample storage capacity until almost the year 2015.

In a hearing before the Energy and Commerce Subcommittee on energy conservation and power this morning, Mr. Ben Rusche, Director, Office of Civilian Radioactive Waste Management, U.S. Department of Energy, devoted much of his testimony to the need for the Second Repository Program. But, I did not find his testimony persuasive. His position that current projections as to the amount of waste we will need to store are well beyond the capacity of the first repository is simply incredible. If anything, Mr. Rusche's testimony before our committee today has further convinced me that the Second Repository Program should be terminated immediately.

Two further points are very important to our assessment of the Second Repository Program. First, we must recognize that there is no technical reason for limiting the amount of waste that can be stored at the first repository to 70,000 metric tons.

Second, the Second Repository Program is expensive. In our meeting last week, Mr. Rusche estimated the cost of analyzing each of the 12 areas at between $500 million to $1 billion. This does not include the cost of actually building the repository—which will also cost billions of dollars.

In sum, the facts demonstrate that there is no need whatsoever to waste money on a Second Repository Program we may never need.

That is why I wrote to Secretary Herrington last week requesting him to suspend all second repository activities, to submit a request to rescind all fiscal year 1986 funding for a second repository, and to modify the Department's fiscal year 1986 budget and legislative request to terminate this program in its entirety. I ask that a copy of my letter to the Secretary Herrington be inserted in the RECORD at the end of my remarks.

I have not received an adequate response from the Secretary. It is for this reason that I am joining with my colleagues in introducing the Nuclear Waste Policy Act Amendments of 1986. This legislation will deauthorize all Second Repository Program activities by striking all references to the second repository from the Nuclear Waste Policy Act. In addition, this legislation will explicitly preclude any further expenditures on any activity relating to a second repository.

As I wrote to Secretary Herrington last week, I remain convinced that nuclear power is vital to the health of our Nation's economy and the competitiveness of American business. But, if we are to retain this option, we must concentrate our actions on steps that will reaffirm public and industry confidence in this resource. This means that the Depart-

ment's resources must be concentrated on the development of the first repository.

I call on my colleagues to support this legislation, and ask their help in putting a stop to a bad case of costly bureaucratic mischief.

WORLD NUCLEAR FUEL CYCLE REQUIREMENTS 1985, ENERGY INFORMATION ADMINISTRATION

TABLE 7.—TOTAL SPENT FUEL DISCHARGES SINCE 1957 FROM U.S. NUCLEAR POWER PLANTS, 1984–2020 [1]

[Metric tons of initial heavy metal]

Year	High case	Middle case	Low case	New orders case
1984 [2]	11,442	11,442	11,442	11,442
1985	12,474	12,474	12,474	12,474
1990	21,339	20,950	20,743	20,743
1995	31,964	31,441	30,591	30,591
2000	42,159	41,658	39,864	39,861
2005	53,737	52,446	49,207	48,835
2010	70,802	66,381	59,967	58,094
2015	96,913	86,416	74,836	69,280
2020	126,192	106,404	87,397	74,635

[1] Total spent fuel discharges include all discharges since 1957 that are not scheduled for reinsertion (1957 was the inception of commercial nuclear power in the United States). They are the sum of the unsmoothed annual spent fuel discharges.

[2] Preliminary data collected on form RW-859, "Nuclear Fuel Data," indicate that 11,991 metric tons of initial heavy metal have been discharged through 1984. The 11,991 metric tons consist of 11,723 metric tons in commercial storage, 14 metric tons stored by the Department of Energy for use in research, and 254 metric tons that were reprocessed. The 11,723 metric tons of initial heavy metal in commercial storage include some irradiated nuclear fuel that will be reinserted in future cycles of the nuclear reactors.

Source: Projected spent fuel discharges calculated using the INM model; see text for discussion of adjustments made to INM projected values.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 1986.

Hon. JOHN BERRINGTON,
Secretary, Department of Energy, Washington, DC.

DEAR MR. SECRETARY: In January the Department of Energy issued a draft area recommendation report that narrowed the number of rock bodies under consideration for a second permanent high level radioactive waste repository from 235 to 12 potentially acceptable areas in seven States. Two of the twelve areas are in North Carolina. The first, called Rolesville Pluton, is twelve miles east of the city of Raleigh and covers sections of Franklin, Johnston and Wake Counties. The second, called the Elk River Complex, is fifteen miles west of the city of Asheveille and covers sections of Bumcombe, Raywood and Madison Counties.

Mr. Secretary, I am unalterable opposed to including the two North Carolina areas among the location the Department of Energy has concluded are appropriate for further study. I have reviewed the characteristics of both North Carolina areas, and neither is suitable for hosting a permanent high level radioactive waste repository. Several adverse features have been identified that obviously disqualify both Rolesville and Elk River and make any further study of these two areas unnecessary. I would now like to review with you some of the adverse features that I found most compelling.

Reasonable assurance that the repository is safe from seismic activity must be of paramount concern in the choice of a host site. Such assurances cannot be confidently made with respect to the North Carolina areas.

The Elk River complex is bounded and cut by many faults and is located on one of the most seismically active regions of the eastern United States. Further, recent studies indicate that the entire Blue Ridge is part of a major overthrust belt, with the Elk River complex as a portion of a crystalline sheet that is less than one kilometer thick and which appears to overlay a major thrust fault. Shock waves from blasting a quarry located only four miles from Elk River would not only threaten workers at the repository, but may further weaken the long-term seismic integrity of the site.

The Rolesville Pluton is no better. It also lies in a heavily faulted zone. There are at least seventeen geologically young faults in the Rolesville area. Studies indicate that these faults were certainly active no more than two million years ago, and that movement along these faults could have taken place within the last few thousand years.

A second factor of critical importance in the placement of a high level radioactive waste repository is the hydrologic characteristics of potential sites. A repository cannot be built in locations where water migrates easily through a potential site, for this would significantly increase the probability of the repository contaminating groundwater. This is particularly important in areas like Rolesville and Elk River, where the local communities rely on untreated groundwater for drinking water.

The hydrologic characteristics of Rolesville and Elk River are not suitable for a repository. Groundwater in the Rolesville and Elk River areas is obtained from interconnected water bearing fractures that extend to unknown depths. Borings drilled by scientists from the Virginia Polytechnic Institute in the Rolesville area indicate the passage of hot water rich fluids through the rock and demonstrate the unacceptable possibility that an escape of radioactive material from a repository would contaminate groundwater.

The evidence that groundwater is circulating to the depths at which a repository would be built is even more compelling in the case of Elk River. About twenty thermal springs have been identified in the vicinity of the Elk River site. It is generally believed that these springs are the result of water being circulated to depths where the rocks are hot, and then returned to the surface so quickly that the water does not have sufficient time to cool to ambient termperatures. It has been reliably estimated that the groundwater is being circulated to a depth of 5,000 to 6,000 feet, well below the depth at which a repository would be built. Widespread mineralization along faults in the vicinity of the Elk River Complex confirms that the faults of this complex have served as flow paths for heated water.

This evidence of groundwater being obtained from great depths creates too great a possibility of groundwater contamination, and should disqualify both the Rolesville and Elk River sites. There is naturally occurring radon in the rocks and groundwater in the Rolesville and Elk River areas. The construction and operation of a repository is likely to release additional amounts of radon into groundwater and the atmosphere. The health risks associated with further releases of radioactive materials is unacceptable.

The geologic considerations outlined above are sufficient to disquality both North Carolina areas. However, there are also serious environmental and socioeconomic considerations that militate against consideration of the Rolesville Pluton and Elk River Complex.

Section 112(a) of the Nuclear Waste Policy Act requires disqualification of "any site from development as a repository if any surface facility of such repository would be located (1) in a highly populated area; or (2) adjacent to an area 1 mile by 1 mile having a population of not less than 1,000 individuals." Large portions of the Rolesville Pluton area currently under consideration by DOE do not comply with this requirement. At the time of the 1980 national census, three towns within the Rolesville Pluton had population densities greater than 1,000 people per square mile. These towns are Zebulon, Wendell, and Knightville. All these towns have continued to grow since the census.

It is only common sense for the repository not be built in an area of rapid population growth. Yet this is precisely what will occur should the repository be built at the Rolesville site. The Rolesville area is one of the fastest growing areas in the South. From 1970 to 1980, Wake County grew from approximately 229,000 to almost 302,000 or 32 percent. Johnson County grew 15 percent from 62,000 to 71,000. Franklin County also grew by almost 14 percent. There is no indication that this remarkable growth will subside in the foreseeable future.

Also, placement of a repository at either area would cause a major disruption of the local economy, which is heavily dependent on tourism. For example, the Falls Lake State Recreation area is only six miles from the Rolesville site. This recreation area is expected to have the capacity to accommodate over 6.5 million visitors every year. I agree completely with the North Carolina Department of Natural Resources and Community Development's conclusion that the public perception of the danger of a repository would severely impact on the attractiveness of the area to tourists.

This is also the case with the Elk River Complex which is in close proximity to the Great Smoky Mountains National Park, the Blue Ridge Parkway and the Shining Rock Wilderness. Placement of a repository at this location would compromise the isolation and scenic beauty of these three parks, and would undoubtedly "conflict irreconcilably with the . . . use of a component of the National Park System." 10 C.F.R. 960.5-2-5(d)(3).

There are two further environmental factors that I believe raise serious questions about the ability of a repository to be built and operated safely at the Elk River area. In November 1977, a severe flood struck Western North Carolina. Sixteen counties were declared a federal disaster area. The area of the most severe flooding included a large portion of the Elk River complex. I do not need to point out how serious flooding could be for the safe operation and maintenance of a repository. Also, I have been told that the types of sedimentary rocks present at the Elk River Complex are known producers of hydrocarbons. Should a discovery trigger an extensive drilling program sometime in the distant future, the drilling could pose a serious risk to the continued integrity of the repository.

This does not exhaust all of the reasons I believe the North Carolina areas should not be candidates for the second repository. Several additional factors have been brought to my attention by the North Carolina Governor's office, including the adverse impact on the preservation of structures of historic and architectural significance; the proximity of state-protected lands; and the difficulties with rail transportation. I understand that the Governor will be submitting the State's views to you very shortly. I have every confidence that you will carefully weigh those comments, and that you will reach the same conclusions that I have—that Rolesville Pluton and the Elk River

Complex are not suitable for a permanent high level waste repository.

Finally, Mr. Secretary, I would like to raise one last issue, the status of the second repository program. I do not believe, Mr. Secretary, that our Nation needs to pursue the development and siting of a second permanent repository at this time.

The second repository was premised on the need to store at least 140,000 metric tons of high level nuclear waste by the year 2020. Recent projections by your own Energy Information Administration (EIA) indicate that the amount of waste needed to be disposed of will be far less than 140,000 metric tons. The projections range from 75,000 metric tons to 126,000 metric tons of waste. Even the middle case (106,000), which appears to be overly optimistic in that it represents more than a doubling of existing nuclear capacity, falls about 35,000 metric tons below the 140,000 metric tons originally used to justify the second repository. The EIA data concludes that the first repository will provide more than adequate storage capacity until sometime after the year 2010. Therefore, the wisest course of action is to terminate the second repository program and ensure that the first repository will be built at a site that can accomodate more than 70,000 metric tons of waste. To this end, I have joined Congressman Steve Neal in supporting H.R. 2439.

I am now, more than ever, convinced that the nuclear option is vital to the health of our nation's economy and the competitiveness of American business. But, if we are to retain this option, we must concentrate our actions on steps that will reaffirm public and industry confidence in this resource. For your part, you must concentrate the Department's resources on development of the first repository.

In these times of fiscal constraints, the entire repository budget must be dedicated to this task. For this reason, I respectfully request that you immediately suspend all second repository activities; submit to Congress a request to rescind all FY 1986 funding for the second repository; and modify the Department's FY 1987 budget and legislative request to terminate the second repository program in its entirety.

I look forward to working with you on this matter, and I can assure you of my dedication to the successful development of the first repository.

With best regards,

JAMES T. BROYHILL,
Ranking Minority Member,
Committee on Energy and Commerce.

H.R. 4668

A bill to amend the Nuclear Waste Policy Act of 1982 to remove the requirement of a second repository for the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes.

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 "Nuclear Waste Policy Act Amendments of 1986".

SEC. 2. REMOVAL OF DEADLINES AND REQUIREMENTS RELATING TO SECOND AND SUBSEQUENT REPOSITORIES.

(a) RECOMMENDATION OF CANDIDATE SITES FOR SITE CHARACTERIZATON.—Section 112(b)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(b)(1)) is amended—

(1) in subparagraph (A), by striking "first";

(2) by striking subparagraph (C);

(3) in subparagraph (D), by striking "subparagraphs (B) and (C)" and inserting "subparagraph (B)";

(4) in subparagraph (F), by striking "(E)" and inserting "(D)"; and

(5) by redesignating subparagraphs (D) through (H) as subparagraphs (C) through (G), respectively;

(b) HEARINGS AND PRESIDENTIAL RECOMMENDATION.—Section 114(a)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(a)(1)) is amended—

(1) in the second sentence, by striking "for the first" and all that follows through the third comma;

(2) by striking the fifth sentence; and

(3) in subparagraph (D)—

(A) by striking "for the first" and all that follows through the second comma; and

(B) by striking the following: "concerning the first repository to be developed under this Act".

(c) RECOMMENDATION OF SITE APPROVAL.—Section 114(a)(2) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(a)(2)) is amended—

(1) in subparagraph (A) by striking the second and fourth sentences; and

(2) in subparagraph (B)—

(A) by striking "deadlines" and inserting "deadline"; and

(B) by striking the following: "for the first site, and March 31, 1989, for the second site,".

(d) RECOMMENDATION AFTER DISAPPROVAL.—Section 114(a)(3) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(a)(3)) is amended by striking "first or subsequent".

(e) APPROVAL OF CONSTRUCTION AUTHORIZATION.—Section 114(d)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)(1)) is amended by striking the following: ", for the first such application, and January 1, 1992, for the second such application".

(f) ENVIRONMENTAL IMPACT STATEMENT.—Section 114(f) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(f)) is amended—

(1) in the fourth sentence, by striking "first";

(2) by striking the fifth sentence; and

(3) in the last sentence, by striking "first".

SEC. 3. REMOVAL OF VOLUME LIMITATION ON REPOSITORY.

Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking the last two sentences.

SEC. 4. REVISION OF MISSION PLAN.

Section 301 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10221) is amended by adding at the end the following new subsection:

"(c) REVISION OF MISSION PLAN.—The Secretary shall make such revisions in the mission plan as may be necessary to carry out the amendments made to this Act by the Nuclear Waste Policy Act Amendments of 1986. In making such revisions, the Secretary shall comply with the procedures established in subsection (b), except that—

"(1) the draft of the revisions shall be submitted in accordance with subsection (b)(1) not later than 4 months after the date of the enactment of the Nuclear Waste Policy Act Amendments of 1986; and

"(2) the revisions shall be submitted in accordance with subsection (b)(3) not later than 6 months after the date of the enactment of the Nuclear Waste Policy Act Amendments of 1986.".

SEC. 5. PROHIBITION OF EXPENDITURES FROM NUCLEAR WASTE FUND FOR SECOND AND SUBSEQUENT REPOSITORIES.

Section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)) is amended by adding at the end the following new sentence: "No amount may be expended by the Secretary from the Waste Fund for any activity relating to a second or subsequent repository.".

Mr. COBEY. Mr. Speaker, today I join my colleague and friend, Mr. BROYHILL, in introducing legislation to amend the Nuclear Waste Policy Act of 1982. This bill would remove the requirement of the second repository for the disposal of high-level radioactive waste and spent nuclear fuel. As you know, the NWPA calls for the implementation of a first repository with a 70,000-metric-ton limit in which waste will be collected. The act also designates a selection process to begin the search for the second repository site.

There has been adequate data to indicate that the need for storage facilities for over 140,000 metric tons of high-level nuclear spent fuel is highly overestimated. This figure assumes that the number of nuclear powerplants would double—approximately 131—between now and the year 2020, when the second repository would begin operation. Construction for new nuclear plants have not been initiated in the last 10 years. Therefore, I believe it would be quite accurate to state that our needs for this type of storage would be far less than the 140,000-ton capacity as provided for through the NWPA in 1982.

The Department of Energy has already expended a great deal of time, money, and effort on behalf of the second repository that first of all, has not even been approved by Congress, and second, but even more importantly, is not clearly needed. I strongly encourage my colleagues to support this measure and eliminate continuation of the second repository program.

Mr. PETRI. Mr. Speaker, I am pleased to be an original cosponsor of the Nuclear Waste Policy Act Amendments which eliminates the need for a second nuclear waste repository by expanding the capacity of the first. Such a move addresses two of my biggest concerns about the selection process Congress began with the Nuclear Waste Policy Act of 1982: safety and cost.

What we have seen, as the second site selection process has progressed, is a clear need to amend the original law. Yet we cannot deny the need to build a long-term nuclear waste storage facility.

There are several problems with the sites chosen for the second round. First, the sites chosen for further field work shall be potential safety hazards.

Serious geological questions have been raised regarding the natural fracturing and faulting of the granite rock formations which characterize the sites. These natural flaws could result in the contamination of groundwater near a repository, endangering the water supplies of many towns and villages.

Furthermore, all of the potential second round sites are only accessible by train routes and highways that pass through or near densely populated areas.

Second, there is a real question as to whether we really need a second site at all. The tonnage cap on waste placed in the first site is arbitrary. There is no reason we cannot lift that cap, as this legislation proposes, and abandon the expensive, unnecessary search for a second site altogether. It has been estamated that the cost of studying each potential site is at least half a billion dollars and as much as a billion dollars. That means that we'll be wasting anywhere from $6 to $12 billion just to study sites we do not even need.

With all the debate about how to cut Federal spending, it seems to me that passage of this bill would be a good place to start.

Mr. ROTH. Mr. Speaker, I am pleased to add my name as an original cosponsor of the legislation being introduced today to amend the Nuclear Waste Policy Act of 1982. This measure will remove, as potential sites for the second nuclear waste repository, the 12 sites designated in January by the Department of Energy. This legislation will save billions of taxpayer dollars. During this time of Federal budget belt-tightening, I am convinced that all taxpayers will rally behind the bill.

The Wolf River Batholith in Wisconsin is 1 of the 12 sites under consideration for the second nuclear waste repository. There is no question that if high-level nuclear waste is dumped in Wisconsin, the State tourist economy, our second largest industry, will suffer dramatic losses. In short, if tourism declines, then so does the economic health of Wisconsin.

A great deal of evidence has been released recently that indicates there is no need for a second repository. The projected amounts of nuclear waste were initially overestimated. With the new data, we have learned that one nuclear waste storage facility will be able to store all the nuclear waste that is produced in this country well into the 21st century.

It is now a matter of simple arithmetic. A second site would cost billions. Why spend billions of dollars for something that may never be necessary?

I urge my colleagues to support this legislation. It will assure that nuclear waste is properly stored. But in so doing it will prevent the needless expenditure of an outrageous sum of tax dollars.

Mr. BLILEY. Mr. Speaker, I rise in strong support of and as an original sponsor of the Nuclear Waste Policy Act Amendments of 1986, being introduced today by my colleague from North Carolina, Mr. BROYHILL. Frankly, I am disappointed that this legislation is necessary. Unfortunately, it is made necessary by a series of inept and ill-advised bureaucratic decisions. Failure to act on this legislation will not only cost ratepayers billions of dollars, but will serve as a threat to our environment as well.

I do not intend to present a litany of technical data designed to demonstrate the Department of Energy's failures in selecting their 12 finalists for the sight of the Nation's second high level nuclear waste repository. Suffice it to say, those failings and oversights were many. This morning, I was privileged to sit in on a hearing of the Energy Conservation and Power Subcommittee on this very same subject. Mr. Speaker, I would like to take this opportunity to ask unanimous consent to include at this point in the RECORD the statement of the Governor of the Commonwealth of Virginia before that subcommittee.

Mr. Speaker, I think this serves as just one more piece of evidence that the Department's selection process was seriously flawed.

Like the distinguished ranking minority member of the full Energy and Commerce Committee, my review of the status of the second repository program led me to the conclusion that we do not need to pursue the development of a second repository at this time.

Let's remember that the second sight was premised on the need to store at least 140,000 metric tons of high level nuclear waste by the year 2020. Recent projections of EIA indicate that the amount of waste we will need to dispose of will be far less than the 157,000 metric tons projected back in 1983. EIA's recent projections range from 75,000 to 126,000 metric tons. This is a reduction of anywhere from 20 to 50 percent.

Back in 1983, the EIA midcase projection was over 130,000 metric tons by the year 2020. Now the midcase projection is approximately 106,000 metric tons. Mr. Speaker, we will have to double our current nuclear capacity to hit that projection. Even under the very optimistic assumption that we will double our nuclear capacity, the artificial cap of 70,000 metric tons at the first repository will not be reached until sometime after the year 2010.

This point is made even more significant when one compares the 1983 high case scenario with the current low case projections. Clearly, the low-case assumption is a more realistic projection of where we are headed. Everyone knows that no new nuclear powerplants have been ordered since 1979. The low-case assumption is consistent with the current state of the nuclear industry—it assumes 36 new 1,000 megawatt plants will be ordered and placed in service by 2020.

Under the low-case scenario we will produce less than 90,000 metric tons of waste by 2020. This is 45 percent below the 1983 projections of 157,000 metric tons. Clearly, the first repository, even if limited to 70,000 metric tons, will provide ample storage until almost 2015.

This morning, Mr. Ben Rusche, Director, Office of Civilian Radioactive Waste Management, U.S. Department of Energy devoted a great deal of his testimony to justifying the need for a second repository. Frankly, I was unconvinced and believe Mr. Rusche should stop defending a bad decision, and spend more time on other issues.

Mr. Speaker, the facts demonstrate that there is no need for a second repository program and I urge my colleagues to adopt this legislation.

STATEMENT OF HON. GERALD L. BALILES, GOVERNOR OF VIRGINIA, BEFORE THE SUBCOMMITTEE ON ENERGY CONSERVATION AND POWER OF THE HOUSE COMMITTEE ON ENERGY AND COMMERCE, APRIL 23, 1986

Mr. Chairman and members of the Subcommittee, ladies and gentlemen: I am grateful for the opportunity to discuss with you today Virginia's serious concerns regarding the Department of Energy's administration of the Nuclear Waste Policy Act of 1982.

Mr. Chairman, we recognize our responsibility to address the difficult problems presented by the management and disposal of high-level nuclear waste. Accordingly, Virginia has made a sincere and concerted effort to be a responsible partner in the process you and your colleagues created in 1982.

From the outset, Virginia has emphasized that the process of site selection must be based on the most capable research and the most accurate information possible.

The process must be based on facts—facts that will withstand the most critical review.

To manage the siting process otherwise would be subjective, unfair and dangerous.

It is on the basis of established and provable evidence—facts—that Virginia has approached its response to the Department of Energy's Draft Area Recommendation Report.

We are very concerned at this point that the Department of Energy is not responding to or may even be ignoring evidence produced through this process.

Our single greatest concern is the Department's apparent methods of scientific inquiry.

Time and again, in its consideration of potential Virginia sites, the Department of Energy has reacted to a lack of crucial data with a complacency that is alarming because it assumes that a site must be appropriate unless readily available data to the contrary disproves it.

Mr. Chairman, this is not an approach that instills confidence in a process that must be based on facts.

And it's certainly no way to choose a site for radioactive materials requiring isolation twice the length of the recorded history of human civilization.

This approach allows the Department, for instance, to conclude that a geologic fault ends at a state border—as you can plainly see in this Department of Energy map. (Figure 1) (Map not reproduced in RECORD.)

As point of fact, the "suitable" rock bodies within the fault areas shown on this map do not mysteriously end at the Virginia-North Carolina border. It seems that the Department of Energy had no information on the rock in Virginia, so they assumed that all the rock bodies must be suitable, even when more detailed mapping in North Carolina showed similar rock bodies just across the border to be heterogeneous mixtures of crystalline and noncrystalline rocks.

Mr. Chairman, Virginia's concerns go beyond the Department of Energy's "no data is good data" approach to the facts. Our concerns go to the heart of the evaluation itself. Our line-by-line analysis of the Department's report for the three proposed Virginia sites reveal numerous examples of either an unwillingness or an inability to interpret the facts the Department of Energy had about each site.

Let me cite just a few examples:

First, the Department of Energy identified an "unnamed uranium occurrence" to the southwest of the proposed Halifax-Pittsylvania site (SE-3). Virginians know it as the "Swanson Uranium Deposit." It has been the topic of protracted and lively debate in our state legislature for more than four years.

As Figure 2 shows, this uranium deposit is actually only 4.5 miles from the proposed Halifax-Pittsylvania site (SE-3); the Department of Energy's report, by contrast, places the deposit more than three times further away from the proposed site than it actually is.

Moreover, the Department's report states the probability of similar deposits within

the proposed Halifax-Pittsylvania site (SE-3) as "very low."

As Figure 3 shows three geochemical uranium anomalies within the proposed Halifax-Pittsylvania site (SE-3) were identified by the Department of Energy's own National Uranium Resource Evaluation Program. This data was published and presented at the 27th International Geological Congress in August, 1985.

Second, as you are aware, shear zones and faults provide avenues for groundwater migration and prohibit the isolation and integrity necessary for a repository of this nature. Therefore, geologic faults and shear zones can pose serious risks.

Figure 4 shows the geologic map published by the Department of Energy in the Department's report which illustrates a single fault, the Chatham Fault (on the western portion of the map) and shows no shear zones. Note that the Department of Energy in its references cites a 1977 publication by Henika and Thayer.

However, Figure 5 shows the facts contained in the cited 1977 publication which shows a second fault, the Vandola fault, two miles closer to the site on the map from the Chatham fault as well as a number of shear zones within the proposed Halifax-Pittsylvania site (SE-3).

Third, the Department of Energy felt that seismic activity was insufficient in "the absence of further evaluation" to disqualify the proposed Hanover site (SE-1). But what is the level of seismic activity that has been documented in the region of Hanover site (SE-1)?

Mr. Chairman, in this instance, as shown in Figure 6, "X" marks the spot—or more accurately, the spots—of the epicenters of 216 earthquakes in and around the Virginia sites since 1774. The Hanover site (SE-1) is located within portions of the three counties outlined in the central section of the Figure 6.

For those of you interested in documentation of more recent earthquake activity near the Hanover site (SE-1), Figure 7 shows the number of earthquake epicenters registered just since 1978.

Why, we ask, does the Department of Energy want futher study in order to locate a repository in the midst of one of Virginia's most prolific earthquake zones—a zone whose quakes have been documented to occur high in the earth's crust at the very level at which a repository would be located?

A fourth and final example of our concerns over the Department of Energy's failure to adhere to its own criteria and the facts that are readily available is evidenced at the proposed Bedford County site (SE-2). The Department of Energy's own criteria, quite logically, provide that independent cities shall be excluded from consideration. Yet, the proposed Bedford County site (SE-2) actually includes portions of the City of Bedford.

Mr. Chairman, let me say unequivocally that complacency has no place in the search for scientific evidence.

Furthermore, the errors we have found in the Department of Energy's work raise serious questions as to the accuracy of the Department's report and the Department of Energy's commitment to the most objective and equitable siting process.

Our case is strong, our wish is clear, and our expectations are evident. We recognize that the Department of Energy has a difficult and challenging mission, and we appreciate the process that has allowed us to develop these facts.

But the facts—all of them—should dictate the next step in the process.

Mr. Chairman, the plain truth of the matter is that the Department's report ignores many facts—and misinterprets many others.

The facts—unadorned and unadulterated—demonstrate clearly that the three proposed sites identified by the Department of Energy in Virginia do not meet the Department of Energy's own criteria and should be eliminated from further consideration under the siting process.

RECESS

The SPEAKER pro tempore. Without objection, the House will stand in recess for 15 minutes.

There was no objection.

Accordingly (at 1 o'clock and 55 minutes p.m.), the House stood in recess until approximately 2:10 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HAYES) at 2:13 p.m.

RECESS

The SPEAKER pro tempore. Without objection, the House will stand in recess for 15 minutes.

There was no objection.

Accordingly (at 2 o'clock and 14 minutes p.m.), the House stood in recess until 2:30 p.m.

□ 1430

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2:30 p.m.

VACATING THE PROCEEDINGS BY WHICH HOUSE RESOLUTION 427 WAS ADOPTED BY THE HOUSE ON APRIL 22, 1986 AND PROVIDING THAT SAID RESOLUTION SHALL BE CONSIDERED TO HAVE BEEN LAID ON THE TABLE

Mr. PEPPER, from the Committee on Rules, reported the following privileged resolution (H. Res. 432, Rept. 99-553) which was referred to the House Calendar and ordered to be printed:

H. RES. 432

Resolved, That the proceedings by which H. Res. 427 was adopted by the House on April 22, 1986 are hereby vacated, and said resolution shall be considered to have been laid on the table.

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 432 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House resolution 432?

The question was taken.

Mr. MURTHA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. The resolution requires a two-thirds vote for passage.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 333, nays 68, not voting 32, as follows:

[Roll No. 97]

YEAS—333

Anderson	Daub	Horton
Andrews	Davis	Hubbard
Annunzio	de la Garza	Huckaby
Applegate	Dellums	Hughes
Archer	Derrick	Hunter
Armey	DeWine	Hutto
Aspin	Dicks	Ireland
Atkins	DioGuardi	Jacobs
AuCoin	Dixon	Jeffords
Barnard	Donnelly	Jenkins
Barnes	Dorgan (ND)	Johnson
Bartlett	Dornan (CA)	Jones (OK)
Barton	Dowdy	Kanjorski
Bateman	Downey	Kaptur
Bates	Dreier	Kasich
Bedell	Durbin	Kastenmeier
Beilenson	Dwyer	Kemp
Bennett	Dyson	Kennelly
Bentley	Eckart (OH)	Kildee
Bereuter	Eckert (NY)	Kindness
Berman	Edwards (CA)	Kleczka
Bevill	Edwards (OK)	Kolbe
Biliraki	Emerson	Kostmayer
Bliley	English	Kramer
Boehlert	Erdreich	LaFalce
Boggs	Evans (IA)	Lagomarsino
Boland	Evans (IL)	Lantos
Boner (TN)	Fawell	Latta
Bonior (MI)	Fazio	Leach (IA)
Bonker	Feighan	Lent
Borski	Fields	Levin (MI)
Boucher	Flippo	Levine (CA)
Boulter	Florio	Lewis (FL)
Breaux	Foglietta	Lightfoot
Broomfield	Foley	Lloyd
Brown (CA)	Fowler	Long
Brown (CO)	Frank	Lowery (CA)
Broyhill	Frost	Lowry (WA)
Bruce	Fuqua	Luken
Bryant	Gallo	Lundine
Burton (CA)	Garcia	Lungren
Byron	Gejdenson	Mack
Callahan	Gekas	MacKay
Carney	Gephardt	Markey
Carper	Gilman	Martin (IL)
Carr	Gingrich	Matsui
Chandler	Glickman	Mavroules
Chapman	Gonzalez	Mazzoli
Chappell	Goodling	McCain
Chappie	Gordon	McCandless
Cheney	Gradison	McCloskey
Clinger	Gray (IL)	McCollum
Coats	Gray (PA)	McDade
Cobey	Green	McEwen
Coble	Guarini	McHugh
Coelho	Gunderson	McKernan
Coleman (MO)	Hall (OH)	McKinney
Coleman (TX)	Hall, Ralph	McMillan
Collins	Hamilton	Meyers
Combest	Hansen	Mica
Conte	Hartnett	Mikulski
Conyers	Hatcher	Miller (CA)
Cooper	Hawkins	Miller (OH)
Coughlin	Hayes	Miller (WA)
Courter	Hendon	Mineta
Craig	Henry	Mitchell
Crockett	Hertel	Moakley
Dannemeyer	Hiler	Moore
Darden	Holt	Moorhead
Daschle	Hopkins	Morrison (CT)

Morrison (WA)	Savage	Swift
Mrazek	Saxton	Swindall
Murphy	Schaefer	Synar
Natcher	Scheuer	Tallon
Neal	Schneider	Tauke
Nelson	Schroeder	Tauzin
Nielson	Schuette	Thomas (GA)
Nowak	Schumer	Torres
Oakar	Seiberling	Torricelli
Obey	Sensenbrenner	Towns
Olin	Sharp	Traficant
Owens	Shelby	Traxler
Oxley	Sikorski	Udall
Packard	Siljander	Valentine
Panetta	Sisisky	Vento
Parris	Skelton	Visclosky
Pease	Slattery	Volkmer
Penny	Slaughter	Vucanovich
Pepper	Smith (FL)	Walgren
Perkins	Smith (IA)	Walker
Petri	Smith (NE)	Watkins
Pickle	Smith (NJ)	Weaver
Price	Smith, Robert (NH)	Weber
Pursell	Smith, Robert (OR)	Weiss
Ray	Snowe	Wheat
Regula	Solarz	Whitehurst
Reid	Solomon	Whitley
Richardson	Spence	Whittaker
Rinaldo	Spratt	Whitten
Ritter	St Germain	Williams
Roberts	Staggers	Wise
Rodino	Stallings	Wolf
Roe	Stangeland	Wolpe
Roemer	Stenholm	Wortley
Rose	Strang	Wright
Roth	Stratton	Wyden
Roukema	Studds	Wylie
Rowland (CT)	Stump	Yates
Rowland (GA)	Sundquist	Yatron
Roybal	Sweeney	Young (FL)
Russo		Young (MO)
Sabo		

NAYS—68

Alexander	Hillis	Moody
Badham	Howard	Murtha
Biaggi	Hoyer	Myers
Burton (IN)	Hyde	Pashayan
Bustamante	Jones (NC)	Porter
Coyne	Kolter	Quillen
Crane	Leath (TX)	Rahall
Daniel	Lehman (CA)	Rangel
DeLay	Lehman (FL)	Rogers
Dickinson	Leland	Rostenkowski
Dingell	Lewis (CA)	Rudd
Duncan	Lipinski	Schulze
Dymally	Livingston	Shumway
Fascell	Lott	Shuster
Ford (MI)	Madigan	Skeen
Ford (TN)	Manton	Snyder
Franklin	Marlenee	Stark
Frenzel	Martinez	Taylor
Gaydos	McGrath	Thomas (CA)
Gibbons	Molinari	Vander Jagt
Gregg	Mollohan	Waxman
Hammerschmidt	Monson	Young (AK)
Hefner	Montgomery	

NOT VOTING—32

Ackerman	Fish	Oberstar
Akaka	Grotberg	Ortiz
Anthony	Heftel	Ridge
Bosco	Jones (TN)	Robinson
Boxer	Loeffler	Shaw
Brooks	Lujan	Smith, Denny (OR)
Campbell	Martin (NY)	Stokes
Clay	McCurdy	Wilson
Early	Michel	Wirth
Edgar	Nichols	Zschau
Fiedler	O'Brien	

□ 1440

Messrs. LEHMAN of California, MARTINEZ, and PASHAYAN changed their voted from "yea" to "nay."

Mrs. KENNELLY and Messrs. AUCOIN, ANNUNZIO, HAWKINS, SWINDALL, DAVIS, ROBERT F. SMITH, CROCKETT, HAYES, ROSE, FOGLIETTA, SMITH of Florida, and SCHUMER changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 432.

The result of the vote was announced as above recorded.

The SPEAKER. Does the gentleman from Florida [Mr. PEPPER] desire time?

Mr. PEPPER. Mr. Speaker, House Resolution 432 vacates the proceedings by which House Resolution 427 was adopted yesterday and lays the resolution on the table. As my colleagues are aware, yesterday a resolution passed this House that had the effect of lifting the limitation on outside earned income for Members. The resolution now before the Members would restore the limitations that were in place before yesterday's action. In other words, House Resolution 432 would reimpose the 30-percent limitation on outside earned income for Members by vitiating the action taken by the House.

Mr. Speaker, it is clear that Members are concerned about the absence of full legislative scrutiny of the amendment to the rules of the House adopted yesterday. There is a general consensus that the sensitive issues of Members' compensation and outside income should be addressed through careful study and deliberation.

The committee wishes to make the legislative intent in this matter clear. The committee's action in reporting this resolution should not be viewed as an endorsement of the previous rule setting a ceiling on outside income of 30 percent of a Members' pay. Nor should it be viewed as a rejection of the 40-percent limit adopted by the House yesterday, or of any other higher or lower limit which might be proposed in any subsequent legislation, subject to the normal procedure. The resolution presented today simply responds to the concerns I have discussed, by restoring the status quo. The committee views it as important to do so promptly, to avoid arousing passions about matters which should be reviewed with care and sensitivity.

The controversy surrounding the previous resolution, and the pending matter, make it clear that the current limit on outside income, and the disparate practices of the two Houses, are issues of some importance, which deserve to be addressed through subsequent hearings and study in appropriate legislative fora.

The Committee on Rules, and other committees of appropriate jurisdiction, will continue their legislative and oversight reviews of the issues of Members' pay and allowances, limitations and standards governing honoraria and other outside income, and comparability of these matters between the two Chambers.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1455

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair knows of no further business for the remainder of the day.

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 Member (at the request of Mr. CHANDLER) and to include extraneous matter:)

Mr. WALKER, for 60 minutes, today.

(The following Members (at the request of Ms. KAPTUR) and to include extraneous matter:)

Mr. FRANK, for 5 minutes, today.

Mr. MITCHELL, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, on April 24.

Mr. BROOKS, for 60 minutes, on April 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CONTE, during general debate on H.R. 1116, in the Committee of the Whole, today.

(The following Members (at the request of Mr. CHANDLER) to revise and extend their remarks and include extraneous material:)

Mr. WORTLEY.

Mr. PORTER.

Mr. GILMAN in two instances.

Mr. LENT.

Mr. GEKAS in two instances.

Mr. CHAPPIE.

Mr. EVANS of Iowa.

Mr. RITTER.

Mr. CLINGER in two instances.

Mr. YOUNG of Florida.

Mr. DREIER of California.

(The following Members (at the request of Ms. KAPTUR) and to include extraneous matter:)

Mr. MARTINEZ in two instances.

Mr. WOLPE in two instances.

Mr. LEVINE of California.

Mr. BIAGGI.

Mr. ERDREICH.

Mr. SMITH of Florida.

Mr. FASCELL.

Mr. AUCOIN.

SENATE ENROLLED JOINT RESOLUTIONS

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 214. Joint resolution providing for reappointment of Carlisle H. Hummel-

sine as a citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 215. Joint resolution providing for reappointment of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 275. Joint resolution designating May 11 through May 17, 1986, as "Jewish Heritage Week";

S.J. Res. 286. Joint resolution to designate the week of April 20, 1986, through April 26, 1986, as "National Reading Is Fun Week"; and

S.J. Res. 296. Joint resolution to designate October 16, 1986, as "World Food Day."

ADJOURNMENT

Mr. MITCHELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 56 minutes p.m.) the House adjourned until tomorrow, Thursday, April 24, 1986, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3365. 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 the Coordination Council of North American Affairs (Transmittal No. 28-86), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

3366. 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 United Kingdom (Transmittal No. 32-86), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

3367. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions of Ronald Frank Lehman II, of Virginia, for the rank of Ambassador during his tenure of service as U.S. Negotiator for Strategic Nuclear Arms, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3368. A letter from the Vice President-Corporate Human Resources, Federal Home Loan Mortgage Corporation, transmitting the financial statement for the Corporation's pension plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3369. A letter from the Administrator, Agency for International Development and the First Vice President and Vice Chairman, Eximbank of the United States, transmitting a report on the amount and extension of credits under the Trade Credit Insurance Program [TCIP], pursuant to 22 U.S.C. 2184(g); jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. Report pursuant to section 302(b)(2) of the Congressional Budget Act of 1974 (Rept. 99-552). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER. Committee on Rules. H. Res. 432. Resolution vacating the proceedings by which House Resolution 427 was adopted by the House on April 22, 1986, and providing that said resolution shall be considered to have been laid on the table (Rept. 99-553). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2921. A bill to authorize the Secretary of Agriculture to issue permanent easements for water conveyance systems in order to resolve title claims arising under acts repealed by the Federal Land Policy and Management Act of 1976, and for other purposes; with an amendment. Referred to the Committee on Agriculture for a period ending not later than May 2, 1986 for consideration of such portions of the bill and amendment as fall within that committee's jurisdiction pursuant to clause 1(a), rule X (Rept. 99-554, Pt. 1). Order to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MOORE:

H.R. 4667. A bill to amend title VII of the Tariff Act of 1930 in order to offset the injurious effect of substandard foreign wages on U.S. producers; to the Committee on Ways and Means.

By Mr. BROYHILL (for himself, Mr. BLILEY, Mr. COBEY, Mr. COBLE, Mr. GREGG, Mr. HENDON, Mr. MCKERNAN, Mr. PETRI, Mr. ROTH, Mr. SIKORSKI, Mr. SLAUGHTER, Mr. SMITH of New Hampshire, Ms. SNOWE, and Mr. STANGELAND):

H.R. 4668. A bill to amend the Nuclear Waste Policy Act of 1982 to remove the requirement of a second repository for the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Energy and Commerce.

By Mr. BRYANT (for himself, Mr. LELAND, Mr. RALPH M. HALL, Mr. DOWDY of Mississippi, Mr. SLATTERY, Mr. SYNAR, Mr. TAUZIN, Mr. WIRTH, Mr. BREAUX, Mrs. BOGGS, Mr. BROOKS, Mr. BUSTAMANTE, Mr. COLEMAN of Texas, Mr. FIELDS, Mr. FROST, Mr. GLICKMAN, Mr. HUCKABY, Mr. JONES of Oklahoma, Mr. MCCURDY, Mr. PICKLE, and Mr. ROEMER):

H.R. 4669. A bill to repeal and amend certain sections of the Powerplant and Industrial Fuel Use Act of 1978; to the Committee on Energy and Commerce.

By Mr. EDWARDS of Oklahoma (for himself, and Mr. WATKINS):

H.R. 4670. A bill to amend the Internal Revenue Code of 1954 to increase the depletion allowance for oil and natural gas, and to allow percentage depletion for stripper well production of integrated producers; to the Committee on Ways and Means.

By Mr. FAZIO (for himself, Ms. OAKAR, Mr. DASCHLE, Mr. LEHMAN of California, Mr. COLEMAN of Texas, and Mr. HOYER):

H.R. 4671. A bill to provide that any cost-of-living adjustment in military retirement and survivor benefit programs provided by law to take effect during fiscal year 1987 shall be made in accordance with the law providing for such adjustment; to the Committee on Armed Services.

By Mr. GONZALEZ (for himself, and Mr. MCKINNEY):

H.R. 4672. A bill to amend and extend certain laws relating to housing, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GRAY of Illinois:

H.R. 4673. A bill to provide an appropriate retirement system for fixed term judicial officers; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.R. 4674. A bill to amend the Communications Act of 1934 to prohibit the encoding of satellite-transmitted television programming until decoding devices are fully available at reasonable prices; to the Committee on Energy and Commerce.

By Mr. JEFFORDS (for himself, and Mr. CLINGER):

H.R. 4675. A bill to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to include the pay of Members of Congress within the coverage of the Act, and for other purposes; jointly, to the Committees on Government Operations, and Post Office and Civil Service.

By Mr. JONES of North Carolina (for himself, Mr. LENT, Mr. BIAGGI, Mr. SNYDER, Mr. BREAUX, Mr. YOUNG of Alaska, Mr. STUDDS, Mr. DAVIS, Mr. HUGHES, and Ms. MIKULSKI):

H.R. 4676. A bill to terminate the National Advisory Committee on Oceans and Atmosphere; to the Committee on Merchant Marine and Fisheries.

By Ms. KAPTUR:

H.R. 4677. A bill to prohibit certain deceptive practices under the import marking laws; to the Committee on Ways and Means.

By Mrs. LLOYD:

H.R. 4678. A bill to amend the Internal Revenue Code of 1954 to deny foreign tax credits attributable to activities conducted in foreign countries which repeatedly provide support for acts of international terrorism; to the Committee on Ways and Means.

By Mr. MITCHELL:

H.R. 4679. A bill to amend the Housing and Community Development Act of 1974 to ensure that all funds provided under the community development block grant program are expended on activities that benefit persons of low and moderate income, and for other purposes; to the Committee on Banking and Urban Affairs.

By Mr. OBEY:

H.R. 4680. A bill to amend the Internal Revenue Code of 1954 to provide that no foreign tax credit, and no deduction, shall be allowed for taxes paid or accrued to Libya during the period any declaration by the President of a national emergency is in effect with respect to Libya and to provide that the exclusion from gross income of earned income of U.S. citizens living abroad shall not apply to income attributable to

Libya during such period; to the Committee on Ways and Means.

By Mr. SEIBERLING:

H.R. 4681. A bill relating to the treatment of environmental protection and natural resource conservation as aspects of open and fair international trade; to the Committee on Ways and Means.

By Mr. DENNY SMITH:

H.R. 4682. A bill to amend title 10, United States Code, to strengthen the requirements relating to operational test and evaluation of major defense acquisition programs; to the Committee on Armed Services.

By Mr. STENHOLM (for himself, Mr. BEREUTER, Mr. BOULTER, Mr. BROWN of Colorado, Mr. COMBEST, Mr. DAUB, Mr. DORGAN of North Dakota, Mr. EMERSON, Mr. EVANS of Iowa, Mr. FRANKLIN, Mr. GLICKMAN, Mr. GUNDERSON, Mr. JEFFORDS, Mr. LEATH of Texas, Mr. LEWIS of Florida, Mr. LOEFFLER, Mr. MADIGAN, Mr. MARLENEE, Mr. MORRISON of Washington, Mr. OLIN, Mr. PENNY, Mr. RAY, Mr. RICHARDSON, Mr. ROBERTS, Mr. SKEEN, Mr. ROBERT F. SMITH, Mrs. SMITH of Nebraska, Mr. STALLINGS, Mr. STANGELAND, Mr. TALLON, Mr. THOMAS of Georgia, Mr. VOLKMER, and Mr. WHITLEY):

H.R. 4683. A bill to amend the Federal Meat Inspection Act to authorize the Secretary of Agriculture to determine the manner and frequency of inspection of meat food products under such Act; to the Committee on Agriculture.

By Mr. THOMAS of California:

H.R. 4684. A bill to prevent the importation of pistachio nuts from Iran; to the Committee on Ways and Means.

By Mr. WILSON (for himself, Mr. BARTLETT, Mr. BARTON of Texas, and Mr. BRYANT):

H.R. 4685. A bill to adjust the boundaries of areas of the National Wilderness Preservation System in the State of Texas; to the Committee on Interior and Insular Affairs.

By Mr. CARPER:

H.J. Res. 611. Joint resolution to designate the period of December 1, 1986, through December 7, 1986, as "National Aplastic Anemia Awareness Week"; to the Committee on Post Office and Civil Service.

By Mrs. LLOYD:

H. Con. Res. 323. Concurrent resolution calling for the expulsion of Libya from the United Nations; to the Committee on Foreign Affairs.

By Mr. DURBIN (for himself, Mr. BRUCE, Mr. KLECZKA, Mr. HERTEL of Michigan, Mr. TRAXLER, and Mr. ECKART of Ohio):

H. Res. 431. Resolution amending clause 1, rule XLVII of the Rules of the House; to the Committee on Rules.

By Mr. PACKARD (for himself, Mr. MICHEL, Mr. ANNUNZIO, Mr. FRENZEL, Mr. VANDER JAGT, Mr. JONES of Oklahoma, Mr. DELAY, and Mr. COBEY):

H. Res. 433. Resolution amending Rule XLVI of the Rules of the House to reduce the number of pieces of franked mass mail that may be sent by each Member; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

345. The SPEAKER presented a memorial of the Legislature of the State of California, relative to Federal solar energy tax credits; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ERDREICH introduced a bill (H.R. 4686) for the relief of Jens-Peter Berndt; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 871: Mr. MCKINNEY.

H.R. 927: Mr. WOLPE, Mr. WHITEHURST, Mr. MINETA, and Mr. KLECZKA.

H.R. 979: Mr. MCDADE, Mr. MARKEY, and Mr. MONSON.

H.R. 1213: Mr. GILMAN and Mr. MCCURDY.

H.R. 1398: Mr. FUSTER and Mr. FRANK.

H.R. 1436: Mr. SCHUETTE and Mr. BURTON of Indiana.

H.R. 2440: Mr. WALGREN.

H.R. 2578: Mr. BENNETT, Mr. HOPKINS, Mr. IRELAND, Mr. MCCOLLUM, Mr. PARRIS, Mr. SHUMWAY, and Mr. WEISS.

H.R. 2952: Mr. FOGLIETTA.

H.R. 3099: Mr. RODINO, Mr. YATRON, Mr. DOWNEY of New York, Mr. WYDEN, and Mr. RITTER.

H.R. 3436: Mr. OBERSTAR.

H.R. 3806: Mr. MARKEY.

H.R. 3842: Mr. SCHEUER, Mrs. BYRON, Mr. SABO, Mr. DORNAN of California, and Mr. HENDON.

H.R. 3950: Mr. LOWRY of Washington, Mr. MARTINEZ, Mr. LEHMAN of Florida, and Mr. WHITTAKER.

H.R. 3989: Mr. EVANS of Illinois, Mrs. JOHNSON, Mr. MILLER of Ohio, and Mr. ORTIZ.

H.R. 4041: Mr. MOORHEAD, Mr. STALLINGS, and Mr. EMERSON.

H.R. 4189: Mr. ARMEY and Mr. MONSON.

H.R. 4194: Mr. DURBIN, Mr. DE LUGO, and Mr. DYMALLY.

H.R. 4205: Mr. SMITH of Florida, Mr. WOLPE, Mr. DURBIN, Ms. OAKAR, Mr. BERMAN, Mr. COELHO, and Mr. FLORIO.

H.R. 4280: Mr. RANGEL and Mr. GONZALEZ.

H.R. 4295: Mr. RAY, Mr. FLORIO, Mr. GINGRICH, Mr. BOEHLERT, and Mr. MARTINEZ.

H.R. 4382: Mr. DORNAN of California.

H.R. 4397: Mr. MRAZEK, Mr. BUSTAMANTE, and Mr. NELSON of Florida.

H.R. 4439: Mr. DIOGUARDI, Mr. PARRIS, Mr. SMITH of New Hampshire, Mr. PACKARD, Mr. HARTNETT, Mr. DEWINE, Mr. BRYANT, Mr. SIKORSKI, Mr. DOWDY of Mississippi, Mr. KOLTER, and Mr. SLAUGHTER.

H.R. 4468: Mr. HAWKINS, Mr. BEILENSON, Mrs. BURTON of California, Mr. DELLUMS, Mr. ANDERSON, Mr. ROYBAL, Mr. BARTON of Texas, and Mr. LANTOS.

H.R. 4482: Mr. SHELBY, Mr. HORTON, Mr. GALLO, Mr. CHENEY, Mr. KINDNESS, and Mr. HAMMERSCHMIDT.

H.R. 4519: Mr. WILSON, Mr. LEATH of Texas, Mr. CLINGER, Mr. SOLOMON, Mr. HENRY, Mr. HORTON, Mr. BEREUTER, Mrs. BENTLEY, Mr. BURTON of Indiana, Mr. MARTIN of New York, Mr. EMERSON, Mr. KLECZKA, Ms. KAPTUR, Mr. LIGHTFOOT, Mr. TAUKE, Mr. EVANS of Iowa, and Mr. CHAPMAN.

H.R. 4520: Mr. WILSON, Mr. FUQUA, Mr. LEATH of Texas, Mr. CLINGER, Mr. SOLOMON, Mr. HORTON, Mr. BEREUTER, Mrs. BENTLEY, Mr. BURTON of Indiana, Mr. MARTIN of New York, Mr. EMERSON, Mr. KLECZKA, Ms. KAPTUR, Mr. LIGHTFOOT, Mr. MADIGAN, Mr. TAUKE, and Mr. CHAPMAN.

H.R. 4528: Mr. WEISS, Mr. WHEAT, and Mrs. COLLINS.

H.R. 4553: Mrs. BENTLEY and Mr. ARCHER.

H.R. 4556: Mr. DANNEMEYER, Mr. DEWINE, Mr. HUCKABY, Mr. LOWERY of California, Mr. NEAL, Mr. ROSE, and Mr. SHELBY.

H.R. 4573: Mr. GUARINI, Mr. MCGRATH, Mr. LENT, Mr. FLIPPO, and Mr. ANTHONY.

H.R. 4630: Mr. HEFTEL of Hawaii.

H.R. 4650: Mr. BIAGGI, Mr. HAWKINS, Mr. MANTON, Mr. GILMAN, Mrs. BURTON of California, Mr. GARCIA, Mr. DYMALLY, and Mr. SCHEUER.

H.J. Res. 385: Mr. GORDON, Mr. STRATTON, Mr. CHANDLER, Mr. UDALL, Mr. PORTER, and Mr. GREGG.

H.J. Res. 475: Mr. OBERSTAR, Mr. PEPPER, Mr. PERKINS, Mr. ROSE, Mr. SNYDER, Mr. GREEN, Mr. TALLON, Mr. TAUKE, Mr. WALGREN, Mr. NIELSON of Utah, Mr. WATKINS, Mr. TAYLOR, Mrs. ROUKEMA, Mr. ERDREICH, Mr. GORDON, Mr. AKAKA, Mr. ASPIN, Mr. STRATTON, Mr. BREAUX, Mr. ACKERMAN, Mr. ANNUNZIO, Mr. KLECZKA, Mr. MORRISON of Connecticut, Mr. WALKER, Mr. GRAY of Illinois, Mr. RALPH M. HALL, Mr. HENRY, Mr. JONES of Tennessee, Mr. SPENCE, Mr. COURTER, Mr. OLIN, Mr. BLAZ, Mr. SAXTON, Mr. ROBERT F. SMITH, Mr. WILSON, Mr. YATES, Mr. SCHUMER, Mr. DORNAN of California, Mr. HOWARD, and Mr. LOEFFLER.

H.J. Res. 484: Mrs. LLOYD, Mr. MINETA, Mr. LEWIS of Florida, Mr. HENRY, Mr. REID, Mr. BATEMAN, Mr. GREEN, Mr. SCHEUER, Mr. DEWINE, Mr. JEFFORDS, Mr. EDGAR, Mr. FORD of Michigan, Mr. ANDREWS, Mr. DAUB, Mr. DYMALLY, Mr. PACKARD, Mr. YOUNG of Missouri, Mr. NOWAK, Mr. MONSON, Mr. RITTER, Mr. DIOGUARDI, Mr. FAZIO, Mr. MCDADE, Mr. ANDERSON, Mr. LEWIS of California, Mr. KOLBE, Mr. GRAY of Illinois, Mr. MCHUGH, Mr. REGULA, Mr. GREGG, Mr. SLAUGHTER, Mr. LEVIN of Michigan, Mr. HUTTO, Mr. DE LA GARZA, Mr. ROE, Mr. DIXON, Mr. UDALL, Mr. WEISS, Mr. BONIOR of Michigan, Mr. HORTON, MR. SABO, and Mr. GINGRICH.

H.J. Res. 500: Mr. WALGREN, Mr. HILER, Mr. GARCIA, Mr. STENHOLM, Mr. KASICH, Mr. BILIRAKIS, Mr. PACKARD, Mr. LANTOS, Mr. BROYHILL, Mr. MCKINNEY, Mr. JONES of North Carolina, Mr. VOLKMER, Mr. MURTHA, Mr. BROWN of Colorado, Mr. SUNIA, Mr. MORRISON of Connecticut, Mr. WYLIE, Mr. PANETTA, Mr. KRAMER, Mr. CHAPMAN, Mr. FEIGHAN, Ms. KAPTUR, Mr. DYMALLY, Mr. MINETA, Mr. LOWRY of Washington, Mr. LEWIS of Florida, and Mr. STANGELAND.

H. Con. Res. 133: Mr. HEFTEL of Hawaii, Mr. SMITH of Florida, Mr. BEILENSON, Mr. WEBER, Mr. MINETA, Mr. LEVIN of Michigan, Mr. MCGRATH, and Mr. FISH.

H. Con. Res. 237: Mr. YATRON, Mr. BERMAN, Mr. UDALL, and Mr. MICA.

H. Res. 409: Mr. SMITH of Florida, Mr. LEVINE of California, Mr. BUSTAMANTE, Mr. MITCHELL, Mr. LELAND, Mr. DURBIN, Mr. GREEN, Mr. MRAZEK, Mr. RANGEL, Mr. MORRISON of Connecticut, and Mr. DORNAN of California.

H. Res. 412: Mrs. HOLT, Mr. DASCHLE, Mr. WORTLEY, Mr. CHAPPELL, Mr. SMITH of New Jersey, Mr. HENRY, Mr. HUTTO, Mr. TRAXLER, Mr. RAY, Mr. COLEMAN of Texas, Mr. YATRON, Mr. STRATTON, Mr. HORTON, Mr. BOUCHER, Mr. SIKORSKI, Mr. OBERSTAR, Mr. LAGOMARSINO, Mr. BILIRAKIS, Mrs. SCHNEIDER, Mr. RAHALL, Mr. MITCHELL, Mr. SISISKY, Mr. NEAL, Mr. SAVAGE, and Mr. EVANS of Illinois.

H. Res. 424: Mr. GINGRICH, Mr. HORTON, Mr. MYERS of Indiana, Mr. BARTLETT, Ms. SNOWE, Mrs. JOHNSON, Mr. WILLIAMS, Mr. PENNY, Mrs. LLOYD, Mr. GEPHARDT, Mr. DENNY SMITH, Mr. SPENCE, Mr. SUNDQUIST, Mr. TAYLOR, Mr. SNYDER, Mr. MARTIN of New York, Mrs. BENTLEY, Mr. ROBERTS, Mr.

PURSELL, Mr. DEWINE, Mr. WYLIE, Mr. RUDD, Mr. CONTE, Mr. CLINGER, Mr. COATS, Mr. CRANE, Mr. DAUB, Mr. DICKINSON, Mr. DIOGUARDI, Mr. FIELDS, Mr. MOLINARI, Mr. MONSON, Mr. PARRIS, Mr. ECKERT of New York, Mr. ROTH, Mr. SCHUETTE, Mr. SILJANDER, Mr. LOTT, Mr. SCHEUER, Mr. DARDEN, Mr. LOWERY of California, Mr. KINDNESS, Mr. MRAZEK, Mr. STALLINGS, Mr. MOODY, Mr. MACKAY, Mr. SPRATT, Mr. NATCHER, Mr. GILMAN, Mr. SMITH of New Hampshire, Mr. CHENEY, Mr. PETRI, Mr. SHAW, Mr. MILLER of Washington, Mr. BROWN of Colorado, Mr. TAUKE, Mr. WEBER, Mr. FRENZEL, Mr. MCKERNAN, Mr. KASICH, Mr. FISH, Mr. THOMAS of California, Mr. MADIGAN, Mr. ANNUNZIO, Mr. KEMP, Mr. SHUSTER, Mr. COBLE, Mr. GOODLING, Mr. MCCAIN, Mr. DELAY, Mr. SAXTON, Mr. IRELAND, Mrs. MEYERS of Kansas, and Mr. BLILEY.

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. 844: Mr. BURTON of Indiana.

H.R. 2950: Mr. BURTON of Indiana.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

317. By the SPEAKER: Petition of the President, Socialist International Committee for Latin America and the Caribbean, Santo Domingo, D.R., relative to aid to the Contras; to the Committee on Foreign Affairs.

318. Also petition of the Township Committee, Voorhees, NJ, relative to the 16th amendment to the Constitution; to the Committee on the Judiciary.

SENATE—*Wednesday, April 23, 1986*

(Legislative day of Monday, April 21, 1986)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer this morning will be led by Dr. Billy Graham, worldwide known preacher. We are glad to have him with us.

PRAYER

The Reverend Dr. Billy Graham offered the following prayer:

Our Father and our God, as we approach the 200th anniversary of our Constitution, we praise You for this great Nation that is called America. We realize our greatness has come only because You have chosen to lead us and bless us as a nation, and we thank You from the bottom of our hearts for Your grace to us, which we do not deserve.

We thank You also for the firm moral and spiritual values of our forefathers—values which they found in Your everlasting Word. For them, the words "In God We Trust" were more than an empty slogan on our coins—they formed the very foundation of their lives and our society. We remember that Your Word has said, "Blessed is the nation whose God is the Lord." (Psalms 33:12).

But, our Father, we confess we are in danger of slipping away from the moral and spiritual values which have made us great. We are in danger of losing our way in the midst of other voices that would urge us to put our trust in man rather than in You. And yet we know that any path which rejects Your truth and the values You have given us is a dead-end road that ultimately leads to only chaos and destruction. We know this has happened before in our history, and always we have been brought back as men and women have turned in repentance and faith to You. Our Father, once again we are in need of that same kind of spiritual awakening—a revival of the spirit which will touch our hearts and make us again seek first Your kingdom and Your righteousness. Convict us as a nation of our need of You, and cause us to return to You so we can find the right path again and have peace in our hearts and in our world.

What we pray for our Nation we also pray for each individual in this great body today. Where there are spiritual needs in our lives, cause us to face them honestly, and humbly turn back to You. Help us today to repent of our sins, accept Your gracious offer of forgiveness and new life, and repeat in our hearts those brave words of the Declaration of Independence: "* * * with a firm reliance on the protection of the Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor."

Bless also our families, and cause us in both our public and private lives to live according to Your will. Give wisdom also to each elected Senator in this body today as decisions are made that will affect our world and our people.

We also pray for our President, and for all others in our Nation, and in other nations, who are in positions of authority. Give us a new passion for justice, a new zeal for peace, a new commitment to compassion and integrity, and a new vision of what You desire us and this Nation to be.

All this we pray in the name of Jesus Christ our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

PRAYER OF THE REVEREND DR. BILLY GRAHAM

Mr. SIMPSON. Mr. President pro tempore, we all thank deeply Rev. Billy Graham. He honors us being among us today. He is an inspiration to us all.

I met Reverend Graham many years ago, with my father, then Gov. Milward Simpson, and with former President Richard Nixon. I remember that very distinctly. On behalf of the entire Senate, I welcome you and express our thanks for your inspirational message, as expressed in that most moving prayer.

(Mr. LAXALT assumed the chair.)

Mr. THURMOND. Will the acting majority leader yield?

Mr. SIMPSON. I do.

Mr. THURMOND. Mr. President, it is a genuine pleasure to have Dr. Graham here today. He is a great preacher, a great man, a great American.

Incidentally, his first big campaign was held in South Carolina. We are very proud that we started him off and he has done well ever since.

He has preached to more people than any man who ever lived. I think his popularity has been his true sincerity, his devotion to Christ, and preaching the Gospel from the Bible. We are indeed honored to have him here today and it is an honor for the Senate to have him to lead the prayer on this day.

Mr. HATFIELD. Will the Senator yield?

Mr. SIMPSON. I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I, too, would like to add my word of welcome to the Reverend Billy Graham for his prayer this morning in opening the Senate.

It has been stated that he has preached the Gospel to more people than any other person in history. I would like to say it is a very interesting point that whether it is in Moscow or whether it is any other part of the Iron Curtain countries, the Communist world, whether it is any city in our America, Latin America, Asia, or Africa, wherever in the world Reverend Graham has preached, he has had but one sermon and it has been a variation on the theme of God incarnate in Jesus Christ, the power and forgiveness of the resurrection of the crucifixion shown, the greatness and awesome power of the resurrection, and the great, magnificent power of Pentecost.

That has been his preachment; that has been his single message to people throughout the world. Indeed, it is a message of hope as well as a message of salvation.

I would like to say that my colleague JESSE HELMS and I have cosigned a letter inviting all Members of the Senate to the crusade, which opens for the first time in 25 years in Washington, DC, this coming Sunday, the 27th of April, and it will go through the period of May 4, for 1 week.

In that invitation, just one matter of logistics. There will be buses on Monday and Tuesday nights, April 28 and 29, departing from the Capitol at 6:45 p.m. Senators and their families who are interested in attending the crusade may call George Dunlop at 224-2035 for information on those buses. Those buses, by the way, are not provided at public expense but private expense.

Members of the staff are also going to be provided special transportation on Monday night, April 28.

I urge my colleagues and all members of their staff to avail themselves of hearing Reverend Graham if at all possible in their schedules. While in

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

the midst of our frustrations and the pressure we work under, it is indeed an inspiring and an energizing experience in faith and trust in the sovereignty of God to rule in all these matters rather than to depend upon the machinations and the manipulations of a purely political intuition.

I am delighted to welcome Reverend Graham this morning.

Mr. SIMPSON. Mr. President, I yield to the distinguished senior Senator from North Carolina [Mr. HELMS].

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the distinguished acting majority leader for yielding. Of all the Senators who are pleased to have Dr. Billy Graham here today, I suspect I am the most pleased because I believe I have known him the longest. Our friendship perhaps dates back longer than either he or I would like to acknowledge. He and his remarkable family have been wonderful friends down through the years.

There are many things that could and should be said about this man. Down in North Carolina, I say to my friend from Oregon, we like to identify the many products and commodities our State exports to countries abroad. The No. 1 export from North Carolina, in my book, is Billy Graham. He has been all over the world preaching the truth, the light, and the hope of salvation. We all are familiar with the extraordinary ministry and career of Billy Graham and the fine people associated with him, for example, T.W. Wilson and others. But I think it should be noted here that not only has Billy Graham preached throughout the world; he and Ruth have reared a family which is nothing short of remarkable.

For example, Mr. President, I have had the privilege of belonging to the same church in Raleigh, NC, with one of Billy's and Ruth's daughter, Anne, and her husband, Dr. Daniel Lotz. I know of no two other young people who have done more to inspire a large segment of the population of the Raleigh area than these two fine young people.

Mrs. Lotz, the former Anne Graham, began a Bible study class for young people several years ago. Every Wednesday morning, she has filled the sanctuary of the Hayes Barton Baptist Church, women of all ages who drive 30 to 40 miles or more to hear Anne Lotz lead in Bible study, thus walking in the footsteps of her distinguished father.

So I say to my friend, Billy Graham, not only am I pleased that you are here today. You honor this Senate by your presence just as you have honored this country. You are a great patriot, a great American, and a great friend.

Thank you, Mr. President. I yield the floor.

SENATE WELCOMES BILLY GRAHAM

Mr. DOLE. Mr. President, we are deeply honored to welcome this morning, one of the leading figures of our times . . . the Reverend Billy Graham. His very special brand of inspiration has touched millions and millions of people the world over, and he has touched those of us here today.

History will show that he has brought the word of God to more countries and more people than any other man who has ever lived. He has served as a role model for our youth and a pillar of wisdom and strength for Presidents and Kings. But true to his humble approach to his Lordly duty, the Reverend Graham recently said "There are others who could have done it much better than I." In my view, I doubt that anyone who has ever heard you would ever agree with that statement!

Mr. President, I know my Senate colleagues join me in wishing Reverend Graham and his family all the best. May you carry on your amazing life of devotion for many, many more years.

The PRESIDING OFFICER. Who yields time?

SCHEDULE

Mr. SIMPSON. Mr. President, there will be the remaining time for the two leaders under the standing order of 10 minutes each, of which a portion has certainly expired as I yielded to my colleagues.

There will be special orders in favor of the following Senators for not to exceed 5 minutes each: Senator HAWKINS, whose statement will be delivered by our President pro tempore of the Senate Mr. THURMOND; Senator BIDEN; Senator CRANSTON; and Senator PROXMIRE.

Then, there will be a period for routine morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein 5 minutes each.

Following routine morning business, the Senate will resume consideration of Senate Concurrent Resolution 120, the budget resolution. Rollcall votes can be expected throughout the day. However, any votes ordered on Senate Concurrent Resolution 120 after the hour of 3:30 p.m. will be held over until tomorrow, Thursday, April 24.

RESERVATION OF MINORITY LEADER'S TIME

Mr. SIMPSON. Mr. President, I ask unanimous consent that the minority leader's time be reserved.

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

SENATOR HAWKINS' SPECIAL ORDER

The PRESIDING OFFICER. The President pro tempore is recognized.

Mr. THURMOND. Mr. President, I have a statement on behalf of the able and distinguished Senator from Florida who, at this time, is in the hospital from an operation but who is improving fast and it is hoped she will soon be out.

The statement reads:

CRACK

Mrs. HAWKINS. Mr. President, I am sorry to say, but it is time to add two new words to our drug dictionaries: those words are "crack" and "rock." These are street-talk for the latest, most deadly narcotic to hit our communities and threaten the lives of our children.

It is hard to exaggerate the threat posed by crack. According to Arnold Washton, a psychopharmacologist at Fair Oaks Hospital in Summit, New Jersey, "Crack is the most addictive drug known to man right now . . . it is almost instantaneous addiction, whereas if you snort coke it can take two to five years before addiction sets in. There is no such thing as the 'recreational use' of crack."

What is crack? Crack is a variation on cocaine. I am not going to contribute to the problem by describing how crack is made. It should be enough to know that this deadly substance can be produced by combining cocaine with products that are found in the family kitchen. What results when the process is finished is a white substance that resembles soap or a whitish gravel. Rather than being snorted like cocaine, crack is generally smoked in a water pipe.

Imagine a drug that is instantly addicting on its first use. Think of the threat this poses to our children and our neighborhoods. We all know that kids are curious. They like to go where they should not go, and do what they should not do. Sometimes that may even mean "experimenting" with drugs. We cannot condone this, but we can understand it—we have all been kids at one time.

But crack does not give a kid a chance. There is no such thing as "experimenting" when it comes to crack. Crack steals your future and robs your soul on its first shot. There are no second chances.

Crack is not just dangerous. It is deadly, and it is frightening.

But instant addiction does not tell the whole story for crack—there is more. And it gets worse. Crack is cheap. And by cheap I do not mean $50 a shot, or even $30 dollars. I mean 10 to 15 dollars. For the price of a couple of movie tickets, our kids can be hooked for life.

Crack is a drug dealer's dream come true. It is cheap, it is easy to transport and it produces its own customers. How? One use and you have a repeat customer.

The only good news about crack is that it is so new that it has not made inroads into many communities. But where it has, there are reports of violence and chaos. In New York and LA there are reports of places called "rock houses." A rock house is an apartment with a steel-reinforced door. The door has a small opening through which money is exchanged for crack. The steel door protects the dealers from thieves and police alike. In some communities there are

even young gangs that protect these sleazy merchants of death.

We need to get out the word to our schools, neighborhoods and workplaces, that crack is deadly addicting. We need to tell our kids that playing with crack is like playing with fire. And we need to redouble our efforts in the war on drugs.

Mr. THURMOND. Mr. President, I just want to say that in my judgment, this is a most timely statement by the distinguished Senator from Florida. No one in the Senate has done more to reveal to the public the harmful effect of drugs than the able and distinguished Senator from Florida [Mrs. HAWKINS].

RECOGNITION OF SENATOR BIDEN

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware [Mr. BIDEN] is recognized.

A TIME TO ACT

Mr. BIDEN. Mr. President, it is time for the Congress and the President to get on with the business of adopting a budget. For the last 3 weeks the debate here in Washington has been focused on what I consider to be a very trivial issue—whose budget is to be considered and who will act first. Democrats and Republicans, the Senate and the House of Representatives, the President and the Congress have all been at odds over the mechanics of action—who goes first, who gets credit, who takes the blame.

Mr. President, I am sure you agree with me that that is not the issue. This is not a House budget; or a Senate budget; or a Republican budget; or a Democratic budget. What we are trying to adopt is a budget for the United States.

In my view, the American people do not care who acts on the budget first. They do not care about who gets credit for having their budget considered or who gets blamed for proposing a budget which contains some unpleasant news. They are concerned about budget policies that have increased the public debt by over $1 trillion in the last 5 years. They do want a budget which will start reducing the deficits, which have contributed to a trade deficit of $150 billion and the destruction of basic industries in this country.

The Gramm-Rudman-Hollings deficit reduction proposal, which I supported, was created in the hope that it would force Congress—and the President—to address the deficit problem. I and other supporters hoped that it could force a consensus in this body on fiscal policy where none would otherwise exist.

The budget now under consideration by the Senate has the makings of a consensus budget. It meets the deficit reduction targets of Gramm-Rudman-Hollings in ways that deserve careful consideration—in a balanced way. It restrains defense spending. It realigns some domestic priorities without hurting essential services. And it calls for paying for itself—an unusual circumstance in my 14 years in the U.S. Senate, Mr. President. We are actually introducing amendments to spend more money and at the same time we have a companion proposal, all one and the same, saying how we will raise the money to pay for that new spending. I think it is about time.

I am not giving this budget a blanket endorsement. I may vote for some amendments, some changes in spending priorities or additional priorities. But this budget does offer a sound base for the President and Congress to use in their consideration of Federal fiscal policy for the next fiscal year.

Up to now, President Reagan has refused to participate in efforts to shape a widely acceptable budget that would reduce deficits, and begin to meet his 1981 pledge to balance the budget. Congressional budget action has been stymied by President Reagan's intransigence, his unwillingness to negotiate for any budget but his own. Yet it is clear that his budget is not acceptable to a majority of either House. The budget process has been marking time while efforts were made to persuade the President to join Congress in this deficit reduction exercise. It is clear that, without his participation in the budget process, a consensus budget cannot finally be implemented.

This Nation needs a financial blueprint. It needs a plan that will shape legislation for the rest of the year—spending bills, reconciliation, and revenue. The country needs to know that we are on track to a lower, meaning $144 billion, deficit target for fiscal year 1987 and how we are going to get there.

The people of the United States want to know these things. They have a right to know them.

Our present budget process, as it was revised last year, is the best hope we have, in this Senator's opinion, to eliminate the deficits that threaten our economic vitality. But we must proceed quickly. Time is slipping away.

I urge the President to join with the leadership of both parties, in both Houses of Congress, to fashion a deficit reduction package that will begin to remove the specter of $200 billion yearly deficits that hangs over our economy.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

THE UNITED STATES MUST NOT BETRAY ITS WORD ON THE ABM TREATY

Mr. PROXMIRE. Mr. President, the Washington Post reported on March 26 that the Defense Department is considering appealing to the President for what they call a "less restrictive" interpretation of the antiballistic missile treaty. That "less restrictive" interpretation would constitute a shocking and deliberate betrayal of this Government's solemn treaty pledge. The treaty has been consistently interpreted by our Government to prohibit testing of such new technology weapons in space as lasers or particle beams. The Defense Department wants to interpret the treaty to prohibit only the actual deployment of these systems in space. The State Department disagrees. It wants to stand by the position our Government has held since 1972 that tests in space of these new weapons would overtly violate the treaty. Last year, President Reagan "split the difference." He decided that the new interpretation of the antiballistic missile treaty permitting actual space testing was legally correct. Nevertheless, the President announced that this country would follow the more restrictive interpretation, at least for the time being. Now Gen. James Abrahamson wants the President to lift restrictive interpretation and go directly to the tests. Abrahamson claims such a policy would be most cost effective. He says the tests would save money. They would save time. They would give a higher confidence in the results.

So what is wrong with this new interpretation of the treaty? The answer is: Plenty. Consider the judgment of the two American's who are best qualified to interpret that treaty. First, there is the legal adviser to the U.S. delegation that negotiated the treaty, John B. Rhinelander. Second, there is the chief negotiator of the treaty for the United States, Gerard Smith.

What does Rhinelander say about this interpretation of the treaty? In "Arms Control Today," the October 1985 issue, he wrote:

The new interpretation is grossly incorrect.

He added:

Unless the Congress intervenes and limits strategic defense expenditures according to the traditonal U.S. interpretation, wherein development and testing of space and other mobile basing modes are prohibited, all restraints on Reagan's star wars plan may come unleashed.

What position has Gerard Smith, the principle American negotiator of the ABM Treaty, taken? He has contended that if the United States engaged in the proposed tests under the new interpretation of the treaty, the treaty would become a "dead letter."

Mr. President, the word of the U.S. Government is at stake here. What do we mean when we talk about the integrity of our country? We mean that when our country makes a promise, it keeps that promise. We respect a person whose word is his bond. In the same way, we respect a nation that lives by its promises.

In the ABM Treaty, we have more than the promise of the President of the United States. We have that. We also have a treaty signed by the President. We also have a treaty ratified by this body, the U.S. Senate. This treaty promise was not ratified by a bare two-thirds majority. We have a treaty ratified by an overwhelming 89-to-2 vote. It would be a first-class blunder to do so, but we could honorably seek to renegotiate the treaty with the Soviet Union to change its provisions. We could honorably renounce the treaty. Our Government is not preparing to do that. It is preparing to ignore the clear understanding of our own preeminent experts so that we can pretend we are keeping our word. How can we do that? How can we flatly reject the judgment of the two experts who are obviously the top American authorities on the treaty?

Mr. President, let us face it. We should either renounce the ABM Treaty, root and branch, or we should desist from any star wars development that goes beyond laboratory research. Isn't it common sense that the whole purpose, the single purpose, of the ABM Treaty is to stop an antiballistic missile development by either superpower? That was our American purpose in negotiating the treaty. The treaty was an American initiative. It was resisted, strongly resisted, by the Soviet Union for years. We finally persuaded them that if an antiballistic missile race got underway between the two superpowers, significant arms control, for all intents and purposes, would be dead. Why would it be dead? Because an ABM system would force the adversary to resist any proposal to reduce or limit offensive nuclear arms. In fact, it would force both superpowers to strive to counter the opposition ABM system by a head-long, sled-length production and deployment of offensive nuclear missiles.

How did we get ourselves in a position where we are on the verge of killing the treaty this country conceived, drafted, and, after years of hard negotiations, succeeded in reaching agreement on and overwhelmingly ratifying? We did it by beginning the national commitment to the very antiballistic missile system our ABM Treaty flatly prohibits. Now the administration wants to test and build the ABM system our treaty was designed expressly to stop. In the judgment of this Senator, that is a tragic mistake. But the administration is making a worse mistake. It is not straight-forwardly renouncing the treaty. It is imposing a transparently self-serving reinterpretation of the treaty that is so conspicuously dishonest that the principle legal authority on the treaty, the American legal adviser on the very negotiations that achieved agreement on the treaty, says is "grossly incorrect." And the chief negotiator, Gerard Smith, has said that this reinterpretation will make the treaty a "dead letter."

Mr. President, I ask unanimous consent that the article to which I referred by John B. Rhinelander, entitled "Reagan's 'Exotic' Interpretation of the ABM Treaty—Legally, Historically, and Factually Wrong," be printed in the RECORD.

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

REAGAN'S EXOTIC INTERPRETATION OF THE ABM TREATY

(By John B. Rhinelander)

A new version of the Anti-Ballistic Missile Treaty was introduced by National Security Advisor Robert McFarlane on a nationally televised interview program on October 6. McFarlane asserted that research, development and testing of defensive systems "involving new physical concepts . . . are approved and authorized by the treaty. Only deployment is foreclosed." According to this new interpretation, sea-based, air-based, space-based and mobile land-based "exotic systems and components," such as those being pursued in the Strategic Defense Initiative, may be developed and tested, but not deployed, consistent with the ABM Treaty. A review of the new treaty, its intent, the particular provisions in question, its negotiation and ratification record, and its subsequent application by the United States and Soviet Union reveal quite clearly that this new interpretation is grossly incorrect. Unfortunately, the result of McFarlene's announcement is much more than a legalistic squabble. Unless Congress intervenes and limits strategic defense expenditures according to the traditional U.S. interpretation, wherein development and testing of space and other mobile basing modes are prohibited, all restraints on Reagan's Star Wars plan may come unleashed. In the words of its chief negotiator, Gerald Smith, the ABM Treaty would be rendered a "dead letter."

On October 11, the President decided that he agreed "in principle, but not in practice" with this reinterpretation. Based on a Presidential Directive, Secretary of State George Shultz announced on October 14 before the North Atlantic Assembly that "a broader interpretation of our authority is fully justified," but SDI "will be conducted in accordance with a restrictive interpretation of the treaty's obligations." This leaves the United States legally free to return to the reinterpretation whenever the President and his advisors deem advantageous. The President has not said how long the administration would continue to abide by the "restrictive interpretation," which now represents presidential policy rather than a matter of law.

The legal rationale for the reinterpretation revolves around Article II(1) and Agreed Statement D. Article II(1), which defines ABM systems, includes the phrase "currently consisting of" immediately before the definitions of 'traditional' ABM components. The administration argues that "currently consisting of" would be better understood if the comma in the text were deleted and the text read "and only those consisting of." Therefore, the administration argues (1) the treaty, and particularly Article V(1), constrains only 'traditional' ABM technology (ABM interceptor missiles, ABM launchers and ABM radars). (2) The treaty permits development, testing and deployment of 'exotic' ABM systems and components, however based. (3) Agreed Statement D implicitly amends Article V(1) and Article III to prohibit deployment of 'exotic' systems and components whatever their basing mode.

This rationale is absurd as a matter of policy, intent and interpretation. If the President sticks with it as the best legal interpretation, he has effectively repudiated the ABM Treaty as a legal instrument. If the truncated treaty remains in effect, both the United States and the Soviet Union can develop and test, without quantitative or geographic limits, any sea-based or mobile land-based ABM system or component provided they utilize 'exotic' technology such as lasers.

But the result could be even more far reaching. Because the administration's new interpretation is that Article V(1) and other substantive articles of the treaty do not apply to 'exotic' systems and Agreed Statement D blocks only their deployment, then the limits on "ABM systems or components" throughout the treaty do not include 'exotic' systems. The consequences of this reinterpretation are dramatic when one considers that the principal U.S. concern historically has been, and apparently remains so within the Defense Department, Soviet 'breakout' capability based on 'traditional' or 'low-tech' systems. These remain tightly constrained notwithstanding the reinterpretation. On the other hand, most of SDI or 'high-tech' systems are now legally unconstrained by the treaty.

The new interpretation maintains several constraints on the 'traditional' systems of the Soviet ABM program: ABM deployment is limited to the one area surrounding Moscow; ABM tests must be limited to their two ABM test ranges; the development, testing and deployment of land-mobile 'traditional' ABM systems and components are prohibited; and the ban on the 'upgrade' of surface-to-air missile (SAM) system remains in full force. However, under the reinterpretation the Soviets now legally could place in the field an unlimited number of mobile land-based lasers (the Soviets have an active laser program) for ABM purposes across the Soviet Union provided they were labeled for "test" purposes.

The United States for its part is now free to exploit western technology in the full pursuit of Star Wars. A full-scale operational system, including large numbers of satellite battle stations and related sensors, together with fixed ground-based lasers apparently not limited to existing ABM test ranges, could now be 'legally' put in place as an extensive "test program" to prove out the new technology in a system configuration. U.S. allies would be free of any treaty restraints to participate in two-way transfers of most SDI technology, with the only legal constraints on 'west-west' technology being those under the Munitions Control and Export Administration Acts.

This result is clearly absurd. Unbeknownst to the U.S. SALT I delegation, the SALT I backstopping apparatus in Washington, the Nixon administration and each suc-

cessive administration, and Congress, the United States would now have achieved the most one-sided treaty relationship imaginable.

The catch is, of course, it could not last for a minute. Arms control agreements are viable only as long as they are in the net interests of each party. Secretary Shultz has spoken of the need to "prevent the erosion of the ABM Treaty," but Defense Secretary Caspar Weinberger, Under Secretary Fred Ikle, and Assistant Secretary Richard Perle have repeatedly stated that they have no use for the ABM Treaty and the sooner the United States is without it the better. Secretary Weinberger's November 13 letter to the President, leaked to the press on the eve of the summit, reinforces the view that treaty commitments that impinge U.S. programs are of little relevance to the Office of the Secretary of Defense. Unless the President or Congress repudiates this self-defeating step, OSD officials can claim that any action they wish to take short of full-scale final deployment is legally permitted under the treaty.

The rationale for the timing of the announcement of the initial reinterpretation immediately before the summit remains obscure. It has been clear that under the historic interpretation the evolution of SDI research into development and testing would have to be stopped somewhere between 1988, as I believe, and 1991, as even DOD officials have privately conceded, unless the Soviet Union agrees to amend the treaty or the United States formally withdraws from it. One of the political reasons for the administration's hasty initial reinterpretation may have been OSD's attempt to redefine the treaty before any commitments could be made by the President at the summit that might prevent a subsequent reinterpretation. To this end, an early reinterpretation was devised even though no presently scheduled SDI test could, in OSD's judgement, be inconsistent with the treaty during President Reagan's term of office.

Another reason may have been to encourage more allies to support SDI by participating in cooperative SDI research. Foreign corporations, particularly in the United Kingdom and West Germany, might be encouraged by the reinterpretation because cooperation might legally be extended from "research" to include "development and testing" with full sharing and two-way transfers. The actual effect on U.S. allies was the reverse because the political fallout of this full sharing in SDI technology directly associated with ABM systems or components would have formally associated allied governments with the repudiation of the ABM Treaty. That is a role that none of our allies is prepared to accept or condone.

The primary issue in the debate over the reinterpretation of the ABM Treaty is whether Article V(1) prohibits the development and testing of space-based and other mobile-type 'exotic systems' (e.g., space-based lasers). The secondary issue is whether any of the treaty's substantive constraints on "ABM systems or components" apply to 'exotic systems.' The answer is four-fold:

The prohibitions are clear from the text of the treaty, particularly Article II(1), which indicates the treaty is not limited to the ban on the then current technology, and Article V(1), which refers to "ABM systems and components" rather than traditional technology (i.e., AB interceptor missiles, launchers and radars).

The negotiating history, as interpreted in 1972 by the SALT I delegation and the backstopping representatives in Washington, supports the functional approach to the treaty, including the broad ban on space-based 'exotic systems,' as the only permissible interpretation.

This broad ban on 'exotic systems' has been the executive branch interpretation that has been accepted and relied upon by Congress since 1972, and even by the Reagan administration in successive arms control impact statements and its SDI report of April 1985.

Any other result is patently absurd and would frustrate the stated premise of this treaty: to prohibit the deployment of nationwide ABM systems or a "base" for such a system.

The Soviets accepted this interpretation during the negotiations as indicated by the treaty text and reflected it in their ratification proceedings. They have not taken any actions or made any official statements inconsistent with this interpretation. Though Soviet public statements on the issue since 1972 have been somewhat ambiguous, their recent statements have been explicit. General Secretary Gorbachev's interview in Time magazine last August includes a specific statement that is clear and unambiguous. The Tass statement of October 9, responding to the U.S. reinterpretation, removed any latent ambiguity from the current Soviet public position.

Marshal Sergei Akhromeyev's lengthy Pravda article on October 19, 1985, represents a definitive Soviet public affirmation of the broad ban in Article V. Akhromeyev, the Chief of the Soviet General Staff, said the ABM Treaty "absolutely unambiguously bans" the development, testing and deployment of space-based 'exotic' ABM systems. He explicitly confirmed the historic interpretation. This is a very important statement, particularly since it suggests a dividing line between permissible research and prohibited development and testing. The Soviets are backing off their unwarranted position that "research" was, could or should be banned.

The administration now contends that either the Soviet Union never agreed with the U.S. interpretation of the treaty or that the Soviet Union later modified their agreement or changed their interpretation during negotiations over Agreed Statement D. A review of the text of the treaty and a proper understanding of the purpose of Agreed Statement D disproves this reinterpretation. The formulation of Agreed Statement D was addressed during the negotiations only after the texts of Article II(1), III and V had been agreed. The text of Article III preserved the right of the United States, reflecting the position of the Joint Chiefs of Staff, to develop and test fixed land-based lasers but not to permit deployment. The Soviet delegates originally sought no limits on deployment on fixed land-based 'exotics.' Accordingly, the U.S. delegation insisted and the Soviets eventually agreed that Article III should authorize the fixed land-based deployment of only ABM systems and components that were based on "current" technology. However, development and testing, whatever the technology, of fixed land-based ABM systems and components could be carried out at ABM test ranges. Consistent with presidential instructions, ABM systems were defined functionally and the ban on all mobile-type 'exotic' systems, including those for space, was set at the development stage.

As formally accepted, Agreed Statement D was explicitly tied to Article III, which dealt with fixed land-based deployments. Both in its text and in the negotiating history, it had nothing to do with Article V. The reference to Article XIV in Agreed Statement D indicated that the treaty would have to be amended before a fixed land-based 'exotic' weapon, such as a laser, could be deployed.

While the language admittedly could be clearer, the United States has always understood that Agreed Statement D reinforced the Articles I(2) and III prohibition on deployment of fixed land-based 'exotic' systems unless and until the treaty is amended. Agreed Statement D certainly does not diminish or amend Article V(1).

The administration also contends that the ratification process was ambiguous and that neither the executive nor the Senate understood the "restrictive" interpretation. This position is clearly nonsensical.

The ratification hearings before the Senate Foreign Relations Committee, and particularly the Senate Armed Services Committee, led to a much fuller public record on many of the nuances. Some of the initial testimony of officials on 'exotic' systems did not clearly distinguish the treaty's provisions for banning only the "deployment" of fixed land-based systems from its broad ban on space and other mobile-type systems, but the record was frequently supplemented. This includes the submission for the record of the Senate Armed Services Committee by Ambassador Smith, prepared after an interagency review of reporting cables, in response to a question by Senator Jackson on the difference between research and development for purposes of Article V. This issue was important, of course, to the understanding at what point in the research and development cycle Article V applied to 'exotic' systems. The Armed Services Committee hearings include explicit confirmation submitted by Secretary of Defense Melvin Laird, Under Secretary for Defense Development Research and Evaluation John Foster, and Acting Chief of Staff of the Army General Palmer, that development and testing, as well as deployment, of space-based 'exotic' systems were prohibited. Senator Jackson, who was a critic of SALT I but voted for the ABM Treaty, educated other Committee members and even led witnesses on this point.

Finally, Senator James Buckley (R-NY) stated on the Senate floor on August 3, 1972, that he opposed the ABM Treaty and would vote against it largely because of the scope of Article V. He said: "Thus the agreement goes so far as to prohibit the development, test or deployment of sea-, air- or space-based ballistic missile defense systems. This clause, in Article V of the ABM Treaty, would have the effect, for example, of prohibiting the development and testing of a laser type system based in space which could at least in principle provide an extremely reliable and effective system of defenses against ballistic missiles. The technological possibility has been formally excluded by this agreement."

The vote in favor of advice and consent to ratification was 88-2. The administration's support for its reinterpretation rests on the implicit argument that testimonies of Pentagon witnesses before the Armed Services Committee are of little weight in assessing the Senate's understanding of the ABM Treaty. In fact, the more the administration argues its case, the more ridiculous it looks.

In my judgment, the Fiscal Year 1985 Arms Control Impact Statement prepared by the Reagan administration correctly states the agreement reached with the Sovi-

ets in 1971-72 on the meaning of Article V(1): "The ABM Treaty bans the development, testing and deployment of all ABM systems and components that are sea-based, air-based, space-based or mobile land-based . . . The ABM Treaty prohibition on development, testing and deployment of space-based ABM systems, or components for such systems, applies to directed energy technology (or any other technology used for this purpose). Thus, when such directed energy programs enter the field testing phase they become constrained by these ABM Treaty obligations." (Emphasis added.)

The SDI Report to Congress (April 1985), especially Appendix B, which gives the justification for the program under the treaty, is essentially consistent with this statement.

In summary, Article V of the treaty bans the development, testing and deployment of ABM systems or components of space or mobile-ground basing and, moreover, regardless of whether these systems are based on existing or 'future' technologies. In accordance with Statement D, to which the administration now refers so often, and Articles III and IV, the conduct of development and testing of ABM systems or their components based on other physical principles is allowed in areas that are strictly limited and defined by the treaty and only using land-based ABM systems.

The administration's justification for its reinterpretation is that the Soviets never agreed to, and cannot now be held to comply with, the historic U.S. position. Instead of reinterpreting the clear text of the 1972 treaty based on a selective review of the classified U.S. negotiating records, the better approach under international law and practice would have been to review post-ratification statements and conduct, which is at least as important as the negotiating record. As stated in the current draft of the Restatement of the Foreign Relations Law of the United States (Revised), "An international agreement is to be interpreted in good faith in accordance with the ordinary meaning to be given to its terms in their context and in light of its objects and purposes." Further, "Subsequent practice between the parties in the application of the agreement is to be taken into account in interpreting the agreement."

If there were any legitimate doubt as to the meaning of the ABM Treaty, the best approach would have been to ask the Soviet negotiators in private in Geneva whether or not the Soviet Union agrees that Article V(1) bans the development, testing and deployment of 'exotic' space-based systems and ask whether the Soviets were prepared to be bound in writing. If the private Soviet response had been "no," then the administrations reinterpretation would have been justified. If the private Soviet response in Geneva were "yes," as one would expect from their public statements since 1972, then the October 6 reinterpretation and the October 11 recanting by the administration would have been unnecessary. Agreed statements on the basic points could have been negotiated quickly if deemed necessary for clarity.

If a private but positive Soviet response in Geneva were now rejected by the United States as "too late" because the United States wanted to keep open the option of reasserting its reinterpretation, then the OSD motive behind the initial change in U.S. position—to erode immediately and eventually destroy the ABM Treaty—would be clear. This now appears to be the case. The question was not asked before the reinterpretation was announced on October 6 because the Soviets would have agreed, which is not what OSD wants.

If arms control is to remain an element of U.S. security policy, the challenge will be to strengthen the ABM Treaty through specific, mutual and verifiable Agreed Statements and Common Understandings. This challenge can be met if the political will exists. The Standing Consultative Commission (SCC) was charged with seeking agreed interpretations as one of its assigned tasks. The SCC has been underutilized. It could easily, and quickly, negotiate Agreed Statements and review and revise Agreed Statement D to make its intended meaning clearer.

Before constructive steps can be achieved on comprehensive arms control reductions on offensive weapons, and assuming the Soviets are prepared to negotiate and not just posture, the President should publicly repudiate the reinterpretation he recently received from his advisors on a narrow scope of Article V(1) and other critical articles of the ABM Treaty. Congress could contribute to this result by approving next year a provision in the DOD authorization bill limiting SDI fund expenditures to the legal standard in the FY 85 Arms Control Impact Statement. This whole sorry business could lead to a constructive ending if the United States and the Soviet Union were to agree privately in the SCC, at the Geneva arms talks, or at the next summit on Agreed Statements that would clarify the overall scope of the ABM Treaty.

MYTH OF THE DAY: ALL DOMESTIC PROGRAMS RECEIVED A 4.3-PERCENT CUT ON MARCH 1

Mr. PROXMIRE. Mr. President, the myth of the day is that all domestic projects except some welfare programs faced a 4.3-percent cut on March 1.

A case in point is the alcohol, drug abuse, and mental health block grants. Here is a case where some States are receiving no cut or very little cut in their allocation—a tiny fraction of 1 percent—and others, like Wisconsin, are receiving cuts as large as 15 percent.

Yet the mandate of Gramm-Rudman-Hollings was for equal cuts. In this case, an equal 4.3-percent cut.

Unfortunately, the deficit reduction language did not specifically override provisions in the existing law which are designed to correct imbalances in funding formulas. And that is precisely the case we have with the ADAMHA block grant.

Here is a block grant whose funds were amalgamated in the hectic rush to complete work on President Reagan's first major budget reform measure, the omnibus reconciliation bill of 1981. Consequently, some States were unfairly penalized by being allocated a share of the block grant completely unrepresentative of their share of the population. And, to add insult to injury, they were locked into formulas prohibiting them from exercising much flexibility in redistributing funds among alcohol programs or drug abuse programs or mental health programs.

For Wisconsin, a State with 2 percent of the Nation's population, we received less than 0.8 percent of the total block grant and, within that unfairly small amount, Wisconsin was prohibited from spending more than 10 percent of its block grant funds on mental health programs. A ridiculous restriction on top of an inequitable allotment.

That changed somewhat—but not enough—in 1984 when reauthorization legislation expanded the share of new funds going to States that had been disadvantaged by the old formula and increased flexibility was provided to the States to reallocate these funds among the programs covered by the block grant.

But the Department of Health and Human Services has used that reauthorization bill giving a larger percentage of new funds to the disadvantaged States as an excuse for an unequal application of the 4.3-percent cut mandated by Gramm-Rudman-Hollings. They believe that the "hold harmless" contained in that reauthorization language prohibits them from taking the cut in any other way.

In my view, their decision ignores both the letter and spirit of Gramm-Rudman-Hollings and I have introduced legislation (S. 2087) to assure that all States and territories receiving funds from the block grant face the same percentage cut. Wisconsin and other States that had been disadvantaged in the past by funding under the ADAMHA block grant are not asking for special treatment. We are willing to take our 4.3-percent cut as unwelcome as that is. We are simply seeking equity.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, with statements therein limited to 5 minutes each.

THE BUDGET PROCESS

Mr. COCHRAN. Mr. President, we continue to hear complaints that the President of the United States has not involved himself in the budget process, that he is reluctant to negotiate, that he is not participating to work out a budget resolution that is widely acceptable in Congress.

Let me simply observe that the President has a responsibility in this process, but he has met it. He has fulfilled the obligation under the law to prepare and to submit to Congress a proposal for the allocation of funds in the Federal Government for the next fiscal year. He has met his deadline. He has submitted a budget that meets

the targets of the Gramm-Rudman-Hollings law. It calls for expenditures of funds that, together with projected revenues, do not exceed the predetermined target for a deficit for fiscal year 1987.

Let us be honest about this. It is Congress that has not met its responsibility. A deadline of April 15 has come and gone for the adoption of a resolution by Congress on the budget. The Senate committee has worked very hard, in my judgment, to sort through the various pressures and suggestions for the allocation of funds out of the Federal Treasury for the next year. They reported a resolution. But let us look at where there has been no action and a total breakdown in the fulfillment of duties and responsibilities, and that is in the other body. The Budget Committee there has not even met in a markup session to make a recommendation for a budget resolution for Congress.

So those who continue to point the finger at the President of the United States and criticize him ought to take a look at Congress. I think that is where there has been a failure to act. It is here in Congress that we need more of an effort to be made toward fulfilling commitments and responsibilities under the Budget Act and under Gramm-Rudman-Hollings.

I am disappointed in the fact that we see these deadlines come and go. I know it worries those who are trying to lead the committees with jurisdictional responsibilities to fulfill those responsibilities.

The distinguished Senator from New Mexico [Mr. DOMENICI] has done an outstanding job, in my judgment, and I think the distinguished Senator from Florida [Mr. CHILES] has worked harder than most to try to help meet these deadlines and make the Budget Act work.

Last week, the Republican leader in the House, BOB MICHEL, and I introduced legislation—he in the House and I in the Senate—to create a temporary joint committee on the budget to try to help move along the reporting of a concurrent resolution, as required under the Budget Act, by Congress. Even though the Senate committee has acted, the House committee continues to take no action whatsoever.

We are suggesting that Congress ought to create this joint committee. The committees end up in conference ultimately, anyway, to try to work out the differences between the House- and the Senate-passed resolutions. Why not start out working together? Let us report to the House and the Senate an identical resolution, and let the bodies work their will in their own way, and in conference let the joint committee sort through the differences and come back with a final product.

That, to me, would accelerate the schedule and the procedures under which we are operating. It should have been done earlier. There is a provision for this under the Gramm-Rudman-Hollings law; and if the Supreme Court happens to decide that there is a constitutional problem, there is this joint committee created under the law that will fulfill the responsibility of presenting to the President the figures under which he can then issue a sequester order.

So it is not as though this has not been thought of before. We think it should be done now, no matter what the Supreme Court may say about the constitutionality of the budget process.

Mr. President, I ask unanimous consent that a copy of a Dear Colleague letter which I sent around to Senators on Monday describing this new joint committee be printed at this point in the RECORD.

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

U.S. SENATE,
Washington, DC, April 21, 1986.

DEAR COLLEAGUE: I am writing to invite you to join me as a cosponsor of legislation which I feel will assist the Congress in dealing with the budget mandates we face in a more expeditious and effective manner.

I have introduced a concurrent resolution, S. Con. Res. 132, calling for the temporary establishment of a Joint Budget Committee. Congressman Bob Michel, Republican Leader in the House of Representatives, has introduced identical legislation in the House.

As we all know, Congressional budget deadlines have been difficult to meet in the past, and will be even more difficult this year under the new Gramm-Rudman-Hollings timetables. We have already missed the April 15 deadline for completing action on a concurrent budget resolution for fiscal year 1987. Clearly, without joint Congressional action, it may be impossible to meet other deadlines this year.

The Gramm-Rudman-Hollings law provides that, in the event that the reporting procedures now before the Supreme Court are invalidated, there will be established a "Joint Committee on Deficit Reduction", made up of the entire membership of the Budget Committee of the House of Representatives and the Senate. The purpose of this joint committee is to report and pass a joint resolution requiring the President's signature in order to implement any sequestration.

Congressman Michel and I believe that Congress should not wait until the Supreme Court rules in this case to establish such a Joint Budget Committee. The immediate establishment of a Joint Committee, and commencement of deliberations on a budget resolution for fiscal year 1987, would ensure the best and most efficient implementation of Gramm-Rudman-Hollings and the congressional budget process.

The temporary Joint Committee we are proposing would have the duty of reporting a concurrent budget resolution for fiscal year 1987. It would be composed of the entire membership of the Budget Committees of both Houses. The existing Budget Committee Chairmen would serve as cochairmen of the new Joint Committee.

An Executive Committee made up of one-third of the membership of each Budget Committee would be established to facilitate the proceedings of the much larger Joint Committee. The Executive Committee would make recommendations to the full Joint Committee for its approval or modification.

Establishment of a Joint Budget Committee on a temporary basis would also provide a trial period for determining the feasibility of a permanent Joint Budget Committee, as well as other needed reforms of our budget process.

I hope you will join me by supporting this legislation, which would allow a reasonable and more efficient alternative for achieving our budget goals.

A copy of the concurrent resolution is attached. If you wish to cosponsor, please contact me or Linda Slade of my staff at 4-2508.

Sincerely,

THAD COCHRAN,
U.S. Senator.

S. CON. RES. 132

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. TEMPORARY JOINT COMMITTEE ON THE BUDGET.

(a) ESTABLISHMENT.—There is established a Temporary Joint Committee on the Budget (hereafter in this concurrent resolution referred to as the "Joint Committee").

(b) COMPOSITION.—

(1) The Joint Committee shall be composed of the entire membership of the Committee on the Budget of the House of Representatives and the Committee on the Budget of the Senate.

(2) The chairman of the Committee on the Budget of the House of Representatives and the chairman of the Committee on the Budget of the Senate shall serve as cochairmen of the Joint Committee.

(3) A majority vote of the members of the Joint Committee from each House shall be necessary for the Joint Committee to act.

(4) Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original selection.

(5)(A) There is established within the Joint Committee an executive committee, to be composed of—

(i) 6 members of the Committee on the Budget of the House of Representatives designated by the chairman of such committee;

(ii) 5 members of the Committee on the Budget of the House of Representatives designated by the ranking minority member of such Committee;

(iii) 5 members of the Committee on the Budget of the Senate designated by the chairman of such Committee; and

(iv) 4 members of the Committee on the Budget of the Senate designated by the ranking minority member of such Committee.

(B) A majority of the members of the Executive Committee from each House shall be necessary for the executive committee to act.

(c) DUTIES.—Notwithstanding any other provision of law, or any provision of the Standing Rules of the Senate or the rules of the House of Representatives, the Joint Committee shall have the duty to report

concurrent resolutions on the budget required to be reported under title III of the Congressional Budget and Impoundment Control Act of 1974. It shall do so only after considering the recommendations of the executive committee.

(d) CONCURRENT RESOLUTIONS REPORTED BY THE JOINT COMMITTEE.—Any concurrent resolution reported by the Joint Committee shall be reported to each House of the Congress at the same time, in the same form, and with the same contents.

(e) DUTIES OF THE EXISTING BUDGET COMMITTEES.—Except as provided in subsection (c), the Committees on the Budget of the House of Representatives and the Senate shall have the duties assigned to them by the Congressional Budget and Impoundment Control Act of 1974, by part C of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Standing Rules of the Senate and the Rules of the House of Representatives.

(f) HEARINGS AND TESTIMONY.—The Joint Committee and any subcommittee thereof is authorized to sit and act at such times and places within the United States (whether the Congress is in session, has recessed, or has adjourned) to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, documents, or vouchers by subpoena or otherwise, and to take such testimony, as it deems advisable. A subpoena may be issued over the signatures of either of the co-chairmen of the Joint Committee, or a designee of either, and may be served by any person designated by the person signing it. An oath may be administered by either of the co-chairmen of the Joint Committee, or a designee of either.

(g) STAFFING.—The staffs of the Committees on the Budget of the House of Representatives and the Senate shall serve as the staff of the Joint Committee.

(h) RECORDS.—The Joint Committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded.

(i) TREATMENT OF MEMBERSHIP UNDER SENATE RULES.—For purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member of the Joint Committee, or as a co-chairman of the Joint Committee, shall not be taken into account.

(j) The Joint Committee shall cease to exist at the close of the second session of the 99th Congress.

(k) EXERCISE OF RULEMAKING POWER.—The provisions of this section are enacted—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

DIRKSEN AWARD FOR DISTINGUISHED REPORTING TO STEVEN ROBERTS

Mr. BYRD. Mr. President, every year, the Everett M. Dirksen Award for Distinguished Reporting of Congress goes to an outstanding journalist. This year's recipient is Steven V. Roberts of the New York Times. Steve was awarded the honor recently in a ceremony in Illinois, and it seems appropriate for those of us in Washington who appreciate Steve's work to recognize him for this achievement.

The judges for this year's award noted the impressive competition and the quality of the articles submitted for consideration. Steve Roberts earned the award, said the judges, for the "unusual range and scope of both news stories written under the pressure of deadline and in-depth profiles of major congressional figures."

As an elected official with decades of experience as a Member of the House of Representatives, as a Senator, and as majority and minority leader, I know the important role journalists play in contributing to the understanding of Congress. I appreciate how difficult it is to fulfill that role. It is important that we continue to honor journalists such as Steve Roberts who meet that challenge. The people who benefit most are his readers and our constituents. I join with the judges in recognizing "his ability to put daily events in perspective" and his "perceptiveness in analyzing the legislative process and Congress as an institution."

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I yield myself such time as I need at this point.

Mr. President, I compliment the distinguished minority leader on his remarks with reference to Mr. Steve Roberts. I have had the opportunity to read what he writes, and, I say to the distinguished minority leader, to be covered to some extent in my activities by him as he worked for his paper, and their readers. I concur with the Senator's statement as to his effectiveness. Even as a politician I would say that clearly I find him to be extremely objective. Obviously, he also seeks to find the facts before he writes, and in that respect I am positive that those who granted him the award did so with every one of those important facts in mind, and made a right decision.

I compliment the distinguished minority leader, and compliment Mr. Steve Roberts for having garnered the award that was referred to by the distinguished minority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator, the chairman of the Budget Committee.

As one who regularly watches Washington Week In Review, as one who has said upon many occasions that Washington Week In Review is truly one of the great programs to which we have access because it is a panel of learned journalists and commentators who state facts, but leave to the viewers the making up of their own minds.

I always enjoy listening to Steve Roberts on that program. He is a distinguished journalist, a distinguished panelist, and I feel that Steve is one of those who on that distinguished program has performed well, and I, as a regular viewer, have benefited. I am sure thousands and hundreds of thousands of others have benefited from the evaluation and analyzation of events that we regularly hear and see on that program.

If I am not able to be at my home by 8 o'clock on some Friday evenings, my wife always records that program for me. I look forward to it. I learn a great deal from it. It is not opinionated as are so many programs in which we know, when we see a particular individual on such and such program, where he is coming from before he even speaks. Washington Week In Review is not like that, and it is a great service to its audience.

I compliment Steve Roberts again on his participation in Washington Week In Review.

Mr. SASSER. Will the distinguished minority leader yield?

Mr. BYRD. Mr. President, I yield further time from this side, and yield to the distinguished Senator from Tennessee, Mr. SASSER.

Mr. SASSER. Mr. President, I wish to join in these accolades to a very distinguished journalist, for a very distinguished newspaper, Mr. Steven Roberts, of the New York Times.

I must say that I join in these compliments with some degree of trepidation. Mr. Roberts is a tough, hard-nosed reporter, and I have some anxiety that in an effort to protect his reputation for objectivity, he might feel compelled to write a tough story about those of us here this morning that compliment his distinguished career as a journalist. But, to commend his illustrious reporting is worth the risk.

It is appropriate that those of us who watched this talented reporter's performance in covering the Congress over the past few years make some statements about the highly professional way in which he conducts himself. I find that Steven Roberts has an extraordinary degree of perception about what goes on in this very complex institution.

This understanding is passed on to his readers, he does a great service, not only to Congress, but more importantly to those that he seeks to inform through the columns of the great newspaper for which he writes.

Mr. Roberts reports on the Congress and those who work in the institution with extraordinary objectivity and perception. His unfailing good humor,

even under the "pressure of the merciless deadlines of his profession is striking and many times I learn from Mr. Roberts' reporting much appreciated by his colleagues in the press. Facts that I had not known before even though I may have participated in the debate, on an issue or have participated in shaping the legislation. He pulls together in his news stories that is the subject of his story the very complex factors that go into producing legislation in this body. He is a gifted journalist who strives mightly to get the story—and get it right. When I see the bead of prespiration forming on Steve Roberts' upper lip—I know he's after the facts and pushing hard. I am pleased that the distinguished minority leader yielded to me for that purpose. May I add my compliments to Steve Roberts for winning the Everett Dirksen Award. He deserves it.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from Tennessee, Mr. SASSER.

I am delighted that he shares this view.

I close by saying that Steve Roberts' professionalism, his objectivity, and his fairness are of the highest order. In that regard, the "cup" of Steven Roberts "runneth over."

Mr. DOMINICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am sure Steve Roberts is listening. I do not know what this discussion will do to him. [Laughter.]

He was indeed superb before we spoke. I hope we have had only a salutary impact on his objectivity. I am sure that is the case.

IN RECOGNITION OF STEVE ROBERTS

Mr. CHILES. Mr. President, I want to join in saluting Steve Roberts of the New York Times as this year's recipient of the Everett M. Dirksen Award for Distinguished Reporting on Congress.

Steve Roberts is widely respected for his impartial professionalism. In Congress, competing sides present conflicting arguments on countless issues. It takes a gifted observer to sort the facts on both sides, present a balanced account and do it fluently under the strain of an editorial deadline. Steve Roberts has done that with unfailing integrity.

Many of the issues he reports are endlessly complex, several hotly partisan, and each of real concern to shifting segments of the country's population. Therefore, every journalist who covers the Congress carries a special responsibility, one so important that it is safeguarded in the Bill of Rights.

The spirit and practice of the free press is manifest in the work of Steve Roberts. He brings to his duties the caution of a skeptic, and the devotion of a journalist who cares deeply about national policy. And he applies the eye and ear of a precise analyst in reporting the often bewildering work that goes on here.

So I offer my congratulations and thanks to Steve Roberts for work well done, and ongoing.

STEVE ROBERTS RECEIVES AWARD FOR REPORTING ON CONGRESS

Mr. DOLE. Mr. President, I want to join my colleagues in congratulating Steve Roberts, reporter for the New York Times, on being recognized by the Everett Dirksen Foundation for excellence in writing about Congress.

Covering Congress is not an easy job. There are 535 individual stories happening at any given time. And being able to ferret out the important story, plus the whys and hows of the event, takes a dedicated, veteran reporter. Steve Roberts is that kind of reporter.

Steve has made his career at the New York Times. He started here in Washington in 1964, straight out of college, working for James Reston. Since then he has written for the paper from New York, California, and Greece. In 1977 he came back to the Times Washington bureau, and for the past 6 years has been stationed here on Capitol Hill.

His commitment to covering Congress, as an institution and through the men and women who are Congress, shines through in his reporting. Those of us who are the subject of this reporting, can ask for no more.

Mr. President, once again I want to salute Steve Roberts for receiving this special honor, and wish him every success in future endeavors.

PASSOVER AND THE POPE

Mr. DECONCINI. Mr. President, Passover is an appropriate occasion to recognize the very special and unique Jewish culture and tradition in America. It is important to embrace the distinctiveness and fraternity of several Christian, Jewish, and other traditions in this diversified Nation.

When Jews around the world sit at the dinner table this evening to enjoy Seder, conversation may turn to the first papal visit to a synogogue made by Pope John Paul II last week. This is recognized around the world as an important gesture of reconciliation between the Roman Catholic Church and Italians and world Jewry. The Pope has committed the Catholic Church to the findings of the Second Vatican Council of 1962-65 which stated that Jews are not responsible for the death of Christ Jesus. He reiterated this declaration condemning "the hatred, persecutions, and displays of anti-Semitism directed against the Jews anytime and by anyone." He further repeated the interfaith spirit of Vatican II by recognizing the independent identity of the Jewish religion "beyond any syncretism and any ambiguous appropriation."

Both the Jews and Catholics have experienced religious persecution and hatred in this country. Discrimination requires constant vigilance. Whatever affirms the dignity and identity of religions and its peoples must be applauded. This is especially welcomed in light of the needless hardship and suffering. The Pope's action of reconciliation is of historic and human significance worldwide. It is also of particular importance for Jewish-Catholic ties in America.

THE PANAMANIAN AMBASSADOR'S REMARKS ON THE STRENGTHENING OF DEMOCRATIC INSTITUTIONS

Mr. ZORINSKY. Mr. President, Monday afternoon, the Subcommittee on Western Hemisphere Affairs of the Foreign Relations Committee held a second hearing on the situation in Panana. The hearings served to underline the serious issues facing that nation which is important to U.S. interests in Latin America and the Caribbean. I have been concerned about recent developments there including the role and influence of the Panamanian Defense Force in national political and economic life, the pressures on the opposition, especially La Prensa, and the handling of the economy.

After meeting with Ambassador Bazan, I believe that the government of President Delvalle understands these concerns and wants to work toward the strengthening of democratic institutions and toward free and democratic elections. On April 15, Ambassador Bazan addressed the Woodrow Wilson International Center for Scholars of the Smithsonian Institution on this theme. In light of increasing interest in Panama in the Congress, I recommend that my colleagues read Ambassador Bazan's statement. I ask unanimous consent that the Ambassador's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF PANAMANIAN AMBASSADOR BAZAN

The Wilson center is an appropriate forum for presenting political issues involving the realities of present day Panama. President Wilson, a scholar and politician, approached political questions with responsibility and a sense of fairness. We shall attempt to follow such a course on this occasion.

It is not uncommon for political issues to be presented in emotional terms using strong adjectives to create vivid impressions. Yet to achieve a responsible review of political questions, I believe one should approach the subject in a dispassionate and balanced manner to produce a credible and in-depth understanding of the issues.

To achieve this we cannot afford the use of stereotypes or isolated cases to prove points or project consequences. A comprehensive review of the facts as a whole,

placed in the time and in context, will give us a true measure of the issues and their consequences.

I believe that the broadening of Panama's "middle class," coupled with the improved educational levels throughout our country, has made it mandatory for us to address the issues, in Panama in an objective, sober and responsible fashion.

In order to examine and discuss fundamental issues in such a manner, all of us should abstain from dwelling in the past since socio-political issues are ever changing, as are the realities we live from day to day.

The people of Panama are only too conscious of the difficult conditions we are facing today. They know, we know, that our destiny lies in democratically elected civilian governments that rely on citizen interaction. They are also aware of the cyclical ups and downs of our political history, and have the patience and good sense to continue on their quest for a better quality of life, in a peaceful way. They respond to the natural law of self-preservation by working and seeking improvement within the realm of organized society. They show approval or disapproval through peaceful means, they do not waste their efforts, or their lives, on adventurous schemes that are contrary to their common sense and committed purpose in life.

Throughout our Republican history, the ploy of rattling the voters with attacks on the traditional whipping boys, the Americans, the Canal and U.S. military bases and the military of Panama, has been an inveterate tactic of whomever was in the opposition at a given time. The issue of the Canal and the U.S. bases has been significantly lessened by the effect of the Torrijos-Carter Treaties of 1977.

The Americans are charged in some quarters with meddling in our country, but now they are also invited to do so by some sectors of the opposition, which adds a new and puzzling twist to the practice. As to the issue of the military, a strongly emotional attitude seems to force an indictment against an institution on the basis of allegations.

Such attitudes would seem to reflect backward political progress. Opposition politicians in other Latin American countries, upon reaching power through democratic elections, recognize the proper place of the military in the socio-political life of the country. I submit an illustration: President Vinizio Cerezo, of Guatemala, stated recently: "The Army should be involved in the social progress, and guarantee this process in the interests of the people. . . . I should be committed to the general progress of institutionality in the country."

Panama is a young country compared to most of the other Latin American States. It has its own history, that is essentially unique. Many accomplishments have been offset in part by political restlessness that must be attributed to various currents of thought that compete for power. An ever present reality, throughout, has been the presence of a public force of law and order which encompasses military defense and police work. This force has been an instrument of civilian rule and, for some 10 years after 1968, was also a deliberating body with wide powers in the actions of government directed, for the most part, to better the lot of large segments of the underpriviledged.

Our country is now into its ninth decade of existence, and its complexity in all respects, has become enormous. It has followed a rapid evolution and undergone a great number of experiences.

The Republican form of government has been a tradition and a dedication for the Panamanian people, in spite of the fact that there have been several interludes, a kind of growing pains, that jolted the projected, even course set by our Founding Fathers.

These interludes have taken various forms that go from political adjustments to Coups D'Etat, and a long period of revolutionary experimentation. These situations are real, have happened, and have had consequences. Definitely, the political trajectory of Panama has not been a smooth one, but one thing is certain: The basic democratic principles and ideals of our people have always survived, and still constitute the essence of our political deportment.

With the signing of the treaties of 1977, Panama started on the road to democratization. On that year, the military pledged a return to civilian, democratic institutions, which included the conditions necessary for political interaction, civil liberties, free press and the formation of political parties.

We are now on the threshold of accomplishing the phase of that transition period that was officially initiated in 1978 with elections for representatives. Political timidity at that time delayed effective political participation in government by the traditional politicians that opposed the prevailing regime, but the door still remained open for the registration of political parties that subsequently participated in the 1980 elections for legislative positions.

The elections in 1984 produced a president and two vice-presidents, 67 congressmen and 505 municipal representatives. In addition, 65 mayors were elected in as many cities for the first time since 1956.

It is important to understand that many of these positions are occupied by members of the opposition. Consequently, there is a healthy and comprehensive public debate of issues in which the expressions of all parties come to bear.

In this fashion, the stage was set for political recovery through a government that would be a solid bridge, an effective transition to a continuous democratic, republican way of life. The succession of an elected vice-president to a president that had lost the necessary political support, followed along constitutional lines and have created a mandate which he is determined to carry out.

It may be of interest to know that the Republican Party, to which President Delvalle and I belong, chose to form part of the coalition of parties that constitute the present government, based upon the premise that it was the path to democratic ways, as well as a means of contributing to an effective and prompt transition to civilian rule.

Such attitude was by no means a whimsical one; the Republican Party, to which we belong, has from its inception, participated in four political campaigns and was on the winning side on all of them, even though on two of the campaigns it had left the government to join the opposition.

The government of Eric Arturo Delvalle has pledged a responsible and purposeful approach to the problems that confront the country. This is not just rhetoric. The pledge is being translated into fact with energy and dedication.

It is a matter of fact that President Delvalle was entrusted with a stagnant nation with strong objections to the manner in which the executive had handled the negotiations with creditor institutions. The pulse of the nation had all but ceased, and political, social and economic activity showed symptoms of an ominous and critical lethargy.

The first few months of President Delvalle's term had to be dedicated to restore confidence in the government, and, most important, to consolidate the political forces that conform it. This was not an easy task, but the resulting efforts have been rewarding. Concurrently, a prompt solution to financing the country's debt had to be sought. An economic program that was politically viable in the face of the realities of the country was elaborated to be negotiated with the creditor institutions.

Throughout this effort, it was essential to convey to one and all, that the projections of the economic program were designed to address both the immediate solution of the financial problem, and the long term goals of economic reactivation of the country. The encouraging signs of economic recovery detected in the early part of 1986, added to the measures enacted, will provide a framework that shows clear signs of an upswing and a promising forecast of success. For the first time in more than a year we are seeing a perceptible increase in sales, construction, bank deposits, and a significant growth in the volume of goods flowing through our colon free zone to world markets.

It must be stated with satisfaction that this return to fiscal responsibility was achieved by this civilian government within our constitutional procedures.

The Government of Panama has emerged stronger by this experience. It has to withstand organized protests, strikes and the expected criticism by opposition parties, but there is a perceivable current of support for our efforts throughout the country, as well as signs of optimism that had not been in evidence for some time.

It should be of interest to know, that the role of the defense forces has receded as confidence in the ability of civilians to run and manage the affairs of state grows in a manifest way. This confidence is essential for the proper functioning of a government in a stable, democratic, open market society. It is a solid accomplishment and a sign of good things to come.

The government of President Delvalle has given the higest priority to the strengthening of the country's democratic institutions. It implies wide involvement of the citizenry in all matters which contribute to the process of taking Panama along the path of development. We have the people, the know how, the infrastructure, and the resources to forge ahead. We have a government that encourages investment and production. We are obtaining, through a deliberate purpose, a sense of propriety and recognition that reinforces the action of all productive forces in the country, and the consequences are evident, Panama is on the move again.

An essential ingredient for a country's economic and social well-being is to function in a climate of peace. It is plain that Panama does not have any armed uprising, nor the presence or actions by any guerrilla group whatsoever. The country is relatively calm, and dedicated to daily chores designed to fulfill expectations.

There is freedom of speech, freedom of the press, the expression of the thoughts of all citizens can take place without any form of censorship or impedence.

Individual rights are respected and exerted freely within the law. Grievances and complaints are resolved either by means of dialog or legal recourse.

It is important that these realities of Panama, in their fullest context, be well

known in this country because, as Senator Helms said a month ago, "the positive interests of the United States and of Panama are inextricably intertwined to the benefit of both countries. We want to do everything to see that those benefits continue for everyone."

As my country's Ambassador to the United States, I am fully conscious of such a special relationship. During my first official meeting with President Reagan, I assured him that Panama is a country dedicated to peace and democratic way of life, that our Government is determined to solve our own problems within the realities that we live. We expect the assistance of the Government of the United States to achieve our purposes under the best of circumstances. We aim to preserve and reaffirm the bonds of friendship and cooperation that have existed for a century between our countries.

I was reassured and gratified upon receiving President Reagan's thoughts: "I realize that Panama is presently experiencing a period of economic difficulty. It is encouraging to hear of the efforts of President Delvalle and his government to develop a program of realistic reforms not only to weather the immediate crisis but to provide an economically sound basis for sustained growth. We wish you success in the task of developing this program and of securing broad support for it. We stand ready to assist sound development plans, conscious that Panama's destiny is Panama's responsibility first and foremost."

I should like to end my remarks with a most significant quote from President Delavalle in his speech to the prestigious Council on Foreign Relations in New York City early this month:

"The election process which will start two years from now, will again allow the people of Panama to exercise their sovereign voting rights.

"Toward this goal, my government is firmly committed. Today, the fundamental goal of the executive branch, the legislative assembly, the Supreme Court and the political parties is to strengthen the democratic process and maintain Panama's political stability within a civilian environment."

May I be allowed to add that President Delvalle, on repeated occasions, has made a call to all citizens, including obviously the opposition parties, to act on behalf of the better interests of Panama, and has invited them to join in the strengthening of our democratic institutions and to participate in the task of guiding the country toward the fulfillment of its promise for a higher quality of life for all Panamanians.

DEATH OF NORMAN L. CAHNERS

Mr. KENNEDY. Mr. President, many people in the Greater Boston area and elsewhere were saddened by the recent death of Norman L. Cahners. Norman Cahners was a creative and omnipresent force in the business, civic, and charitable worlds. His public spirit, generosity, and concern for the enrichment of the cultural, intellectual, and artistic dimensions of our society were demonstrated time and time again throughout over four decades of service to Greater Boston and New England. The vast diversity of his interests and his energies was reflected in the numerous prestigious awards he received throughout his lifetime.

To name but a few, he won acclaim for developing innovative procedures for materiel handling in World War II; for his dedicated involvement with the Boy Scouts of America; and for his outstanding leadership, achievements, and ethical standards in business and in the community.

I ask unanimous consent that the Boston Globe article paying tribute to Mr. Norman L. Cahners be printed in the RECORD.

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

NORMAN L. CAHNERS

Although he knew he was battling a fatal illness, Norman L. Cahners had hoped to join a Museum of Science group now visiting the Amazon and viewing Halley's Comet. The indomitable drive of this business and community leader, who died last Friday, enabled him to live and travel well beyond the limits of most dreams.

Among the many Boston educational, medical and cultural institutions that Cahners seved as a trustee, board member and worker, the Museum of Science was a special challenge, because he felt that he could make a contribution to integrating the work of the institution with community life.

Cahners' skill as a leader first became apparent when he was a top sprinter on the 1936 Harvard track team. During World War II, while serving in the Navy, he developed techniques for the rapid handling of war materiel and started a magazine on materiel-handling that dealt with the transport of all kinds of supplies and goods.

Based on that experience, Cahners began to publish industial magazines in many technical fields. Today, the company has become the largest publisher of industrial magazines in the world.

In his private life, Cahners often counseled talented young people on career decisions, keeping track of them for years to see what turn their lives and taken.

His business success made possible major contributions to many schools and institutions. With his late father-in-law, Sidney Rabb, he established a professorship in psychology at the Harvard Business School.

Creation of a "climate of excellence" in industry, to enable persons to rise as high as their abilities can take them, was a special interest. Too often, Cahners felt, the human element was neglected by industry leaders.

In a lifetime of exploring how things work and ways to build an environment in which people can work better, Cahners set a path worth following.

A TRIBUTE TO FATHER ROBERT C. NEWBOLD

Mr. CHAFEE. Mr. President, I want to take a moment to honor Father Robert C. Newbold, one of Rhode Island's most respected and revered educators, who is stepping down after 17 years of faith service as rector of Our Lady of Providence Preparatory Seminary [OLP].

Few individuals in the State's history, Mr. President, have affected as many people as positively as Father Newbold. During his rectorate at OLP, he oversaw the growth of one of the strongest overall academic and athletic programs in Rhode Island secondary schools.

Also in his tenure there, he served admirably as executive secretary of the State interscholastic Committee on Athletics. To say this is merely a "challenging" job is a classic understatement. Indeed, more politicking and debate may take place in Rhode Island interscholastic committee meetings than on the floor of the U.S. Senate. Because Father Newbold is the right person for the job, however, because he has his priorities straight, the committees affairs are run fairly and smoothly.

Consequently, those who prosper most are the thousands of student-athletes who have participated in Rhode Island's interscholastic leagues in the past and who continue to participate today. On these fortunate people Father Newbold's imprint is lasting.

Mr. President, Father Newbold's credentials as an educator are impeccable. He received his theological training at St. Bernard's Seminary and was ordained into the Catholic priesthood on December 22, 1945. He earned both his masters and Ph.D. in American history from the University of Notre Dame. In addition to teaching in various capacities at OLP, Father was a professor in American history at Providence College for 8 years. A history authority, he has written a book on 19th century American history.

These numerous valuable experiences, Mr. President, amply prepared Father Newbold for the many challenges which confronted him as rector and administrator.

On Friday, April 25, a testimonial dinner will be held in Father Newbold's honor at the Rocky Point Palladium in Warwick, RI. Hundreds of his friends and colleagues, and many State religious and political leaders will be in attendance.

By his selfless service and tireless devotion to Our Lady of Providence Prep for the past 17 years, Father Robert Newbold has been a safeguard of virtue and a beacon of integrity for all those who have passed through its doors. I hope that his work has been as rewarding for him as it has been for the many Rhode Islanders whose lives he has touched.

THE PRESIDENT'S SALT II DECISION

Mr. MATHIAS. Mr. President, we all owe President Reagan a debt of thanks for his decision to maintain the policy of restraint in any action that might violate the terms of the Salt II agreement. The President took the comprehensive, long-range view on

this issue in spite of public and private advice to the contrary. His judgment in this matter has been prudent and mature and I believe we shall all be safer and better for it.

It was obvious that some short-term advantage might have been gained by ignoring Salt II, but a little reflection is enough to indicate that it would not be long before the Soviet Union balanced the score and resumed the contest. President Reagan has wisely rejected this course of action.

It is a necessary feature of the American political system that each of us express a view on important issues. All too often that view is critical or negative because we attempt to alter the course or bring about a change of policy. But it is equally necessary to support and defend actions that we think are right and I am glad to be able to do so in this instance.

An interesting and useful comment on the President's decision appeared in the New York Times on April 22, 1986. It is of special value because its author, Paul Warnke, is uniquely qualified by experience and intellect to form a knowledgeable opinion. His judgment is independent of any partisan bias in this case because he speaks as a Democrat praising a Republican President. It is worth reading.

I ask unanimous consent that Mr. Warnke's article be printed in the CONGRESSIONAL RECORD.

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

THE STAKES IN REAGAN'S SALT DECISION

(By Paul C. Warnke)

WASHINGTON.—Ronald Reagan has made one of the most important decisions of his Presidency. The disclosure yesterday that he would uphold the SALT II treaty could be a long-awaited first step toward a more comprehensive United States-Soviet arms control regime. At the very least, he has narrowly avoided a long-lasting setback for nuclear sanity.

It was not, however, an easy decision for him to make—and the fact that he did, against the advice of some of his key strategists, and perhaps even against his own earlier inclinations, makes him even more deserving of our praise.

On May 20, the Nevada will begin its sea trials. With its 24 missile launchers, this Trident-class submarine would have put the United States over the SALT II treaty's limit of 1,200 multiple-warhead missiles by 22. Mr. Reagan has now chosen to continue compliance with the treaty by dismantling at least the same number of missiles by retiring and destroying two older Poseidon submarines.

Critics of arms control, citing purported Soviet treaty violations, had been pushing harder than ever for the President to abandon SALT II. Moreover, he faced a self-imposed dilemma. When he chose last June to abide by SALT II for the time being, he also declared that future Soviet violations would be answered with the policy of "proportionate response"—that is, selective countervioiations.

On the surface, the President's choice seemed simple. Most of the allegations of Soviet violations of SALT II were of questionable validity, and none involved anything of real military significance. And, since the Soviet Union is in a far better position than we are to expand its strategic nuclear weapons in the absence of SALT II's restraints, continued compliance is clearly in the best interest of our national security.

These facts is themselves dictated that the President reaffirm SALT II and continue his course of the past five years. But there is a lot more at stake this time. In the first place, Gramm-Rudman-Hollings may succeed where the Soviet negotiators in Geneva have failed. The President's budget request for defense may be cut by up to $60 billion in 1987 alone. Unless he is willing to slash conventional forces to the bone, cuts in strategic weaponry are unavoidable. This is especially so with the Strategic Defense Initiative budget growing by leaps and bounds. If the President won't cut back through negotiations, it will likely be done for him.

Secondly, the Soviet Union would not have waited forever. Mikhail S. Gorbachev made a number of important concessions in his three-month-old sweeping arms control proposal. Our reply in February contained nothing new, and amounted, if anything, to a hardening of our earlier position. If his offers had not been taken more seriously, Mr. Gorbachev might have decided to junk SALT II himself, even if Mr. Reagan had not. Facing his own hardliners, Mr. Gorbachev could not have waited indefinitely while America answered him with little more than contempt.

Third, the Strategic Defense Initiative is looking more and more like a turkey. Ballooning budgets and a splashy public-relations campaign cannot hide news of test failures, skeptical scientists and sharply reduced expectations. The longer we wait, and the clearer it grows that the Initiative is far less than advertised, the less likely it is that the Soviet Union will give up much in exchange.

In short, Mr. Reagan stood at a crossroads. After five years of stalemate in arms control, events were perilously close to getting out of his hands. He had to decide just how serious he was about negotiating with Moscow—and act accordingly.

It could not have been easy for him. The chaos over arms control policy in this Administration is the stuff of legend. For example, when Defense Secretary Caspar W. Weinberger recently charged that the Soviet Union had exceeded SALT II's limits on strategic launchers, the Joint Chiefs of Staff explained they had not. One week after the Central Intelligence Agency admitted that it had been overestimating its measurements of Soviet nuclear test yields, the Arms Control and Disarmament Agency reiterated its charge that Moscow had violated the 150 kiloton threshold for underground nuclear tests.

Whether by design or by accident, the Administration's intransigence on arms control has brought some grudging but significant concessions from new Soviet leadership. And the Strategic Defense Initiative, for the time being at least, worries Mr. Gorbachev enough that we could well trade limits on its development for deep cuts in the Soviet Union's most threatening offensive weapons. Mr. Reagan's commendable action may help to keep this "window of opportunity" open.

Paul C. Warnke, chairman of the Committee for National Security, a public policy organization, was director of the Arms Control and Disarmament Agency and chief United States negotiator in the SALT II talks in 1977 and 1978.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1987

The PRESIDING OFFICER. The Senate will now resume consideration of Senate Concurrent Resolution 120, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 120) setting forth the congressional budget for the United States Government for the fiscal years 1987, 1988, and 1989.

The Senate resumed consideration of the concurrent resolution.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Thank you, Mr. President.

I yield myself such time as I may consume.

Mr. DOMENICI. Mr. President, I wish to take just a few moments, since today is the day that the U.S. Supreme Court is going to hear oral arguments in the appeal of Synar against United States, constitutional challenge to Gramm-Rudman-Hollings.

I am sure that from what I have heard, and particularly what I have heard from some of the House Members and some of the House leadership, that there is sort of a sigh of relief around anticipating that the Supreme Court is going to affirm the lower court in Synar versus United States and that the pressure is off. I have heard that from some of the House leadership the other day.

Obviously, the Senator from New Mexico has been assuming that if we do not get a budget which meets the deficit reduction target, it means we are going to have an across-the-board sequester. I have assumed one way or another it is going to happen.

There are those who assume this is going to be a very predictable decision by the Supreme Court, that they are just going to automatically affirm that lower court decision that the Comptroller General cannot make the final calculations and send the order to the President for signature. I believe that the case is clearly to the contrary.

We have had another court case in the meantime that is not nearly as heralded as Synar against United States. But I wish the Senate to know that in Ameron against U.S. Army Corps of Engineers, the Court has ruled exactly to the contrary on exactly the same issue.

In that case, Ameron against U.S. Corps of Engineers, the third circuit examined the same issues—namely, the characterization of the Office of the Comptroller General—and came down with a well-reasoned opinion that I will include in the RECORD. That opinion held exactly the opposite with reference to constitutional separation of powers as it applies to the characterization of the Comptroller General.

Let me give you a brief summary of the case.

The Competition in Contracting Act [CICA], which was enacted as part of the Deficit Reduction Act of 1984, permits a bidder who disputes the terms or awarding of a Government contract to challenge the award by filing a protest with the Comptroller General.

The filing of a protest stays the awarding of the contract until either the Comptroller General makes a decision on the protest or the agency head certifies in writing that urgent circumstances require that the contract be awarded.

Decisions of the Comptroller General are limited to recommendations that the agency terminate or rebid the contract, issue a new solicitation, refrain from exercising options under a contract, or award a different contract.

At issue in this case was the power of the Comptroller General to lift stays on contracts.

In the words of the Court of Appeals:

> If the Comptroller General . . . is deemed to be an agent of Congress, then his possession of executive powers and duties is arguably unconstitutional. On the other hand, if he is an executive agent, then the performance of executive duties by the Comptroller would arguably create no constitutional problem.

Unlike the district court in Synar, the 3d Circuit Court of Appeals found that the Comptroller General is definitely not an agent of Congress. The court held:

> The power of removal does not determine to which branch the Comptroller belongs. Rather, if anything, it is the power of appointment that should control. . . . Indeed, a practical analysis of how the Comptroller General and the GAO actually function reveals that the removal power vested in Congress is a power of limited importance. . . . With a 15-year, non-renewable term, the Comptroller General . . . appears to be one of the most independent officers in the whole of the federal government. . . .

The Appeals Court then explicitly disagreed with the Synar decision:

> We decline to follow the approach taken by the Synar court. . . . The core principle of Humphrey's Executor, a key precedent in this area of the law, "was that Congress could create agencies exercising dual functions and which were independent of unfettered executive control. In their blend of powers and functions, the Comptroller General and the GAO closely resemble the Federal Trade Commission and other fourth branch agencies."

Mr. President, if the Supreme Court follows the very compelling reasoning of the 3d Circuit Court of Appeals, Gramm-Rudman-Hollings, in its entirety, including the GAO's function as an arbiter and as the one that sends the order to the President confirming the across-the-board cuts, will be upheld.

This should be sobering news to those who believe the Supreme Court will remove the prospect of future sequester orders.

Mr. President, I send a copy of the Ameron decision to the desk and ask unanimous consent that it be printed in the RECORD.

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

United States Court of Appeals for the Third Circuit

[NOS. 85-5226 & 85-5377]

(AMERON, INC. AND UNITED STATES SENATE, INTERVENOR, THOMAS P. O'NEILL, SPEAKER OF HOUSE OF REPRESENTATIVES AND BIPARTISAN LEADERSHIP GROUP, INTERVENORS, APPELLEE, *v.* U.S. ARMY CORPS OF ENGINEERS; LT. COL. MICHAEL K. COLLMEYER, CONTRACTING OFFICER, UNITED STATES OF AMERICA; AND SPINIELLO CONSTRUCTION COMPANY, UNITED STATES OF AMERICA, APPELLANT

(Appeal from the United States District Court for the District of New Jersey (D.C. No. 85-1064))

Richard K. Willard, Esq. (Argued), Assistant Attorney General; W. Hunt Dumont, Esq., United States Attorney; Paul Blankenstein, Esq., U.S. Department of Justice, Appellate Staff, Civil Division, Room 3619, 10th & Pennsylvania Ave., N.W., Washington, D.C.; Attorneys for Appellant, United States of America.

Edward G. D'Alessandro, Esq., D'Alessandro, Sussman, Jacovino & Mahoney, 147 Columbia Turnpike, Florham Park, New Jersey 07932; Attorneys for Appellant, Spiniello Construction Company.

Michael Davidson, Esq. (Argued), Senate Legal Counsel; Ken U. Benjamin, Jr., Esq., Deputy Senate Legal Counsel; Morgan J. Frankel, Esq., Assistant Senate Legal Counsel, 642 Hart Senate Office Bldg., Washington, D.C. 20510; Attorneys for Appellee, United States Senate.

Theodore I. Botter, Esq. (Argued), Meyer & Landis, Esqs., Gateway 1, Suite 2500, Newark, New Jersey 07102; Attorneys for Appellee, Ameron, Inc.

Steven R. Ross, Esq., General Counsel to the Clerk; Charles Tiefer, Esq. (Argued), Deputy General Counsel to the Clerk; Michael L. Murray, Esq., Assistant Counsel to the Clerk, U.S. House of Representatives, The Capitol, H-105, Washington, D.C. 20515; Attorneys for Intervenors-Appellees Speaker and Bipartisan Leadership Group.

David S. Cohen, Esq., Sharon R. Gross, Esq., Cohen & White, 2934 M Street, N.W., Washington, D.C. 20007; Attorneys for Amicus Curiae, Computer & Communications Industry Association.

Harry R. Van Cleve, Esq., General Counsel; Seymour Efros, Esq., Associate General Counsel; Robert P. Murphy, Esq. (Argued), Attorney, U.S. General Accounting Office, 441 G Street, N.W., Washington, D.C. 20548; Attorneys for Amicus Curiae, The Comptroller General of the United States.

OPINION OF THE COURT

GARTH, *Circuit Judge:*

This appeal presents, in a rather prosaic setting, a problem of profound constitutional significance concerning the division of power among the three branches of our federal government. At issue is the constitutionality of the automatic stay provisions of the Competition in Contracting Act (CICA), Pub. L. No. 98-369, Subtitle D, 98 Stat. 1199-1201, codified at 31 U.S.C.A. § 3553 *et seq.* (West Supp. 1985). The United States Army Corps of Engineers and the other executive department defendants [hereinafter referred to collectively as the Army] appeal from a decision of the district court declaring the CICA stay provisions to be constitutional and ordering broad injunctive relief to plaintiff Ameron and the Congressional intervenors.

We now affirm the district court's holding that the Comptroller General, as head of the General Accounting Office, is an independent official with duties involving both the legislative and executive branches of the United States government. As such, he may constitutionally exercise the powers conferred upon him by CICA. We also conclude, however, that the injunction granted by the district court was broader than necessary to grant the full relief to which plaintiffs were entitled, and therefore modify the injunction as specified below.

I.

A.

Congress created the General Accounting Office (GAO) and the Office of the Comptroller General by the Budget and Accounting Act of 1921, Pub. L. No. 13, § 301, 42 Stat. 20, 23. The 1921 Act was the culmination of Congressional efforts over many years to provide accountability for the federal government's finances. The original Comptroller of the Treasury was an executive officer within the Treasury Department. 1 Stat. 65-66 (1789). The Comptroller continued as an executive officer with executive functions under subsequent enactments. *See, e.g.,* Act of March 3, 1817, 3 Stat. 366; Dockery Act of 1894, 28 Stat. 162, 205.

When they were created to replace the Comptroller of Treasury, the GAO and the Comptroller General were initially empowered to report to Congress and assist Congress in the budget process. 1921 Act, §§ 304-312, 42 Stat. 23-26. Even in 1921, however, the Comptroller General, even though created in part to assist Congress, was assigned duties that were not traditionally "legislative": auditing and setting public accounts, countersigning treasury warrants, prescribing "the forms of keeping and rendering all public accounts"—these and other executive duties were given to the GAO and the Comptroller General by the 1921 Act, which also abolished the Comptroller of the Treasury. §§ 301, 304, 310. The parties do not dispute that the Comptroller General continues to perform significant duties that are both "legislative" and "nonlegislative," i.e., executive, in nature.

As an adjunct of its account-settling role, the Comptroller General over the years began to hear protests from disappointed bidders on government contracts. *See Wheelabrator Corp. v. Chafee,* 455 F.2d 1306, 1313 (D.C. Cir. 1971). This role was formalized by the Competition in Contracting Act (CICA) in 1984. 31 U.S.C.A. §§ 3351-3356 (West Supp. 1985). CICA was enacted to remedy a major loophole in the long-standing GAO review procedure: by the time the GAO reviewed most bid protests, the protests had

become moot because either the contract had been let or the contractor was engaged in performing under the contract. While GAO regulations provided for a stay of either the granting or performance of the contract in some circumstances, *See Merriam v. Kunzig*, 476 F.2d 1233, 1236 & n.1 (3d Cir. 1973), this stay was easily overridden by the contracting agency involved. The result was that most procurements became *faits accomplis* before they could be reviewed. This situation was identified by Congress as a contributing factor to the crisis of waste in federal procurement. In particular, Congress recognized as a problem that of $168 billion in government contracts awarded in fiscal year 1983, only about one-third, $54 billion, was awarded on a competitive basis. *Competition in Contracting Act of 1984*: H.R. Rep. No. 1157, 98th Cong., 2d Sess. 12 (1984). In enacting CICA, Congress attempted to provide effective review of bid challenges, and in the process to encourage competition in contracting. *See* Opinion of District Court, slip op. at 31.

In relevant part, CICA permits a potential or actual bidder who disputes the terms or awarding of a government contract to challenge the procurement or the award of the contract by filing a protest with the Comptroller General. Upon receiving the protest, the Comptroller General must "within one working day" notify the agency involved, which must then make a report on the challenged contract. 31 U.S.C. § 3353(b)(1).

The filing of a protest freezes, or stays, the awarding of the contract or any action under it until either the Comptroller General makes a decision on the protest or the agency head certifies in writing that "urgent and compelling circumstances which significantly affect interest of the United States" require that the contract be awarded, 31 U.S.C. § 3553(c)(2), or that "the best interests of the United States" require that performance proceed under a contract already awarded by the agency. 31 U.S.C. § 3553(d)(2).

The Act requires the Comptroller General to issue a final decision on the protest within 90 working days unless he determines in writing that the circumstances of the protest require more time. 31 U.S.C. § 3554(a)(1). The Comptroller General may also exercise an "express option" to expedite review of certain cases within 45 calendar days, 31 U.S.C. § 3554(a)(2), and may dismiss patently frivolous or meritless claims on a summary basis. 31 U.S.C. § 3554(a)(3).

The power of the Comptroller General in rendering his decision is limited to a *recommendation* that the agency, *inter alia*, terminate or rebid the contract, issue a new solicitation, refrain from exercising options under a contract, or award a different contract consistent with law. 31 U.S.C. § 3554(b)(1). The only affirmative power provided to the Comptroller General is to award a prevailing protester its bid and proposal preparation costs, as well as its costs and attorneys' fees in filing and pursuing the bid protest. 31 U.S.C. § 3554(c)(1).

President Reagan signed CICA into law as part of the omnibus Deficit Reduction Act of 1984, but he declared the automatic stay provision unconstitutional upon the advice of the Attorney General and ordered the executive department not to observe it. Accordingly, the Office of Management and Budget issued instructions to executive agencies to proceed with the procurement process "as though no such [stay] provisions were contained in the act." OMB Bulletin No. 85-8 at 2 (Dec. 17, 1984).

B.

The mundane facts underlying the present controversy belie the compelling nature of the constitutional question before us. In late 1984, Ameron submitted a bid on a proposed contract to clean and repair sewer lines at West Point, New York. The Army's "Invitation for Bids" required an interested party to submit along with its bid a bond guaranteeing 20 percent of the bid amount. When the sealed bids were opened, Ameron was the apparent low bidder with an offer of $1,033,000, about $200,000 less than the next lowest bidder, defendant Spiniello Construction Company. However, Ameron's bid was rejected because the dollar amount of the bond had been altered without any indication that the surety had agreed to be bound by the change. Although Ameron contended that the change was merely the result of a typist's error,[1] the agency rejected Ameron's bid as non-responsive to the terms of the invitation and awarded the contract to Spiniello. *See* Affidavit of Michael K. Collinger at 1-2.

On March 1, 1985, within ten days of the awarding of the contract, Ameron filed a protest with the Comptroller General, claiming that the Army had wrongfully rejected its bid. Three days later, Ameron filed suit in federal district court claiming that the Army had arbitrarily rejected its bid and seeking a preliminary injunction to restrain the Army and the victorious bidder from proceeding with the contract pending the outcome of Ameron's protest to the Comptroller General. Ameron also sought a temporary restraining order enjoining performance of the contract.

The district court first denied the request for a temporary restraining order, and then granted it on March 7, 1985 when the stay provisions of 31, U.S.C. § 3353(d)(1) were brought to its attention, pending a hearing on the preliminary injunction to be held March 18, 1985. After hearing argument on March 18 and granting the motion of the Senate, the Speaker, and the Bipartisan Leadership Group of the House to intervene as plaintiffs to support the constitutionality of CICA, the district court eventually granted the preliminary injunction on March 27, 1985. 607 F. Supp. 962 (D.N.J. 1985).

In an oral opinion delivered from the bench, the court rejected Ameron's claim that the Army had acted arbitrarily. That ruling is not before us on appeal. The court concluded, however, that Ameron was entitled to a preliminary injunction enforcing a stay because the CICA stay provision was constitutional. The court held that Congress could delegate the non-legislative power to lift the stay to the Comptroller General because he was appointed by the President in accordance with the Appointments Clause of the Constitution, Art. II § 2, C1.2, and therefore was not merely an agent of Congress. *Id.* at 971-74. The Army filed a timely notice of appeal from the injunction ruling. A month later, on April 29, 1985, the Comptroller General issued a decision denying Ameron's protest on the merits.[2] The parties agreed that this did not render the case moot, and proceeded to file cross-motions, for summary judgment.

The court thereafter denied Ameron's motion for summary judgment on the merits of its bid protest, but granted the motion of the intervenors for a permanent injunction ordering the federal government to comply with and implement 31 U.S.C. § 3553. 610 F. Supp. 750 (D.N.J. 1985). We reproduce the full text of the court's order in the appendix.

The court also declared 31 U.S.C. § 3553 to be constitutional, and joined OMB Director David Stockman and Defense Secretary Caspar Weinberger as necessary defendants. Although the injunction contains no language limiting its application to less than the entire federal government, it is apparent from the court's oral opinion that it intended its order to have controlling effect only within the District of New Jersey, *See id.* at 756. The Army appealed again, and the appeals (Nos. 85-5226, 85-5377) were consolidated for review by this court.

II.

At the outset, we must determine if this case was rendered moot by the disposition of Ameron's original bid protest by the Comptroller General. Although the Comptroller General's decision lifted the stay provided by CICA, arguably obviating the need for an injunction, it is urged that this case is not moot. Even when no more relief may be granted to a plaintiff, a case may continue to decision and remain viable on appeal if the problem presented is "capable of repetition yet evading review." *See In re Kulp Foundry*, 691 F.2d 1125, 1128-29 (3d Cir. 1982). This standard applies if 1) the problem allegedly causing injury is resolved within too short a time period to ever be fully litigated and appealed, and 2) the party seeking relief is likely to be subject to the same injury in the future. *Murphy v. Hunt*, 455 U.S. 478, 482 (1982). *See also Roe v. Wade*, 410 U.S. 113, 125 (1973).

The parties agree that this case is an appropriate one for application of the rule, and we concur. A bid protest will usually be resolved within 90 days, so that by the time a case be appealed to this court, it will almost always face the prospect of being regarded as moot. Moreover, Ameron, as a company frequently seeking government contracts, represented that it is likely to be faced with a similar situation again: desiring to protest a contract decision but being unable to obtain the statutorily guaranteed stay while its protest is being reviewed. Lest the issue presented evade review, we hold that the present dispute is not moot, and we proceed to consider this case on the merits.

III.

As the Supreme Court observed in *Buckley v. Valeo*, 424 U.S. 1, 124 (1976), "The principle of separation of powers was not simply an abstract generalization in the minds of the Framers: it was woven into the document that they drafted in Philadelphia in the Summer of 1787." The Constitution creates three distinct branches of government and vests specific powers in each. This design is intended to block tyranny by any one branch by providing a series of checks and balances to diffuse concentrations of power. "The hydraulic pressure inherent within each of the separate Branches to exceed the outer limits of its power, even to accomplish desirable objectives, must be resisted. *INS v. Chadha*, 462 U.S. 919, 951 (1983).

Nevertheless, the Court has rejected any notion that the branches are hermetically sealed. While the Constitution diffuses power the better to secure liberty, it also contemplates that practice will integrate the dispersed powers into a workable government. It enjoins upon the branches separateness but interdependence, autonomy

Footnote at end.

but reciprocity." *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 635 (1952) (Jackson. J., concurring). *See Buckley*, 424 U.S. at 121. Moreover, this court has recently emphasized that separation of powers analysis must focus pragmatically on whether the challenged provision actually or potentially interferes with the ability of the affected branch to accomplish its constitutionally assigned functions. *In re The President's Commission on Organized Crime Subpoena of Nicodemo Scarfo*, No. 85-3023, slip op. at 11 (3d Cir. Feb. 14, 1986). *See also Nixon v. Administrator of General Services*, 433 U.S. 425, 443 (1977).

In applying the separation of powers principle, which is not explicitly mentioned in the Constitution but which undergirds the Constitutional philosophy, the Court has more than once felt compelled to rein in one or another branch of government. The Court has held that Congress, as the legislative branch, may not delegate to itself or its agents executive or judicial power, *Hampton & Co. v. United States*, 276 U.S. 394, 406 (1928); that the executive may not exercise legislative power belonging only to Congress, *Youngstown;* and that executive and administrative duties of a non-judicial nature may not be imposed upon Article III judges. *United States v. Ferreira*, 54 U.S. (13 How.) 39, 50-51 (1952). *See generally President's Commission (Scarfo), supra.*

Moreover, the power of appointment and removal must be exercised in conformity with the separation of powers. Congress may not curtail the power of the President to remove purely executive officials, *Myers v. United States*, 272 U.S. 51 (1926), but may create agencies which exercise mixed duties whose members may be protected from removal by the executive without cause. *Humphrey's Executor v. United States*, 295 U.S. 602, 629 (1935). Congress may not, however, retain for itself the power to appoint officials of the government who exercise executive power. *Buckley*, 424 U.S. at 126.

While disputing the application of these rules to the case at hand, the parties do appear to agree on one point: the key issue in this case is the characterization of the Office of the Comptroller General. If the Comptroller General, as the Army argues, is deemed to be an agent of Congress, then his possession of executive powers and duties is arguably unconstitutional. On the other hand, if he is an executive agent, then the performance of executive duties by the Comptroller would arguably create no constitutional problem.

The only other court that has addressed the question whether the Comptroller General may constitutionally exercise the powers granted under CICA concluded, following the reasoning of the district court in the present case, that the Comptroller could constitutionally exercise mixed powers. *See Lear Siegler, Inc. v. Lehman*, No. CV 85-1125-KN, slip op. at 7-11 (C.D. Cal. Nov. 21, 1985).

In a recent decision, a three-judge panel in the United States District Court for the District of Columbia [3] held that certain provisions of the Balanced Budget and Emergency Deficit Control Act of 1985, popularly known as the Gramm-Rudman-Hollings Act, were unconstitutional because they vested executive powers in the Comptroller General, *Synar* v. *United States*, No. 85-3945 (D.D.C. February 11, 1986). Under the *Synar* analysis, the Comptroller General was not permitted to exercise these powers under the Constitution. The court did not reach a firm conclusion regarding the characterization of the Comptroller General as an agent or member of a particular branch of the government, but concluded that executive power to mandate budget cuts could not be delegated to "an officer removable by Congress." *Id.*, slip op. at 48.

In resolving the central question of characterization as it is presented on this appeal, we confront plausible arguments on both sides. Several factors weigh in favor of considering the Comptroller General to be an executive officer. Foremost among these factors is that the Comptroller General exercises significant executive functions in managing the accounts of the federal government and is appointed by the President—factors which, in and of themselves, arguably render the Comptroller an "Officer of the United States" under *Buckley*, 424 U.S. at 126. The historic roots of the Comptroller's functions in the Treasury Department also militate against finding that the Comptroller is merely a legislative agent.

Against these factors, the Army marshals a great welter of dicta and conclusory statements to the effect that the Comptroller General is not an executive officer but rather an agent or member of the legislative branch. Several courts, first of all, have stated without extensive analysis that the GAO is an arm of the Congress. *See. e.g., McDonnell Douglas Corp.* v. *United States.* 754 F.2d 365, 368 (Fed. Cir. 1985): *United States* v. *McDonnell Douglas Corp.*, 751 F.2d 220, 224 (8th Cir. 1984); *M. Steinthal & Co.* v. *Seamans*, 455 F.2d 1289, 1305 (D.C. Cir. 1964). The Army also cites to numerous points in the legislative history of the 1921 Act and in other statutes where the GAO is characterized or labelled as a "legislative" agency. *See, e.g.*, 61 Cong. Rec. 1080 (Comptroller General "is to be the arm of the Congress": Rep. Good); *id.* at 1081 (Comptroller General is "representative of Congress" unlike Director of the Bureau of the Budget "who serves the President and is the personal representative of the President": Rep. Byrns); 2 U.S.C. § 701(e) (Comptroller General listed as within the "Legislative Branch" in the Ethics in Government Act); 59 Stat. 616 (1945) (GAO stated to be part of legislative branch in Reorganization Act of 1945).

While we recognize the authority cited by the Army, we nevertheless cannot resolve the issue before us merely on the basis of the quantity of citation. We must beware of what Justice Cardozo described as "the tyranny of labels." *Snyder* v. *Massachusetts*, 291 U.S. 97, 114 (1934). Indeed, in *Buckley*, the Supreme Court specifically noted that "irrespective of Congress' designation [of the Comptroller General as a "Legislative Officer"], cf. 31 U.S.C. § 65(d), the Comptroller General is appointed by the President in conformity with the Appointments Clause [and therefore may exercise executive functions]. "424 U.S. at 128 n.165.

Instead of "decision by label," we must focus on function and reality. Clearly, the GAO and the Comptroller General perform legislative and non-legislative duties. Indeed, they also perform quasi-judicial functions. In that respect, they resemble the modern regulatory agency. Therefore, the mere recital by the Army of the Comptroller General's legislative functions, which involve investigating and reporting to Congress, does not make the Comptroller General an agent of the legislature.

In characterizing the Comptroller General as an agent of the legislature, the Army also stresses the power of Congress to remove the Comptroller from office. The Army argues that Congress may constitutionally remove only its own agents, i.e., members of the legislative branch, and that Congress therefore in reserving to itself the power to remove the Comptroller General had implicitly acknowledged that the Comptroller General is an agent of the legislature. By the same token, argues the Army, Congress must have recognized that the Comptroller General could not be an agent of the executive, because Congress may not constitutionally remove from office agents who are purely executive in character.

To support this argument, the Army relies heavily on *Myers* v. *United States*, 272 U.S. 52 (1928), in which the Supreme Court held that the Prsident's power to remove *purely* executive officers could not be curtailed by Congress. However, *Myers* was severely limited by *Humphrey's Executor*, in which the Court approved Congress's attempt to insulate members of the Federal Trade Commission from removal without cause by the President.

"We think it plain under the Constitution that illimitable power of removal is not possessed by the President in respect of officers of the character of those just named [members of FTC, ICC and Court of Claims]. The authority of Congress, in creating quasi-legislative or quasi-judicial agencies, to require them to act in discharge of their duties independently of executive control cannot well be doubted; and that authority includes, as an appropriate incident, power to fix the period during which they shall continue in office, and to forbid their removal except for cause in the meantime. Fot it is quite evident that one who holds his office only during the pleasure of another, cannot be dependent upon to maintain an attitude of independence against the latter's will."

295 U.S. at 629.

It is not clear whether Congress's power to limit removal by the President includes the power to retain to itself removal power over "mixed-power" officers of the United States. There are two questions implicated by the Army's argument on this issue, however, which must be addressed separately: (1) whether the provision permitting Congress to remove the Comptroller General is constitutional, and (2) whether the mere existence of this provision renders the Comptroller General an agent of Congress for the purposes of this case.

A.

The first question is not ripe for review in this case at this time. Congress has never tried to remove a Comptroller General and is unlikely to do so in the foreseeable future. The constitutionality of the removal provision, therefore, has yet to be tested, and because Congress in this case has not sought to remove the Comptroller General, we do not deem the constitutionality of the removal provision to be justiciable. *See Hastings v. Judicial Conference of the United States*, 770 F.2d 1093. 1100-01 (D.C. Cir. 1985).

By so holding, we decline to adopt the contrary conclusion reached in *Synar, supra.* In *Synar.* the court concluded that the issue of Congress' power to remove the Comptroller General was ripe for review, relying upon *Northern Pipeline Construction Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982), in which the Supreme Court declared unconstitutional the delegation of Article III powers to bankruptcy judges not appointed in conformance with Article III. The district court in *Synar* held that since

the Supreme Court had relied in part on the fact that bankruptcy judges could be removed for cause, the question of congressional removal power over the Comptroller General was similarly ripe for review. Slip op. at 29-30.

Northern Pipeline, however, does not control the present case. The Court struck down the statutory scheme in that case as facially violative of Article III, in that bankruptcy judges were appointed to fixed 14 year terms and could be removed for cause. Since the Court found that the judges therefore were clearly not Article III judges under the plain language of the Constitution, the unconstitutionality of their appointment and exercise of power was immediately ripe for adjudication.

By contrast, in this case, there is no challenge to the *appointment* of the Comptroller General, which is agreed to be in conformance with the appointments clause, nor to the Comptroller General's 15 year statutory tenure. The only issue raised in this context is the constitutionality of the congressional *removal* provision, which has never been exercised in more than 60 years. Therefore, unlike *Northern Pipeline*, where the constitutionality question was ripe, here an additional act must be undertaken in order to meet the "ripeness" requirement. That act would be an attempted removal of the Comptroller General by Congress.

Moreover, even if the question were justiciable, and the provision granting Congress the power to remove the Comptroller General were found to be unconstitutional, that would only be *because* of a determination that the Comptroller General is indeed a member of the executive branch. The remedy in such a case would not be to hold the "stay" powers of the Comptroller General to be unconstitutional, but to sever as unconstitutional the provision which grants Congress the power to remove him. *See Myers*, 272 U.S. at 176.[4]

B.

As to the second question—whether the existence of Congress' power to remove the Comptroller General is determinative of the particular branch of which the Comptroller General is a member—our answer is that the power of removal does not determine to which branch the Comptroller General belongs. Rather, if anything, it is the power of *appointment* that should control. *See Buckley v. Valeo*, 428 U.S. 1, 126(1976). Moreover, the fact that the Comptroller General is not under executive control does not necessarily mean that he is under legislative control. Indeed, a practical analysis of how the Comptroller General and the GAO actually function reveals that the removal power vested in Congress is a power of limited importance. In more than 60 years of the GAO's existence, Congress has *never* exercised its power to remove a Comptroller General.

Viewed pragmatically, the Comptroller General functions independently of Congress in exercising his role of reviewing bid protests. There is no evidence in the record that Congress has *ever*, as a body or through individual members, exerted control over this process. With a 15-year, nonrenewable term, the Comptroller General therefore appears to be one of the most independent officers in the whole of the federal government, and one whose functions are drawn from each of the branches. *See Constitutionality of GAO's Bid Protest Function: Hearings Before the Subcomm. on Legislation and National Security of the House Comm. on Government Operations*, 99th Cong., 1st Sess. 35-36 (1985) testimony of Prof. Sanford Levinson [hereinafter cited as *Hearings*].

It is not surprising that, like many modern governmental units, the Comptroller General cannot neatly be labelled as totally the creature of one branch or another. This was recognized more than 20 years ago in *United States ex rel. Brookfield Construction Co. v. Stewart*, 234 F. Supp. 94, 99 (D.D.C. 1964) *aff'd*, 339 F.2d 753 (D.C. Cir. 1964):

"The Comptroller General is the head of the General Accounting Office, 31 U.S.C. § 41. Unlike heads of most departments and establishments of the Government, he occupies a dual position and performs a two-fold function. First, he makes investigations of matters relating to the receipt, disbursement and application of public funds, and reports the results of his scrutiny to the Congress with appropriate recommendations. In addition he pursues investigations that may be ordered by either House of Congress, or by any Committee of either House, in matters relating to revenue, appropriations or expenditures, 31 U.S.C. § 53. In performing these functions the status of the Comptroller General is that of an officer of the legislative branch of the Government. The Congress has comprehensive authority to undertake investigations in aid of legislation, or in connection with the appropriation of funds. Investigations are an aid to legislation and to the making of appropriations and are therefore auxiliary to the basic functions of Congress. The Congress may conduct investigations either through Committees or through an official such as the Comptroller General.

"The Comptroller General has also a second status as the chief accounting officer of the Government. His second principal function is that of approval or disapproval of payments made by Government departments and other agencies, as well as of settling and adjusting accounts in which the Government is concerned, 31 U.S.C. § 71. This is an executive function and in performing it the Comptroller General acts as a member of the Executive branch of the Government. The dual status of the General Accounting Office is not anomalous, for many regulatory commissions fulfill in part a legislative function and in part carry out executive duties, Humphrey's Executor v. United States, 295 U.S. 602, 55 S. Ct. 869, 79 L.Ed. 1611, Cf. Myers v. United States, 272 U.S. 52, 47 S.Ct. 21, 71 L.Ed. 160. Thus we have developed in comparatively recent years a fourth type of Government agency—one that combines two kinds of basic powers."

Id. at 99-100 (quoted with approval by court below, 607 F. Supp. at 970-71). We adopt the reasoning of the court in *Brookfield Construction* that the GAO is best viewed as a part of a headless "fourth branch" of government consisting of independent agencies having significant duties in both the legislative and executive branches but residing not entirely within either.

The description of the Federal Trade Commission contained in *Humphrey's Executor* provides a close analogy for describing the GAO and the Comptroller General:

"The commission is to be non-partisan; and it must, from the very nature of its duties, act with entire impartiality. It is charged with the enforcement of no policy except the policy of the law. Its duties are neither political nor executive, but predominantly quasi-judicial and quasi-legislative. Like the Interstate Commerce Commission, its members are called upon to exercise the trained judgment of a body of experts, 'appointed by law and informed by experience.' [citation omitted].

"[The Commission is to be 'independent of any department of the government . . . a board or commission of dignity, permanence, and ability, independent of executive authority, except in its selection, and independent in character.' "

295 U.S. at 624-25 (quoting statement of Senator Newlands).

The district court correctly followed *Brookfield Construction* in holding that the GAO is a hybrid agency of the kind described in *Humphrey's Executor* and that the Comptroller General may constitutionally exercise executive functions in reviewing bid protests because he is appointed pursuant to the Appointments Clause and performs executive duties. Although a legislative officer may not be given executive duties, many executive or "fourth branch" officers perform mixed duties and therefore function in dual capacities. As the Supreme Court noted in *Springer v. Phillipine Islands*, 277 U.S. 189 (1928):

"Not having the power of appointment, unless expressly granted or incidental to its powers, the legislature cannot engraft executive duties upon a legislative office, since that would be to usurp the power of appointment by indirection: though the case might be different if the additional duties were devolved upon an appointee of the executive."

Id. at 202, quoted with approval in *Buckley*, 424 U.S. at 136-37.[5]

Our decision that both the GAO and the Comptroller General discharge their assigned functions with a measure of independence from both the legislative and executive branches undermines the Army's reliance on *Buckley* and *Chadha*. In both of those cases, the legislature usurped the executive's power by subjecting agency actions to direct political control. In *Buckley*, it did so by appointing members of the Federal Election Commission. In *Chadha*, it did so by ordering the deportation of an alien by a resolution not passed by both Houses or presented to the President. Here, no political, i.e., legislative control is being asserted over any executive prerogative; an additional executive power or non-legislative function has merely been assigned to an agency which from its inception has been functionally independent of political control.[6]

It must not be overlooked that through CICA, the act in question here, Congress has given the Comptroller General no ultimate veto over government appropriations. It has done no more than to furnish the Comptroller General with a tool to prevent *faits accomplis* and to encourage competition in contracting. The power of the contracting executive agency to override the stay in important circumstances provides a safety valve for any possible abuse by the Comptroller General. Most importantly, the long history of independence of the GAO supports the district court's view that the stay provision does not operate to permit intrusion by the legislative branch into executive or judicial decision making. Thus, the delicate balance of power among the branches of government has not been endangered or upset by our answer to the second question which we posed: that the mere existence of the power of Congress to remove the Comptroller General does not render the Comptroller an agent of Congress for the purpose of this case.[7]

IV.

Although we hold that the district court properly upheld the constitutionality of the Comptroller General's stay powers, the Army argues forcefully that the injunction granted was unnecessarily broad. We recognize that the Army in so arguing must overcome the considerable discretion granted to the district court in framing injunctions. *Lemon v. Kurtzman*, 411 U.S. 192, 200 (1973). The trial court must be given leeway to fashion effective remedies to correct offenses to the Constitution. *Ramirez de Arellano v. Weinberger*, 745 F.2d 1500, 1521 (D.C. Cir. 1984) (en banc). Nevertheless, injunctive relief should be no broader than necessary to provide full relief to the aggrieved party. *Califano v. Yamasaki*, 442 U.S. 682. 702 (1979).

The Army argues that the district court attempted to require observance of the CICA stay provisions on a "government-wide" basis, i.e., nationally. On its face, the court's order contains no limiting language to rebut this reading. However, it is apparent from the court's oral opinion that it intended to order the federal government to observe CICA only within the District of New Jersey—the court's proper jurisdiction. *See* 610 F. Supp. at 756. Nevertheless, we agree that the injunction, even thus construed, went beyond that which was necessary to secure Ameron's rights.

There is no dispute that the Congressional intervenors were proper parties for the purpose of supporting the constitutionality of the CICA stay provision. *See Chadha*, 462 U.S. at 940.[8] To the extent, then, that the court declared CICA to be constitutional, the Congressional intervenors had standing to obtain the relief granted. However, the intervenors lack their own standing to obtain an injunction forcing compliance with the law. Nothing in the Ameron controversy gives Congress a direct "stake" in the enforcement of CICA. Once a law is passed and upheld a constitutional, Congress's interest in its enforcement is no more than that of the average citizen. *See Moore* v. *House of Representatives*, 733 F.2d 946, 951-52 (D.C. Cir. 1984), *cert. denied*, 105 S. Ct. 779 (1985). An ordinary citizen, in turn, has no standing to obtain an injunction to enforce the law, absent a personal stake in such enforcement. *Allen* v. *Wright*, 104 S. Ct. 3315, 3326 (1984); *AFGE* v. *Pierce*, 967 F.2d 303, 305 (D.C. Cir. 1982). The Congressional intervenors, therefore, do not have *independent* standing to seek an injunction ordering the federal govenment to enforce CICA.

However, despite their lack of independent standing, the intervenors may be entitled to injunctive relief on the same grounds and to the same extent as was available to Ameron. *See Director OWCP* v. *Perini North River & Associates*, 459 U.S. 297, 302-305 (1982) (to the extent OWCP Director does not have separate standing, he may seek reversal of lower court decision on grounds available to nonappealing aggrieved party). The question then is: what relief was available to Ameron?

In the absence of a certified class action, Ameron was only entitled to relief for itself. *National Center for Immigrant Rights* v. *INS*, 743 F.2d 1365, 1371-72 (9th Cir. 1984); *Davis* v. *Romney*, 490 F.2d 1367, 1366 (3d Cir. 1974). While the district court's entry of a declaratory judgment of constitutionality [9] may serve as precedent for subsequent cases; an injunction directing the Army Corps of Engineers to honor the stay provision of CICA only in the case provides full relief to Ameron. *See Baeder* v. *Heckler*, 768 F.2d 547, 553 (3d Cir. 1985) (striking down nation-wide injunction but leaving intact holding that regulation was invalid and grant of injunctive relief in plaintiffs case).

Ameron and the Congressional intervenors make several arguments in support of the broader relief granted. First of all, they argue that the Army never made any formal objection to the proposed scope of relief. We are not impressed with this claim, since the Army made clear during its colloquy with the district court that it objected to the broader injunctive relief granted. *See* May 28 transcript at 25-29.

More importantly, Ameron and the Congressional intervenors argue that the broader injunction was justified as a response to two expressions of defiance by the executive of each of its coordinate branches: First, the executive declared a duly enacted and signed law (CICA) to be unconstitutional and second, the executive intimated that it would not follow court decisions upholding that law.

As to the first issue, the record shows that upon the President's orders, the Attorney General instructed all executive agencies to ignore the stay provisions in CICA.[10] The Justice Department sought to justify this action as within the President's duty to defend the Constitution: "[I]n the case of a conflict between the Constitution and a statute, the President's duty faithfully to execute the law requires him not to observe a statute that is in conflict with the Constitution, the fundamental law of the land." *Hearings* at 318 (testimony of Acting Deputy Attorney General D. Lowell Jensen). *See also Meese, President's Right to Challenge Law, N.Y. Times, May 21, 1985* (Letter to the Editor) Supp. App. at 180.

This claim of right for the President to *declare* statutes unconstitutional and to declare his refusal to execute them, as distinguished from his undisputed right to veto, criticize, or even refuse to defend in court, statutes which he regards as unconstitutional, is dubious at best.[11] The question of the President's actions, declarations, and purported refusal to order compliance with CICA, however, was not properly before the district court. Therefore, our task on this appeal is similarly limited to ruling only on the constitutionality of the statute before us, and on whether the remedy fashioned by the district court granted appropriate relief to the parties actually before the court. We are faced with no justiciable claim against the President stemming from an alleged usurpation of power.

The second challenged assertion of power by the executive branch is the threat of Attorney General Meese not to follow court decisions in this case. According to the Attorney General's testimony before the House's Committee on the Judiciary on April 18, 1985, the district court is not a "court of competent jurisdiction" to decide constitutional questions. Transcript of House Hearings at 24-25. Moreover, Mr. Meese declared the government's intention not to follow the district court's decision granting a preliminary injunction in Ameron until there was "an appellate decision." *Id.* at 31. Questioned further, Mr. Meese suggested that even a decision of this court—the Court of Appeals for the Third Circuit—might be ignored until the Supreme Court finally laid the matter to rest. *Id.* at 35-36. However, following the granting of permanent relief by the district court, the Army agreed to honor the stay provisions of CICA pending the disposition of this appeal. *See* Brief of Appellee-Intervenors Speaker and Bipartisan Leadership Group of the House of Representatives at 18-19.

In framing its relief, the district court was understandably concerned with the executive challenge to its power. The district court engaged counsel for the Army in a discussion regarding the district court's competence to rule on CICA's constitutionality. In so doing, it elicited a concession that the court *did* have jurisdiction to rule on the question and to enforce its view through injunction in the District of New Jersey. May 28 transcript at 27. In its oral opinion, the court stressed its rejection of the executive's assertion of power to ignore an order of the district court and the suggestion of Attorney General Meese that the district court was not a court of "competent jurisdiction." 610 F. Supp. at 755-56.

It should be too obvious even to require restating that the district court, as an Article II court, has the power to rule on the constitutionality of an act of Congress and to impose appropriate remedies to compel compliance with an act found to be constitutional. That the executive in this case questioned this elementary principle did not, however, alter the specific task before the district court: to frame an injunction no broader than necessary to grant the full relief to which Ameron and the Congressional intervenors were entitled.

As Justice Douglas observed in his *Youngstown* concurrence, "[T]he emergency did not create power; it merely marked an occasion when power should be exercised." 343 U.S. at 629. Similarly, here, the felt need to reassert the constitutional scope of its power in the face of executive challenge did not create power in the district court that it did not already have, or change the judicial standards for the granting of injunctive relief. We therefore affirm the district court's obviously correct ruling that it is a court of competent jurisdiction to decide constitutional questions, even though we find the granted injunctive relief to be too broad under the circumstances of this case.

An injunction applying only to Ameron—ordering application of the CICA stay provisions in Ameron's case—would have provided Ameron with complete relief. While it was within the constitutional power of the court to grant broader relief, jurisprudence governing injunctive remedies will not permit it. We therefore affirm the May 20, 1985 order of the district court,[12] except as to its final paragraph which we modify. *See Evans v. Buchanan*, 555 F.2d 373, 381 (3d Cir. 1977) (en banc). The final paragraph of the district court's order originally provided:

"FURTHER ORDERED that defendants U.S. Army Corps of Engineers, Caspar W. Weinberger and David Stockman are permanently enjoined from applying Federal Acquisition Circular 84-6 or OMB Bulletin No. 85-8 insofar as they conflict with 31 U.S.C. § 3553, and are permanently enjoined to secure the issuance of regulations which comply with and implement 31 U.S.C. § 3553."

We hold here that this provision granted relief broader than that to which Ameron was entitled. We therefore substitute for that provision in the district court's order the following language appropriate to the case before us:

"FURTHER ORDERED that defendants U.S. Army Corps of Engineers, Casper W. Weinberger, and David A. Stockman are permanently enjoined to comply with and

implement 31 U.S.C. § 3553 in the case of Ameron, Inc.'s bid protest filed March 1, 1985."

V.

The May 20, 1985 order of the district court, as modified herein, will be affirmed in all other respects.

APPENDIX

Text of District Court Order of May 20, 1985

This matter coming on to be considered by the court on application of Charles Tiefer on behalf of the Speaker and Bipartisan Leadership Group of the House of Representatives as plaintiffs-intervenors, and Morgan Frankel, on behalf of the Senate, plaintiffs-intervenor, and it appearing from the papers submitted, the prior oral argument, the entire record in this case, and the Opinion of this Court filed on March 28, 1985, that there are no material facts in genuine dispute regarding the issue of the constitutionality of the stay provision in the Competition in Contracting Act, 31 U.S.C. § 3553, and that plaintiff and the intervenors are entitled to judgment as a matter of law, and for good cause

It is on this 20th day of May 1985:

ORDERED that in issuing its Opinion filed March 28, 1985, and in issuing this Order, this Court has been exercising the historic jurisdiction regarding the constitutionality of Acts of Congress, possessed by the Judiciary alone, of a court of competent jurisdiction;

FURTHER ORDERED that intervenors' motions for summary judgment be, and they are hereby granted; and it is

FURTHER ORDERED that 31 U.S.C. §§ 3353 be and it is hereby declared to be constitutional; and it is

FURTHER ORDERED that defendants U.S. Army Corps of Engineers, Caspar W. Weinberger and David A. Stockman are permanently enjoined from applying Federal Acquisition Circular 84-6 or OMB Bulletin No. 85-8 insofar as they conflict with 31 U.S.C. § 3553, and are permanently enjoined to secure the issuance of regulations which comply with and implement 31 U.S.C. § 3353.

HAROLD A. ACKERMAN
U.S.D.J.

Becker, *Circuit Judge*, concurring in part:

I join in Parts II and IV of the majority's opinion, and in its judgment. I disagree fundamentally with the majority's analysis in Part III however, and write separately to explain my views.

I.

Central to the majority's finding that CICA is not unconstitutional is its conviction that the Comptroller General occupies an indeterminate place in our constitutional scheme, belonging to neither the legislative, nor the executive, nor the judicial branch. Relying on *United States ex rel. Brookfield Construction Co. v. Stewart*, 234 F. Supp. 94 (D.D.C. 1964), *aff'd.*, 339 F.2d 753 (D.C.Cir. 1964), the majority states that "the Comptroller General cannot neatly be labelled as totally the creature of one branch or another," Maj. Op. at 27, and that "the GAO is best viewed as a part of a headless 'fourth branch' of government," *Id.* at 28.

Having thus severed the Comptroller General from any constitutional moorings within one of the three branches of government, the majority argues that because the GAO and the Comptroller General are "functionally independent of political control," *id.* at 31, and because the GAO has a "long history of independence," *id.* at 32, the powers granted the Comptroller General are not unconstitutional. According to the majority: "the delicate balance of power among the branches of government has not been endangered or upset [by the provision of CICA permitting congressional removal for cause of the Comptroller General]," *id.*, and CICA is thus constitutional.

In my view, the majority's argument has gone awry on its very first step, its refusal to place the Comptroller General in one branch of government or another. The Constitution establishes three branches of government, not four. Moreover, because ours is a government of enumerated powers, there can be no branch of government not established by the Constitution. It therefore follows that there can be no fourth branch, headless or otherwise.

I admit that scholars often refer to administrative agencies as the "fourth branch" of government. *See e.g.*, Strauss, *The Place of the Agencies in Government: Separation of Powers and the Fourth Branch*, 84 Colum. L. Rev. 573 (1984). The Supreme Court, however, has not acknowledged that administrative agencies, even the so-called independent regulatory agencies, belong to a category all their own. To the contrary, the Supreme Court continues to frame its separation of powers analyses in the context of the familiar triumvirate of branches. *See, e.g., INS v. Chadha*, 462 919, 951 (1983) ("The Constitution sought to divide the delegated powers of the new Federal Government into three defined categories, Legislative, Executive, and Judicial."); *Buckley v. Veleo*, 424 U.S. 1, 120 (1976) (in analyzing the constitutionality of the powers of the Federal Election Commission, an "independent" administrative agency, the Court referred to the "fundamental principles of the Government . . . that the powers of the three great branches of the National Government be largely separate from one another."). The majority's insistence on a fourth branch, while perhaps intellectually fashionable, is thus contrary to the jurisprudence of the Supreme Court.[13]

I do not deny that administrative agencies are and must be a part of our government, and I do not suggest that they lack legitimacy simply because they were not envisaged by the Founding Fathers. Administrative agencies developed as a response to the needs of a complex society, and so long as our society remains as complex as it is, we shall need them. My point is simply that courts engaged in constitutional analysis must work within the framework established by the Constitution, and the Constitution does not allow for any more than three branches of government. If the administrative agencies cannot fit within this framework then the framework should perhaps be changed, but if this is to be done it must be by constitutional amendment, not judicial disregard of the present Constitution. Even a living constitution cannot grow a new branch.

In analyzing the case before us, our first task must therefore be to decide to which of the three branches of government the GAO belongs. The next step in the analysis is to classify the powers conferred on the Comptroller General by the allegedly objectionable provisions of CICA. Only then can we decide whether those powers violate the Constitution.

II.

A.

Because the office of the Comptroller General is created by statute, the Comptroller General's status within the government is a matter of statutory interpretation which, like all statutory interpretation, is controlled by legislative intent. *Paskel v. Heckler*, 768 F.2d 540, 543 (3d Cir. 1985); Murphy, *Old Maxims Never Die: The "Plain Meaning" Rule and Statutory Interpretation in the "Modern" Federal Courts*, 754 Colum. L. Rev. 1299, 1299 (1975). There is copious evidence in the legislative history that the GAO (and therefore the Comptroller General) was intended to be in the legislative branch. This evidence is summarized concisely by the majority, and there is no need to repeat it here. *See* Maj. Op. at 19-20; *see also* Maj. Op. at 19 (citing cases that arrive at the same conclusion). Because there is no evidence of legislative intent to the contrary, I believe that it is incumbent upon us to hold that the Comptroller General is within the legislative branch of government, despite the inconveniences that may attend such a holding.

The majority's reluctance to classify the Comptroller General as legislative stems from two sources: (a) the fact that certain of the Comptroller General's functions are executive in nature, *see infra* at 6-7, and (b) the fact that the Comptroller General is appointed by the President. *See* Maj. Op. at 18-19. Although both of these facts are relevant to the question whether any of the statutes affecting the Comptroller General unconstitutionally violate the principle of separation of powers, *see infra* 10-12, neither is relevant to the logically prior question: to which branch does the Comptroller General belong? As I have noted, because the office of the Comptroller General is created by statute, his status must be determined by the legislative intent.[14] In this case, the legislative intent is clear—he belongs to the legislative branch.

B.

Having determined that the Comptroller General is a member of the legislative branch, the next step in the analysis is to determine whether CICA grants the Comptroller General any functions that are executive or judicial rather than legislative. On this point, the parties agree that the following powers granted to the Comptroller General by CICA are not legislative: the powers to (i) review protests and issue recommendations on their adequacy, 31 U.S.C.A. § 3554 (West Supp. 1985), (ii) lift the automatic stay imposed by the filing of the protest, *id.*, and (iii) demand attorneys fees and costs on a finding that the solicitation was unlawful, *id.*

I agree with the parties' conclusions. Although the meanings of "legislative," "executive," and "judicial" are somewhat indeterminate, I find it hard to believe that the powers listed above would fit under any of the more common understandings of "legislative power." In exercising these powers, the Comptroller General acts on a case-by-case basis; he applies law rather than makes it. The powers are executive, or even quasi-judicial, rather than legislative. Although in other contexts the distinction between executive and judicial would be quite important, here it is not, and I therefore pass over it. The important point, which no party contests, is simply that the Comptroller General, a legislative officer, undeniably exercises non-legislative powers.

C.

The inquiry cannot end here. The three branches of governement, although separate, are not airtight. *See Nixon v. Administrator of General Services*, 433 U.S. 425, 443 (1977); *United States v. Nixon*, 418 U.S. 683,

703 (1974). The Supreme Court has adopted a flexible approach, and has expressly endorsed the eloquent language of Justice Jackson in *Youngstown Sheet & Tube Co. v. Sanger*, 343 U.S. 579, 635 (1952) (Jackson, J., concurring):

"While the Constitution diffuses power the better to secure liberty, it also contemplates that practice will integrate the dispersed poweres into a workable government, it enjoins upon its branches separateness but interdependence, autonomy but reciprocity."

The doctrine of separation of powers thus allows for some overlap among the branches. It could scarcely be otherwise, for virtually every branch has members who perform work that can be characterized as belonging to another branch. In the judiciary, for example, the Chief Judge, Circuit Executive, and Clerk of this Court exercise administrative responsibility that is executive rather than judicial. Every legislator has aides who do similar administrative/executive-type work. Administrative agencies that are within the executive branch often engage in both rulemaking, which is legislative in character, and adjudication, which is, of course, judicial.

The proper question in the separation of powers context, therefore, is not merely whether members of one branch do work that falls within the description of another. Rather, the question is whether, by that work, the branch to which those members belong infringes so substantially on the other branch that the infringed-upon branch cannot carry out its constitutionally assigned functions. This test was explicitly enunciated by the Supreme Court in *Nixon v. Administrator of General Services, supra*, 433 U.S. at 443: "[I]n determining whether the Act disrupts the proper balance between the coordinate branches, the proper inquiry focuses on the extent to which it prevents the Executive Branch from accomplishing its constitutionally assigned functions."

Even this test is not immediately accessible, for "constitutionally assigned functions" is not a readily definable term. Each branch has many constitutionally assigned—or, at least, constitutionally permitted—functions. To give definition to the term, it is therefore necessary to place the problem in context, that is, to identify the objectives to be served by the principle of separation of powers and see if those objectives are threatened by the Comptroller General's CICA-derived powers.

Although scholars may debate the intricacies and wisdom of separation of powers, the original intent of the Founding Fathers in creating our system of divided powers is very clear and can be briefly stated. The principal goal of the Founding Fathers in enacting a system of separated powers was the protection of individual liberties. The colonists had experienced virtual tyranny at the hands of all three branches in their recent histories, *see* G. Wood, *The Creation of the American Republic 1776-1787 668-70* (1969); Levi, *Some Aspects of Separation of Powers*, 76 Colum. L. Rev. 369, 373-76 (1976), and had concluded that only by diffusing power within the government could individual liberty be preserved. Echoing Montesquieu, James Madison wrote "[t]he accumulation of all powers, legislative, executive, and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny." Federalist No. 47 (Madison) *in The Federalist*, 373-74 (Hamilton ed. 1864); *cf.* Montesquieu, *The Spirit of the Laws*, 38 Great Books of the Western World 70 (Hutchins ed. 1952) ("When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty."). *See also Youngstown Sheet & Tube Co. v. Sanger, supra*, 343 U.S. at 635 ("the Constitution diffuses power the better to secure liberty") (Jackson, J., concurring).[15]

We are now in a position to ask the central question in this case: do the executive-judicial powers conferred upon the Comptroller General by CICA threaten to coalesce powers in one branch such that individual liberty—in this case, the liberty of those in Ameron's position who bid for contracts covered by the CICA—is threatened? I think not. Three factors in particular convince me that the threat is not severe. First, CICA permits the executive branch unilaterally to override the automatic stay by submitting to the Comptroller General a written statement of "urgent and compelling circumstances which significantly affect interests of the United States." 31 U.S.C.A. § 3553(c)(2)(A). Thus, there need be no severe effects on the prerogative of the executive as a result of the Comptroller General's powers.[16] Admittedly, § 3553(c)(2)(A) is not an executive *carte blanche*. The "urgent and compelling circumstances" must in fact exist, and I presume that this would be determined by a court of law—the third branch. Nevertheless, the limitation on the Comptroller General's powers is real and diminishes the threat to the goals of separation of powers.

Second, Congress has no voice in the Comptroller General's day-to-day operations, and it holds no sword of Damocles over the Comptroller General's head. Congress' only power over the Comptroller General, its power of removal, is circumscribed because it requires a joint resolution of Congress, and must be for one or more of five specified reasons: permanent disability, inefficiency, neglect of duty, malfeasance, or conduct which is felonious or involves moral turpitude. 31 U.S.C. § 703(e)(1982). The joint resolution will likely be more difficult to pass than a majority vote in one house, and the five reasons, although not so narrow as to deny Congress any leeway, circumscribe Congress' power to some extent by providing a basis for judicial review of congressional removal. The result of this limitation is that, as a practical matter, Congress has not exercised, and probably will never exercise, such control over the Comptroller General that his non-legislative powers will threaten the goal of dispersion of power, and hence the goal of individual liberty, that separation of powers serves.

It is particularly instructive in this regard to compare this case with *INS v. Chadha, supra*, heavily relied upon by the Army. Although both cases involve an infringement by the legislative branch into the domain of the executive, the nature the infringements are very different. The unicameral legislative veto struck down in *Chadha* had all the earmarks of a hastily considered, unjust bill of attainder: there was neither a published committee report nor a debate, but only a conclusory statement on the floor of the House by a single Representative. Congress made the decision to deport Chadha by an unrecorded vote. *Id.* at 926-27 (Opinion of the Court); *id* at 963-64 (Powell, J., concurring). Here, by contrast, there is no direct congressional involvement, and consequently the danger sought to be avoided in *Chadha*—the involvement of political passions in quasi-judicial proceedings—is simply not present. Bidders like Ameron realistically need not fear significant and improper congressional involvement.

Finally, it must not be forgotten that the President appoints the Comptroller General. Although the power of appointment does not give the President continuing control over the Comptroller General, it does give the President the opportunity to put into that office someone who will be respectful of the prerogatives, and sympathetic to the problems, of the executive branch. Once again, this is a significant feature of the case before us that lessens the severity of the congressional infringement on executive powers and distinguishes this case from those, like *Chadha*, in which the infringement and threat to liberty is more severe.

III.

My analysis is in many ways similar to the majority's. For both of us, the independence of the Comptroller General from congressional control and the limited power of the Comptroller General over the President are central to our decision. The majority might thus contend that our differences are merely semantic, and that I toil under a "'tyranny of labels.'" *See* Maj. Op. at 20 (qouting *Synder v. Massachusetts*, 291 U.S. 97, 114 (1934) (Cardozo, J.)). But the majority would be wrong. What is at stake is our adherence to the system of government established by the Constitution. It is essential that we write—and think—only in terms of the three branches, and that we permit no more than the terms of the Constitution, fairly interpreted, will allow.

I can only surmise that the majority was attracted to the concept of the headless fourth branch because of its fear that the Comptroller General, and all other "independent" administrative agencies, could not survive an analysis that allowed for only three branches of government. I have explained, *see supra* II.C., why I believe the concept of separation of powers is sufficiently flexible to accommodate the CICA. I assume that similar analyses would lead to the same results for most other administrative agencies, although I cannot be sure.[17] I am certain, however, that if some agency powers cannot fit within a government of three branches, or if certain legislation permitting one branch to affect the affairs of another cannot be countenanced within the three-branch framework, then those agency powers and that legislation must fall. The judiciary cannot invent a fourth branch to house them. Otherwise, we risk the very tyranny the Founding Fathers sought so ingeniously to avoid.

FOOTNOTES

[1] The original typed bond amount of $1,200,000 was "whited-out" and the bond amount of $3,000,000 was typed over the corrected portion of the bond document. App. at 8-9.

[2] In essence, the Comptroller General held that it was not arbitrary for the Army to reject Ameron's bid due to the altered bond document.

[3] The three-judge court was convened pursuant to 28 U.S.C. § 2284. *See Synar* v. *United States*, No. 85-3945, Slip op. at 5 n.1 (D.D.C. Feb. 11, 1986).

[4] The *Synar* court rejected a similar argument on the ground that it had no authority to "choose" whether to invalidate the Comptroller General's powers or Congress' removal power. In so doing, the court observed that courts faced with constitutionally incompatible statutes generally "set aside that statute which either allegedly prohibits or allegedly authorizes the injury-in-fact that confers standing upon the plaintiff." Slip op. at 32.

However, if the question of Congress' removal power is ripe in this case at all, than a fortiori it is also within the authority of the court to declare that power unconstitutional, making a "choice" unavoidable. In the context of the present case, it would seem more logical to sever this never-used

power rather than to strike down Congress' new statutory scheme in CICA. By contrast, in *Synar*, the court addressed a congressional scheme providing for "fallback" procedures in the event that the involvement of the Comptroller General in deficit reduction was deemed unconstitutional. *See* slip op. at 33-34.

[5] In contrast to our holding, the *Synar* court held that the Comptroller General's significant executive powers under the Gramm-Rudman-Hollings Act placed it in a "no-man's land" controlled by neither *Myers*, which concerned purely executive officers, nor *Humphrey's Executor*, which concerned officials exercising only incidental executive functions along with primarily quasi-legislative or quasi-judicial powers. Slip op. at 44. The *Synar* court then focused almost exclusively on the question of the removal power and, finding the retention of that power by Congress to be incompatible with the Comptroller General's exercise of executive budget-cutting functions, struck down the applicable parts of the Act.

Just as we have declined to follow *Synar* with respect to the constitutionality of Congress' removal power, we also decline to follow the approach taken by the *Synar* court here. The core principle of *Humphrey's Executor* was that Congress could create agencies exercising dual functions and which were independent of unfettered executive control. In their blend of powers and functions, the Comptroller General and the GAO closely resemble the FTC and other "fourth branch" agencies. There is, therefore, little basis for distinguishing *Humphrey's Executor* in the present case. We need not reach the question whether Congress might at some point violate the separation of powers by assigning to the Comptroller General or some other official independent of executive control too great a preponderance of fundamentally executive powers or functions. This is not such a case.

We do note, however, that the result in *Synar* seems to be based, at least in part, on the court's perception that "[i]t is not as obvious today as to it seemed in the 1930s that there can be such things as genuinely 'independent' regulatory agencies." Slip op. at 40. However, as noted *infra* at note 6, the principles underlying *Humphrey's Executor* have been widely accepted for half a century. We do not read *INS v. Chadha*, 462 U.S. 919 (1983) to the contrary or as undercutting these principles.

[6] Although the issue is not squarely presented by this case, we have not been unaware of the current public debate over the constitutionality of the entire scheme of independent agencies constituting the "fourth branch." In particular, we recognize that Attorney General Meese has questioned whether agencies exercising executive power may be kept independent of presidential authority. *See A Question of Power, A Powerful Questioner*, N.Y. Times, Nov. 6, 1985, at B8, col. 3.

We note that the constitutionality of independent agencies has been settled for half a century. *See* Humphrey's Executor v. United States, 295 U.S. 602, 629 (1935). However, to the extent that the Attorney General finds constitutional support for his assertion that every agency must be considered a part of a particular branch of government, this argument may cut against the Army's position in this case. In a September 13, 1985 speech reported in the New York Times, the Attorney General said: "Federal agencies performing executive functions are themselves properly agents of the executive. They are not 'quasi' this or 'independent' that. In the tripartite scheme of government, a body with enforcement powers is part of the executive branch of government." N.Y. Times, *supra*, at B8, col. 5-6.

Since it is undisputed that the Comptroller General and the GAO perform significant executive functions along with their legislative functions, the Attorney General's view would seem to regard them as part of the executive branch, a position contrary to the Army's argument in this case.

[7] Because we hold that the Comptroller General is not exclusively a legislative agent, we need not reach the questions of whether the automatic stay could survive as a "report and wait" provision and whether, if unconstitutional, the Comptroller General's stay-lifting power is severable.

[8] *Chadha* actually only held that Congress properly interevenes to defend its statue when both plaintiffs and government defendants agree that a statute is unconstitutional, i.e., when there is no one to speak for the constitutionality of the statute. Here, where Ameron argued that the statute was constitutional, arguably there is less need to recognize Congress's standing. However, the parties agree, and we concur, that Congress has standing to intervene whenever the executive declines to defend a statute or, as in this case, actually argues that it is unconstitutional.

[9] *See* Appendix to this opinion for the district court's order of May 20, 1985.

[10] Pursuant to the Attorney General's instruction, the Office of Management and Budget issued OMB Bulletin No. 85-8 (Dec. 17, 1984), which required, *inter alia*, that:

"Agencies shall take no action, including the issuance of regulations, based upon the invalid provisions [of CICA].

"With respect to the "stay" provision, agencies shall proceed with the procurement process as though no such provision were contained in the Act. Pursuant to the provisions of the Federal Acquisition Regulations, the agency may voluntarily agree to stay procurements pending the resolution of bid protests, but the grant of such a stay must be based upon other valid authority and may not be based upon the invalid stay provisions of the Act.

"Agencies shall comply with the provisions of 31 U.S.C. § 3553(b) concerning the submission of reports to the Comptroller General on protested procurements.

"With respect to the damages provision of the Act, agencies shall not comply with declarations of awards of costs, including attorneys' fess or bid preparation costs, made by the Comptroller General.

"Agencies shall comply with 32 U.S.C. § 3554(e) concerning submission of reports to the Comptroller General on unaccommodated recommendations."

[11] *See* Kendall v. United States, 37 U.S. 524, 613 (1838) ("To contend that the obligation imposed on the President to see the laws faithfully executed, implies a power to forbid their execution, is a novel construction of the Constitution, and entirely inadmissable.") The President's job is to execute law, not to create it. Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 587 (1952). Moreover, "it is, emphatically, the province and duty of the judicial department, to say what the law is." Marbury v. Madison, 5 U.S. 137, 177 (1803). Absent a patently unconstitutional law or one infringing liberty interests or other fundamental rights of individuals, the President's asserted power and "duty" not to execute laws he finds to be unconstitutional is questionable. *See* Hearings at 39, 44 (testimony of Prof. Sanford Levinson): *id*, at 46-47 (testimony of Prof. Eugene Gressman).

[12] *See Appendix* to this opinion for the full text of the original order of the district court.

[13] Although in FTC v. Ruberoid Corp., 343 U.S. 470 (1952). Justice Jackson did refer to administrative agencies as "a veritable fourth branch," *id.* at 487, (Jackson. J., dissenting), that was merely descriptive: Justice Jackson was hardly setting it forth as part of a new framework for constitutional analysis. Indeed, his qualification of the description—"*a veritable* fourth branch"—suggests that he did not intend to be taken literally.

The only other occasions on which any member of the Supreme Court has used "fourth branch" in an opinion when referring to administrative agencies have also been in dissents and have been similarily off-hand and descriptive, rather than analytic. *See* Process Gas Consumers Group v. Consumer Energy Council of America, 463 U.S. 1216, 1219 (1983) (White, J., dissenting); *INS* v. *Chadha*, *supra*, 462 U.S. at 984 (White, J., dissenting)(quoting FTC v. Ruberoid, *supra*).

[14] The Senate argues in its brief that the fact that the Comptroller General is appointed by the President precludes his being part of the legislative branch. In making this argument, the Senate relied on Buckley v. Valeo, 424 U.S. 1 (1976). *See also Maj.* Op. at 19 (citing *Buckley* for the proposition that the executive functions of the Comptroller General and his appointment by the President "arguably render the Comptroller an 'Officer of the United States,'" *i.e.*, a member of the executive branch.). This reliance is misplaced, for *Buckley* never suggested that all those appointed by the President are necessarily members of the executive branch of government. *Buckley* held that only those appointed by the President could be "Officers of the United States," but we are concerned here with the obverse problem, never contemplated by *Buckley*, whether all those so appointed are necessarily Officers of the United States.

The only reference in *Buckley* to the Comptroller General came in a footnote in which the Supreme Court rejected an analogy between the members of the Federal Election Commission (who were not appointed by the President) and the Comptroller General. The Court said that "irrespective of Congress' designation [of the Comptroller General as a legislative officer], the Comptroller General is appointed by the President in conformity with the Appointments Clause." Buckley v. Valeo, *supra*, 424 U.S. at 128 n. 165. This offhand reference is not sufficient to support the Senate's point that appointment by the President with the advice and consent of the Senate automatically makes one a member of the executive branch. The *Buckley* Court intended to distinguish the Comptroller General from the members of the Federal Election Commission, not to establish a general rule for a situation that was not before it.

Not only is the Senate's reliance on *Buckley* weak, but there are counter-examples that disprove its thesis. There are undisputed legislative officers who are appointed by the President—the Librarian of Congress, 2 U.S.C. § 136 (1982), the Public Printer, 44 U.S.C. § 301 (1982), and the Architect of the Capitol, 40 U.S.C. § 162 (1982). Thus, the manner of appointment cannot be dispositive.

[15] In *The Interdependence of Legitimacy: An Introduction to the Meaning of Separation of Powers*, 5 Seton Hall L. Rev. 435 (1974), Judge Gibbons develops the thesis that the three branches were not intended to work in isolation and that a more accurate portayal of the system is one of dispersed but shared decisional responsibility in which at least two branches must always concur, thus providing reasonable protection against the tyrannical exercise of power by a single branch. On this theory it is not necessary to invent a fourth branch to remedy overlap in the scheme. Judge Gibbons also gives several examples, both early and recent, of how the system of separated powers protects individual liberties.

[16] At least the executive need not fear for its ability to extract itself from an exigent circumstance, e.g., a contract dispute that would threaten a vital defense contract in time of national emergency, or an environmental hazard or natural disaster.

[17] For example, it is conceivable, albeit unlikely at this late date, that someone might launch a separation of powers challenge to the adjudicatory procedures of the NLRB. Under my analysis, a court would consider the legislative history of the NLRB to determine to which branch it was intended to belong. Presumably, the answer would be that it belongs to the executive branch. Next, the court would consider whether its adjudicatory procedures were executive in nature, and would presumably conclude that they were not, but are, rather, judicial. Finally, the court would ask whether this exercise by the executive branch of judicial functions gave the executive so much power, or so intruded upon the vital functions of the judiciary, that individual liberties were threatened. In making this inquiry, the court would consider (i) how much power the President has over the NLRB's adjudicatory functions, and (ii) whether the functions are a significant intrusion upon the judiciary, or whether, on account of judicial review of NLRB decisions, the intrusion is not severe. The analysis suggests, I believe, that my approach would not eclipse the contemporary regulatory scheme.

Mr. CHILES. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. CHILES. Mr. President, the Senator from Florida is going to have to absent himself from the floor for a few minutes. My understanding is that the distinguished chairman of the committee and myself will be offering an amendment in a few minutes. I think what we are talking about doing is worthwhile. There has been some conversation that there is way too much in taxes in the resolution we have before us and way too many entities left untouched something ought to be done.

A letter was circulated widely around here yesterday from the Office of Management and Budget, Mr. Jim Miller. I think the proposition that

the chairman is talking about offering, with me as a cosponsor, is that we allow the Members of this body a chance to express themselves on that and see if they want to save those taxes. I shall have a lot more to say about that in a few minutes.

Mr. DOMENICI. I thank my friend, the ranking member.

ORDER FOR RECESS AT 4 P.M. TODAY UNTIL 10 A.M. TOMORROW

Mr. DOLE. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. DOMENICI. I am pleased to yield to the distinguished majority leader.

Mr. DOLE. Mr. President, we have agreed previously that there would be no votes after 4 o'clock today and any votes on S. 120 would be put off until tomorrow. It may be that there will be a necessity for the Senate Finance Committee to meet later today while we are not in session. I have asked the distinguished minority leader if he would have any objection to a unanimous-consent agreement that we recess at 4 o'clock today, to convene tomorrow morning at 10 a.m.

Mr. BYRD. Mr. President, there is no objection.

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

Mr. DOMENICI. Mr. President, might I ask the distinguished minority leader for a clarification of his statement. I have no objection to it.

Mr. DOLE. Yes.

Mr. DOMENICI. If a vote is right on the budget resolution, we can vote before 4 o'clock if one is ready to be voted on. The majority leader indicated they would be put off. If we offer an amendment and the debate is over and we are ready to vote at 2 o'clock, could we do that?

Mr. DOLE. Fine; that is all right. I have no problem with that.

Mr. BYRD. Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. KASTEN). The Senator from New Mexico.

Mr. BYRD. Will the Senator from New Mexico yield?

Mr. DOMENICI. I am pleased to yield.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, could we have an understanding or an order to the effect that there would be no rollcall votes after 3:30 today? I think that is what we agreed to on yesterday.

Mr. DOLE. That was the order, 3:30; the Senator is correct. I indicated 4. We changed that last night to 3:30.

Mr. BYRD. Does the Senator want to recess at 3:30 or does he still want 4 o'clock.

Mr. DOLE. I may need that 30 minutes to do the wrapup.

Mr. DOMENICI. Mr. President, I would like to discuss a letter that I am going to put in the RECORD signed by the distinguished ranking minority member, the senior Senator from Florida, Senator CHILES, and myself regarding a letter which was delivered yesterday by the Director of OMB, Mr. Miller. I think Mr. Miller knows that the Senator from New Mexico has the highest esteem and respect for him, and has the highest esteem and respect for the position he holds. Clearly, I have great respect for the fact that he speaks for the President, and that the President, with the aid and assistance of many but in particular Mr. Miller, sent us a budget some few months ago.

And I send this letter, joined in by Senator CHILES, to my colleagues because they received Mr. Miller's analysis of the budget that is pending here before the Senate. Clearly, there are at least two ways to look at things. I thought it would be good to look at things from the standpoint of that bipartisan majority that voted out a budget resolution, and perhaps the Senators who read his letter of yesterday would be as interested in what we have to say about the budget resolution as they are interested in what he has to say about it.

So I refer in this letter to the fact that yesterday Mr. Miller outlined objections to Senate Concurrent Resolution 120, the pending matter before the Senate.

While there are many issues in it, the letter addresses three of them. Let me paraphrase and then I will put the letter into the RECORD in its entirety, with leave of the Senate.

First, the director contends that the President's fiscal year 1987 budget met the challenges of the Gramm-Rudman-Hollings Act.

Quite to the contrary, the budget that he refers to did not meet the deficit targets specified in that legislation.

The Congressional Budget Office estimated that the President's budget, after all the cuts recommended, with the small amount of revenue increases recommended, and the increases in defense recommended, if we did all those things, the deficit would be $160 billion, not $144 billion, $16 billion in outlays off the mark.

Obviously, the OMB Director, Mr. Miller, has been discussing economic changes and put forward suggestions about changing the economic assumptions in discussions yesterday. I am not referring to those and he did not refer to those in his letter. It was purely an analysis, static in nature, of the budget he sent us and the budget we reported.

I repeat, even if the President's budget was adopted in its entirety, with 44 programs terminated, with reform in 6 or 7 other entitlement programs, with that small amount of revenue and that very large increase in defense—even if it was adopted—there would still have to be a sequester when we finished all of that.

There is one thing the budget director did discuss yesterday. It had to do with $4 billion in the farm program. Although he did not make reference to it in his letter, there is a suggestion that that $4 billion should not be in the budget because, as he puts it, they do not intend to spend it. But that is not the issue here.

The President's budget is $16 billion in excess of that required under the Gramm-Rudman-Hollings law. After you did all that work, Gramm-Rudman would require a cut in domestic programs of $8 billion in outlays on top of the $28 billion proposed in the budget.

Under such a sequester, defense, would have to be cut about $20 billion in budget authority off that number, $8 billion in outlays, more or less right after we had given the President his full defense request to get within the mandated targets that we were seeking to achieve.

The second point: The new taxes proposed in this budget take $52 billion out of the economy over the next 3 years. That is what the Director says.

The $59 billion by which the President's budget exceeds the Gramm-Rudman-Hollings deficit targets over the same years, $59 billion that it exceeds it, comes out of the private economy also in the form of Federal borrowing.

The difference is we reduce the burden of the debt and do so permanently, and we reduce interest payments by $7 billion, where they would be $7 billion a year higher under the President budget which Director Miller espouses in the letter that he sent.

In addition, Mr. Miller states that Senate Concurrent Resolution 120 cuts defense about $97 billion over the 3 years. I regret to say that, as I indicated when I started, there are at least two ways to express most things, and maybe more. But the Director clearly states that this resolution cuts defense and I interpret a "cut" to mean a cut. There is no cut in the defense budget. It is just not so.

Yes, we increase defense less than the President. That is a fair way to say it. But we would provide $8 billion more in defense budget authority than was appropriated for this current year, an $8 billion increase but not as much of an increase as requested.

Finally, the letter to my colleagues objects to our only terminating three domestic programs by way of our assumptions.

Well, let me enlighten the Senate a bit on that.

That is true. But it is not mentioned that these three programs account for $5 billion outlay savings, and even if we terminated the 10 additional programs assumed in last year's budget resolution, all 10 would have a grand total savings of $1.3 billion if they were all done and completed. We did five. If you did all of those in last year's resolution, it would be $1.3 billion.

I am of the opinion, and soon we will let the Senate vote on a couple of these issues, that both Houses of Congress, by rather compelling majorities, will make it clear, and have made it clear, that they do not want all of the 44 programs in that budget that the Director referred to yesterday terminated. I have indicated on numerous occasions I would vote for many of them. I will repeat again that I have voted more than once, to terminate many of these programs more than once.

While I personally do not think many of these programs are of national importance—and certainly from the economic standpoint it is hard to justify that many of them have significant economic benefits—nonetheless building a budget based on terminations that will not occur does not offer a realistic contribution to the deficit reductions.

To assume them all again in a budget that is sent up here to us is nothing more than repeating what has been tried before, and, in this Senator's opinion, will not happen. But, as I said, we will give this option a chance in the Senate shortly by providng Members an opportunity to vote on whether they would like to terminate all of those programs as we did last year before the oak tree event and that are in the President's budget this year. We will let the Senate vote on whether they would like to take all of those out of this budget and save a few billion dollars in the revenues we have suggested we need.

Finally, domestic spending is stated by the director to suffer hardly any restraint in this budget process and resolution.

I would remind the Senate that domestic spending will be substantially restrained under the committee's budget, declining from about 13.1 percent of GNP in the current year to about 11.7 percent by 1989.

So, once again, I believe the Director mischaracterizes the issue as raising taxes versus cutting spending. Our budget resolution has total outlays that are $4 billion less than the President's budget for fiscal year 1987, and $12 billion less over 3 years.

I would like to repeat that. The mix is different. But in terms of contributing to resolving the deficit problem, the resolution before the Senate has total outlays that are $4 billion less than the President's. Obviously, so that I am not guilty of mischaracterizing, we have less defense. That accounts for a substantial portion of the reduced expenditures of this Government.

Our higher tax revenues go not for higher spending but, rather, to reduce the deficit. There can be no doubt about that.

In conclusion, our greater reduction in total spending and deficit reduction constitutes the ultimate, as I see it, tax break for the American people.

I think one of the distinguished economists, Milton Friedman, pointed out that the true level of taxation is the level of spending. Your only choice is whether to pay now in taxes or pay later in inflation. A so-called hidden tax.

My own observation, interpreting Milton Friedman, is that there is still no free lunch to buy increased defense and domestic spending without paying for it. We believe that we have provided a balanced approach and we believe that the facts bear us out.

Mr. President, so that all my colleagues will have the letter in the RECORD that I sent to them under the signature of my distinguished friend from Florida, the ranking Democrat—Mr. CHILES—and myself, I ask unanimous consent that it be printed in the RECORD in toto.

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

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, April 23, 1986.

DEAR COLLEAGUE: Director Miller of the Office of Management and Budget sent a letter to you yesterday outlining the Administration's objections to S. Con. Res. 120, the fiscal year 1987 Budget Resolution. This letter responds to three specific issues raised in the Director's letter.

First, the Director contends that the President's fiscal year 1987 budget met the challenges of the Gramm-Rudman-Hollings Act. Quite the contrary. The President's budget did not meet the deficit targets specified in that legislation. The Congressional Budget Office estimated that the President's budget would produce a deficit of $160 billion.

That $16 billion excess would produce a sequester that would cut domestic outlays $8 billion on top of the $28 billion cut proposed by the President. To reduce defense outlays by a comparable $8 billion would mean sequestering BA by $20 billion. This belies the Director's second contention, that we could follow the President and achieve the target without cutting defense, without raising taxes, and with only "careful pruning" of domestic programs.

Next, the Director objects that the new taxes we propose would "take $52 billion out of the economy over the next three years." The $59 billion by which the President's budget exceeds the G-R-H deficits targets over those same years also comes out of the private economy, in the form of federal borrowing. The difference is we reduce the burden of debt; interest payments in the President's budget are $7 billion higher.

The Director complains we "cut defense budget authority by $97 billion over the years." That is not so; we increase less than the President wanted by that amount. We would provide $8 billion more defense BA than was appropriated last year, protecting the real value of the investment base which has doubled over the last five years.

Finally, the Director objects to our only terminating three domestic programs. He does not mention the fact that these three programs account for over $5.0 billion in savings, and even if we terminated the 10 additional programs assumed in last year's budget resolution a grand sum of $1.3 billion additional savings would be achieved.

The votes from both parties in both Houses of Congress have made it clear that the American people do not want all the 44 programs in the President's budget terminated. Building a budget based on terminations that will not occur does not offer a realistic contribution to deficit reduction. Domestic spending will be substantially restrained under our Committee's Budget Resolution, declining from 13.1 percent of GNP in the current year to 11.7 percent of GNP by 1989.

The Director mis-characterizes the issue as raising taxes versus cutting spending. Our Budget Resolution has total outlays that are $4 billion less than the President's budget in fiscal year 1987 and $12 billion less over 3 years. Our higher tax revenues go not for higher spending but to reduce the deficit.

Our greater reduction in total spending commitment and deficit reduction constitutes the ultimate tax break for the American people. As Milton Friedman has pointed out, the true level of taxation is the level of spending; your only choice is whether to pay now in taxes or later in inflation, "the hidden tax." There is still no free lunch to buy increased defense and domestic spending without increased taxes. We believe that we have provided a balanced approach to reduce the deficit and we believe the facts bear us out.

Sincerely,

PETE DOMENICI,
LAWTON CHILES.

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

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

The Senator from New Mexico is recognized.

AMENDMENT NO. 1797

(Purpose: To provide for the termination or substantial reduction of 43 domestic programs)

Mr. DOMENICI. Mr. President, I send to the desk in behalf of myself and Senator CHILES an amendment to the pending matter and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. CHILES, proposes an amendment numbered 1797.

Mr. DOMENICI. 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 2, decrease the amount on line 3 by $4,063,000,000.

On page 2, decrease the amount on line 4 by $6,042,000,000.

On page 2, decrease the amount on line 5 by $8,408,000,000.

On page 2, decrease the amount on line 8 by $4,063,000,000.

On page 2, decrease the amount on line 9 by $6,242,000,000.

On page 2, decrease the amount on line 10 by $8,408,000,000.

On page 2, decrease the amount on line 19 by $4,455,000,000.

On page 2, decrease the amount on line 20 by $8,299,000,000.

On page 2, decrease the amount on line 21 by $10,904,000,000.

On page 2, decrease the amount on line 24 by $4,063,000,000.

On page 2, decrease the amount on line 25 by $6,242,000,000.

On page 3, decrease the amount on line 1 by $8,408,000,000.

On page 5, decrease the amount on line 5 by $4,063,000,000.

On page 5, decrease the amount on line 6 by $6,242,000,000.

On page 5, decrease the amount on line 7 by $8,408,000,000.

On page 5, decrease the amount on line 10 by $4,455,000,000.

On page 5, decrease the amount on line 11 by $8,299,000,000.

On page 5, decrease the amount on line 12 by $10,904,000,000.

On page 5, decrease the amount on line 15 by $4,063,000,000.

On page 5, decrease the amount on line 16 by $6,242,000,000.

On page 5, decrease the amount on line 17 by $8,408,000,000.

On page 7, increase the amount on line 12 by $729,000,000.

On page 7, increase the amount on line 13 by $140,000,000.

On page 7, increase the amount on line 21 by $586,000,000.

On page 7, increase the amount on line 22 by $223,000,000.

On page 8, increase the amount on line 6 by $121,000,000.

On page 8, increase the amount on line 7 by $268,000,000.

On page 8, decrease the amount on line 16 by $80,000,000.

On page 8, decrease the amount on line 17 by $80,000,000.

On page 8, decrease the amount on line 24 by $80,000,000.

On page 8, decrease the amount on line 25 by $80,000,000.

On page 9, decrease the amount on line 7 by $80,000,000.

On page 9, decrease the amount on line 8 by $80,000,000.

On page 9, decrease the amount on line 16 by $369,000,000.

On page 9, decrease the amount on line 17 by $300,000,000.

On page 9, decrease the amount on line 25 by $653,000,000.

On page 10, decrease the amount on line 1 by $635,000,000.

On page 10, decrease the amount on line 9 by $1,002,000,000.

On page 10, decrease the amount on line 10 by $1,004,000,000.

On page 10, decrease the amount on line 19 by $847,000,000.

On page 10, decrease the amount on line 20 by $140,000,000.

On page 11, decrease the amount on line 4 by $1,447,000,000.

On page 11, decrease the amount on line 5 by $246,000,000.

On page 11, decrease the amount on line 13 by $2,047,000,000.

On page 11, decrease the amount on line 14 by $603,000,000.

On page 11, decrease the amount on line 23 by $368,000,000.

On page 11, decrease the amount on line 24 by $321,000,000.

On page 12, decrease the amount on line 8 by $510,000,000.

On page 12, decrease the amount on line 9 by $540,000,000.

On page 12, decrease the amount on line 17 by $605,000,000.

On page 12, decrease the amount on line 18 by $666,000,000.

On page 13, increase the amount on line 2 by $347,000,000.

On page 13, decrease the amount on line 3 by $1,851,000,000.

On page 13, decrease the amount on line 11 by $2,465,000,000.

On page 13, decrease the amount on line 12 by $2,645,000,000.

On page 13, decrease the amount on line 20 by $3,056,000,000.

On page 13, decrease the amount on line 21 by $3,214,000,000.

On page 14, decrease the amount on line 5 by $915,000,000.

On page 14, decrease the amount on line 6 by $708,000,000.

On page 14, decrease the amount on line 14 by $977,000,000.

On page 14, decrease the amount on line 15 by $758,000,000.

On page 14, decrease the amount on line 23 by $1,077,000,000.

On page 14, decrease the amount on line 24 by $930,000,000.

On page 15, decrease the amount on line 9 by $961,000,000.

On page 15, increase the amount on line 10 by $85,000,000.

On page 15, decrease the amount on line 18 by $725,000,000.

On page 15, decrease the amount on line 19 by $174,000,000.

On page 16, decrease the amount on line 2 by $1,075,000,000.

On page 16, decrease the amount on line 3 by $633,000,000.

On page 16, decrease the amount on line 13 by $815,000,000.

On page 16, decrease the amount on line 14 by $396,000,000.

On page 16, decrease the amount on line 22 by $819,000,000.

On page 16, decrease the amount on line 23 by $856,000,000.

On page 17, decrease the amount on line 6 by $819,000,000.

On page 17, decrease the amount on line 7 by $932,000,000.

On page 17, decrease the amount on line 16 by $117,000,000.

On page 17, decrease the amount on line 17 by $180,000,000.

On page 17, decrease the amount on line 24 by $117,000,000.

On page 17, decrease the amount on line 25 by $136,000,000.

On page 18, decrease the amount on line 7 by $117,000,000.

On page 18, decrease the amount on line 8 by $137,000,000.

On page 19, decrease the amount on line 18 by $789,000,000.

On page 19, decrease the amount on line 19 by $103,000,000.

On page 20, decrease the amount on line 3 by $819,000,000.

On page 20, decrease the amount on line 4 by $119,000,000.

On page 20, decrease the amount on line 13 by $839,000,000.

On page 20, decrease the amount on line 14 by $167,000,000.

On page 23, decrease the amount on line 2 by $413,000,000.

On page 23, decrease the amount on line 3 by $352,000,000.

On page 23, decrease the amount on line 10 by $411,000,000.

On page 23, decrease the amount on line 11 by $414,000,000.

On page 23, decrease the amount on line 18 by $409,000,000.

On page 23, decrease the amount on line 19 by $411,000,000.

On page 24, decrease the amount on line 2 by $20,000,000.

On page 24, decrease the amount on line 3 by $20,000,000.

On page 26, increase the amount on line 3 by $163,000,000.

On page 26, increase the amount on line 4 by $163,000,000.

On page 26, increase the amount on line 12 by $138,000,000.

On page 26, increase the amount on line 13 by $138,000,000.

On page 26, increase the amount on line 21 by $101,000,000.

On page 26, increase the amount on line 22 by $101,000,000.

On page 29, increase the amount on line 24 by $252,000,000.

On page 29, increase the amount on line 25 by $252,000,000.

On page 29, increase the first amount on line 26 by $275,000,000.

On page 29, increase the second amount on line 26 by $275,000,000.

On page 30, increase the amount on line 1 by $280,000,000.

On page 30, increase the amount on line 2 by $280,000,000.

On page 33, decrease the amount on line 13 by $4,343,000,000.

On page 33, decrease the first amount on line 14 by $6,730,000,000.

On page 33, decrease the second amount on line 14 by $8,995,000,000.

On page 35, increase the amount on line 11 by $159,000,000.

On page 35, increase the amount on line 12 by $46,000,000.

On page 35, decrease the first amount on line 13 by $501,000,000.

On page 35, decrease the second amount on line 13 by $566,000,000.

On page 35, decrease the amount on line 14 by $1,025,000,000.

On page 35, decrease the amount on line 15 by $1,171,000,000.

On page 36, increase the amount on line 20 by $252,000,000.

On page 36, increase the amount on line 21 by $252,000,000.

On page 36, increase the first amount on line 22 by $275,000,000.

On page 36, increase the second amount on line 22 by $275,000,000.

On page 36, increase the amount on line 23 by $280,000,000.

On page 36, increase the amount on line 24 by $280,000,000.

On page 42, increase the amount on line 15 by $159,000,000.

On page 42, increase the amount on line 16 by $46,000,000.

On page 42, decrease the first amount on line 17 by $501,000,000.

On page 42, decrease the second amount on line 17 by $566,000,000.

On page 42, decrease the amount on line 18 by $1,025,000,000.

On page 42, decrease the amount on line 19 by $1,171,000,000.

On page 44, decrease the amount on line 6 by $4,343,000,000.

On page 44, decrease the first amount on line 7 by $6,730,000,000.

On page 44, decrease the second amount on line 7 by $8,995,000,000.

At the end of the resolution, insert the following new section:

SEC. 4. Termination and reduction of programs.

Mr. DOMENICI. Mr. President, it has been very difficult to get any firm proposals to modify significantly the budget reported out by the Budget Committee to this point. Obviously, as I have indicated on two or three previous occasions, there are a number of Senators who do not like this resolution. Clearly, yesterday, the Director of OMB, Mr. Miller, indicated the administration's objection to it. A number of Senators have suggested that they do not like the revenue side, that we have to raise taxes. A number have indicated that defense is not high enough. And, yes, I have heard from many that we ought to cut more on the domestic side. Yet I see no one coming to the floor with budgets to change substantially the pending resolution. More specifically, I have heard from a number of Members that we ought to cut more so we do not have to increase revenues in this first year, the $18.7 billion prescribed by this resolution.

Now, I cannot accommodate by way of a vote those who have found a variety of concerns and objections with this budget. But today with this amendment I seek to accommodate those who say we should cut more on the domestic side, and let me even be more specific. There are a number of Senators who have said we ought to terminate the domestic programs that the President has asked us to terminate, and indeed some have even said let us terminate those and any programs that we voted to terminate last year at 3 a.m. in the morning.

Now, some who speak of that clearly understand the budgetary impact. Yet others are not as certain just how much the budgetary impact of such a suggestion is.

I have tried my best to respond on two levels. One, there is no disposition by a majority of U.S. Senators, Republican or Republican and Democrat, to terminate those programs. Second, we already proposed terminating three of those programs which would save more money in the first year than will be saved by terminating all of the 43 that we are going to now talk about.

That is correct. The three that were terminated by the assumptions in the budget will save $5 billion in outlays, the WIN program, general revenue sharing, and Conrail. Incidentally, I mention Conrail because it is also mentioned by the OMB Director. It was assumed last year and did not occur. It is in the President's budget and it is in the list that the OMB Director alluded to yesterday in his analysis of the budget before us—saying that those programs have not been terminated and should be. So we have included them.

Now, let me start from the bottom end up so that everyone will know the significance of this amendment. It has 43 programs of our national Government, some very, very small indeed, some medium size, and very few that are major programs in terms of dollar expenditures. But this amendment does contain 43 programs in number running from function 150, which is foreign assistance, all the way through this budget. And let me make sure that everyone knows what this amendment will accomplish if it is voted for by a majority of the United States Senate a couple hours from now.

In outlays, in the first year, if all of these programs in this amendment are terminated, $4.063 billion will be cut off the Federal deficit. I repeat, $4.063 billion. This amendment says if you want to do that, take $4.063 billion off the revenue increase so it is consistent with Gramm-Rudman-Hollings in terms of its budget neutrality.

For those who support the notion that 43 programs should be eliminated in this budget, they can reduce the taxes proposed in this resolution by $4.063 billion.

I remind Senators that clearly this has a differing effect over the 3 years, and I want to put all of that on the table. Over the 3 years, if you did all of this, you would save less than $20 billion.

Now, let me just read off some of the programs so everyone will know just what we are doing here. Let me start first with the Export-Import Bank direct loan program, function 150: $729 million in budget authority, $138 million in outlays.

But these are not savings. They are increases. The numbers that I just gave are right, $729 million in budget authority and $138 million in outlays. If you terminate that program the way the President proposed to do in February, you do not save any money. So the numbers are right, but that is what it costs you to terminate the Export-Import direct loan program. It costs you $729 million in budget authority and $138 million in outlays in fiscal year 1987. If it really is the desire of the Congress to terminate that $1.1 billion program, the Eximbank direct loan program, and replace it with a more expensive $1.8 billion loan program, those are the costs. I am not arguing that because it costs $624 million in the first 3 years you should not do it. It just happens that in this example those are the numbers according to the Congressional Budget Office.

Now let me move on. There is another item, the OPIC Insurance Program. Termination is recommended. If we do what the President requested for the Overseas Private Investment Corporation, that will cost $2 million—not $200 million, $2 million. And now we move over to function 250. There we have another termination, Advanced Communications Technology Satellite, $80 million, if you terminate it. Rural Electrification Administration subsidies, we save $284 million in fiscal year 1987 outlays, if you terminate it. Here is another program. Weatherization assistance saves $16 million in fiscal year 1987 outlays. Now, it is true I am not giving the 3 years numbers. I am not trying in any way to be deceptive. Over the 3 years, terminating weatherization would save $170 billion over 3 years. I am merely listing fiscal year 1987 outlay, saving to illustrate those programs which makeup the $4,063,000,000 outlays savings.

Let's look at another—the EPA sewage treatment grants. That is an interesting one. We would save $4 million in outlays in fiscal year 1987. Now, those savings grow overtime because the program takes a while to liquidate. But for those who think eliminating this program is the way to fix the 1987 budget, I am giving you the relevant amounts, $4 million in total fiscal year 1987 savings.

Here is another one, the Soil Conservation Program, with savings of $100 million in outlays. I hope Senators who favor termination understand the total savings involved in terminating the Soil Conservation Service, is about $100 million in outlays.

Landsat is another of the 43 terminations. Obviously, the President did not propose this for budget purposes because the budget savings are zero.

There is a program for coastal zone management and grants regarding the surrounding areas. Eliminating saves $36 million next year.

Then we have the Extension Service. That is 4-H, for those who are wondering. I think we have visited with the 4-H'ers. They have been here to visit us. I am sure all Senators greeted them cordially and listened to various activities that the 4-H sponsors. They have the nice green jackets with shamrocks. I even took one of those jackets to the President, from the 4-H'ers. The President proposed to nearly eliminate this program. That will save $188 million in fiscal year 1988.

Then we have Temporary Emergency Food Assistance Program. This

Senate is familiar with this program. We all know that we have not come to grips in our country with the strange phenomenon of the homeless. We understand the problem is very complicated. And I say that with the deepest concern. I do not have an answer, so I am not in any way suggesting that there is an easy way to deal with this problem. But we have provided some temporary food and shelter through existing programs. One of these programs, TEFAP, is proposed to be terminated, and that will save a total of $33 million in outlays in fiscal year 1987.

The interesting thing about all these numbers I have spoken of up to this point is that almost always we speak of billions in this body. I have not had one yet that I have mentioned that even totals a half billion. Oh, yes, the budget authority for export-import was $729 million; but, interestingly, that was not a saving but an added cost for getting rid of it.

Let's go on. Federal crop insurance that has been around, with everybody talking about trying to get rid of it. That saves $140 million in outlays next year.

I will go through more of these, because I think it is useful to get out into full view just what we are talking about.

Trade adjustment assistance to firms: That is also a program that we are always told we should get rid of. I voted for that termination a number of times; but we should know that it saves only $8 million.

U.S. Travel and Tourism Administration: I think that has been in several budgets. It would save $6 million.

The next one is a significant proposal: Postal subsidies. That would save $676 million. That is an interesting one because we cannot just charge our appropriations with doing that, without also requiring these preferred-rate mailers to pay more. Those institutions, predominantly charitable—the Salvation Army, Red Cross, and the like—get a postal subsidy in order to solicit and do their charitable work. Unless we modify the law, the Postal Service has no alternative but to charge these mailers more.

We have tried in the past to reform this subsidy and have made some headway. My recollection is that Congress has cut 40 percent from its previous level of expenditures. The fiscal year 1987 number for postal subsidies termination is the largest one so far on this list. So now we have $676 million, which begins to contribute to the $4 billion total for 44 program terminations.

Rural housing loans is another interesting one. If it is terminated as described, it will save $1 billion. This is the second year in a row that rural housing loans have been recommended for termination. In this current year, Farmers Home Administration is authorized to make $2 billion in loans, which will finance housing for about 50,000 rural families.

The proposals before us would give HUD the sole responsibility for new rural housing assistance and yet would cut the HUD program nearly in half.

Earlier this year 26 Senators wrote to me, as chairman of the Budget Committee about this program. It was a bipartisan group, headed by the distinguished chairman of the Subcommittee on Appropriations that handles this area, Senator COCHRAN. The 26 Senators said: "We cut rural housing last year 40 percent, and that is it." They ought to know that that is not it, as for as the administration's budget is concerned. On this list, there is a total elimination and substitution of this program.

The Small Business Administration—the President's budget would save another $105 million in its business loan programs.

Now I will list some others without editorializing. I think Senators know how many times we voted on these. I will only state the program and the number, because I think some may be shocked at how little will be saved. Let us just go through them quickly.

Section 202 housing: $53 million; Amtrak, $562 million; Interstate Commerce Commission, $35 million; Washington Metro construction grants, $11 million; Maritime cargo preference, $100 million; Economic Development Administration, $5 million; Appalachia Regional Commission, $8 million.

UDAG: That is an interesting one. I said I would not speak about them, but we hear from a lot of people that we should get rid of that program. I voted to get rid of it a couple of times, but I think everyone should know that is only $20 million in total fiscal year 1987 savings.

Let's go on. Rental housing development, HODAG, $39 million; the housing program commonly known as 312 rehab loan fund, $29 million; eliminating the 108 loan program that will not save anything; Rural Development Program, $49 million; SBA disaster loan, $200 million; community services block grant, $214 million; impact aid part B, $86 million; library programs, $30 million; a number of very small higher education programs, $17 million; student incentive grants, $36 million; college housing loans, $13 million; Public Health Service professionals, $180 million; FEMA, supplemental food and shelter, $90 million; section 8 moderate rehabilitation, zero in outlays, $670 million in budget authority; rural housing grants, $13 million; Legal Services Corporation, $255 million; Justice grants, $97 million; and public debt reimbursement to the FRB, $20 million. The offset in subfunction 908 adds $163 million—but this is a technical matter.

Now, if I have read the list right, that amounts to the grand total of $4.063 billion in outlays.

This amendment is very simple. It says we will not have any of those programs anymore and we will save that amount on the budget, and then we will take a similar amount off the revenue increase prescribed and included in the pending budget for the Senate.

I obviously do not support this amendment. I hope that some of those who have said they would like to terminate programs and further cut domestic programs might come to the floor in the next 40 or 50 minutes and make the case. I am not going to deny that I could make the case as an individual Senator for a number of them. I do not believe under any circumstances I could make the case for all of them, nor would I vote for all of them. Those who think it is the domestic discretionary component of this budget that has run wild, I urge that they come down and support this very complete, and I believe, accurate amendment to the budget that is pending.

I would say there are a number of Senators who are truly seeking some compromises. There are a number who want more in defense. There are many who are genuinely concerned about ways to save money. This is in no way an indication of the Senator from New Mexico that I am not willing to sit down and work with them and look at it.

But, frankly, there are some who clearly say if they do not have it their way, whatever that way is, they want to defeat the budget resolution that is pending. There may even be some who are out mustering up the lobbying strength of the country to make sure the Domenici-Chiles Budget Committee resolution does not pass.

There are those who are saying that we ought to eliminate the programs that we tried to eliminate last year and that the President asked this year.

So I hope they support this amendment. Some Members have even been told the deficit is not that bad; the economy is improving so fast that the deficit might just disappear on its own accord. They are saying that we could make some new assumptions and scrub some new numbers and scrub some new economics and everything will work out in 2 or 3 months. For my part, I do not agree.

I want to wrap up my first half-hour this morning by saying first that I have entered into the record already what I believe to be a fair response to the Budget Director's letter. I think it fairly assesses the budget pending before the Senate. I think it also fairly characterizes the President's budget proposal.

Second, for those who would like to avoid the pressure of the Gramm-Rudman-Hollings trigger August 15, or

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thereabouts, either by wishing the deficit away or by hoping that the Supreme Court finds the GAO involvement unconstitutional, I hope they will read the RECORD. I think they can read a very enlightened Third Circuit Court opinion exactly opposite from the Scalia three-member court that ruled it unconstitutional. And perhaps there are some who, looking at that, would say it really is not worth gambling that we will not have to meet the commitment we made to the American people at the end of last year. In fact, there is a better than 50-50 chance that the GAO will be found constitutional next June or July, and we will have another sequester.

With those two premises we now have an amendment before us that will indeed reduce the taxes by $4 billion and will reduce what for the most part is discretionary spending by this amendment.

I yield the floor.

Mr. CHILES. Mr. President, I want to briefly comment on the "Dear Colleague" letter Chairman DOMENICI and I sent out today in response to Director Miller's letter of yesterday outlining the administration objections to the resolution reported by the Senate Budget Committee.

The President's budget exceeds this year's deficit target by $16 billion. It would produce a sequester cutting domestic outlays $8 billion on top of the $28 billion already cut by the President. It would reduce defense outlays, sequestering VA by $20 billion. So that certainly differs from the contention made by the Director.

The Director objects to the new deficit-reduction revenues proposed to be taken out of the economy totaling $52 billion over the next 3 years. Yet, the President's $59 billion excess over the Gramm-Rudman-Hollings target also has to come out of the economy. But, in that instance, it comes out by borrowing. That, of course, will add to the pressure on the national debt. That burden of debt in the President's budget is some $7 billion higher than the payments would be under the proposal contained in the budget reduction before us.

The Director has said he is not cooking his figures; he says he is simply correcting the estimates. I do not know what the difference is between cooking and correcting. But I think some corrections are always made by an OMB Director in every administration I have seen over the years. It seems to me that Mr. Miller likes to correct just as much as any of them do.

I trust we will compare those figures to the Congressional Budget Office figures. At least they do not have an ax to grind or a cooked cake to eat as some of the Directors do.

Now, Mr. President, I wish to speak just for a few moments on the amendment that we have before us.

I think, it can be characterized as a good-will amendment. Although the Senate has had some trouble getting the White House to listen to us, we want to make it clear that the Senate is listening to the White House. The White House has said they want 44 programs terminated, wiped out right now, given the ax. They believe that is the only way to get the deficit down to this year's goal. So that is exactly what this amendment does.

For the purpose of identification, I think we could call it the "Son of Stockman, James E. Miller Memorial Amendment." We certainly offer it in the spirit of goodwill. It is set forth in a spirit of quick response to the Director's letter of yesterday which said if we simply terminated some of these programs we would get the budget much more into balance.

So, we sponsor this good will amendment to cut these 44 programs targeted by the administration. It is like the Colt 44. It was a great harbinger of law and order in the early days. This 44 would be the harbinger of returned good times—so the administration says—and so we sponsor it in that spirit.

The $4 billion it will reduce this year in taxes, as the chairman has pointed out, is somewhat less than the $5.4 billion we are proposing to be reduced by simply cutting three programs. And yet, it is a figure no one can say lacks significance. It will not keep us from having a sequester. We would still have that. It does not keep us from returning next year and the next year and the next looking for additional programs to cut. We would certainly have to do that. But it does give those Members who have been saying the budget resolution has too much in the way of taxes; too little in the way of spending cuts, and no room for increases in defense—it certainly gives them the ability to put their votes where their comments have been.

It does not mean we will not be back here next year if we do not have some revenues in. I think we will. It does not mean that we will not be looking for other things to terminate. But let us see what is on this year's card.

We have looked at some programs like the Eximbank. The chairman has discussed rural electrification, and EPA sewer treatment grants. Those are certainly programs with constituencies. They are not programs the Senator from Florida feels are meaningless—and, of course, I intend to vote against the amendment. But in programs like soil conservation, I guess the administration believes their time has come and they should be done away with.

The distinguished Senator from Mississippi is standing. He does such a good job as the chairman of the Agriculture Subcommittee of Appropriations. He is always under pressure to determine where we get the dollars for those programs. I am not sure he would want those dollars to come from soil conservation or REA. But we do not to find out what the body wants us to do in this regard. And I think the amendment would give us that choice.

Mr. COCHRAN. Will the Senator yield?

Mr. CHILES. I am happy to yield to the Senator.

Mr. COCHRAN. Mr. President, I was reading a legislative notice that is on our desks on this side of the aisle describing amendments that will be offered or may be offered to the resolution. One is Chiles-Hart amendment to increase funding for science and technology resource development and education and training.

The increases in these areas are $4 and $3 billion. I wonder whether or not it is consistent to offer an amendment, such as the one at the desk, which would target for elimination 44 programs, as the Senator says, and at the same time be sponsoring another amendment to add funds for these same programs. I wonder whether or not the Senate should be on notice that this is an amendment at the desk that is not expected to pass and the Senator is not going to even vote for it. Should we really waste the time of the Senate to discuss the merits of it if it really has no merits, even in the view of the proponent of the amendment?

Mr. CHILES. Well, I would just say to my good friend from Mississippi, I exercise my prerogative as a Senator to not be troubled too much by consistency. I think the Senator from Mississippi perhaps exercises that sometimes as well.

But I also say to him we feel we should allow the Senate to have some choices. We have been told that the administration feels this is a simple way to solve the deficit dilemma we are in. One of those ways is get rid of a number of these agencies. The Senate ought to pass judgment on that.

We are also told there are not the votes around here for any plan. If there are not, maybe we need to find out: Is it a plan like this that will give us the votes? If it is, maybe we will end up saving some time.

The Senator from Florida happens to think, in agricultural terms, seed corn is very important. That is one reason I sponsored the amendment with Senator HART. I think some of the programs like research and development, trade assistance, and some of the job training and education, are seed corn. Planning ahead is something we have always considered important. Even in an austere budget time, we better be thinking about our

next crop and whether we can lay it in.

But I think the Senator from Mississippi is one of those who has signed a letter saying he thinks there is too much revenue in this resolution. There are not enough domestic cuts in this resolution and too little for defense. If that is the way the Senate feels, we need to find out.

Maybe we have been too arbitrary in our budget. Maybe we have shut some people off. So this is an opportunity for some Members of the Senate who have made those statements—and I do not know what the Senator's particular concern is on all of these programs or whether he is ready to get rid of all of them—to have their say. It is time to find out. Is there a majority here that wants to get rid of 44 programs? If so, we will pick up $4 billion off the taxes. We can take it off this resolution. If there is not, we will know that also, and we will be able to go on to something else. We have other amendments, as the Senator knows, on that list that add money. We will have to determine whether those are amendments we can afford or not.

Mr. COCHRAN. Will the Senator yield further?

Mr. CHILES. I am happy to yield.

Mr. COCHRAN. Mr. President, I am one of those who worries about our bargaining position with the House of Representatives. I might say to the Senator that that is one reason why I did join with Senator QUAYLE and others in signing a letter to the majority leader expressing concern about this budget resolution.

If we were coming out at the conclusion of the process with an end product like the one that is on the floor now, the resolution as reported by the Senate committee, I do not think Senators would fuss too much about it. I think we would see a consensus develop around a budget of that kind. That is my personal opinion.

But beginning the process with this resolution, knowing that the House is going to probably add money on the domestic spending side—and I do not know what it will do to the revenue side—I just do not think it puts us in a good bargaining position.

I do not quarrel with the quality of the work of the Budget Committee. But I wonder whether or not we are going to really serve any useful purpose with an amendment of the kind that is before us now for a vote.

I do not know how I am going to vote on it. I have not really looked at all the programs the Senator has identified. Maybe it is a good test vote to let us see where the Senators are on the thing.

But let me ask the Senator this: Is the Senator not worried that the House is really not participating in this process? It seems to me that they have just decided to abrogate, really, the responsibilities that I thought they were to share with the Senate—to work out a congressional budget resolution. They are just sitting on their hands doing nothing, saying nothing, hearing nothing, and seeing nothing. I worry about that.

I wonder if the Senator shares my concern about that and what the outlook is if we go through this exercise and vote on all of the amendments, and vote on the resolution. Are they going to continue to sit there and do nothing?

Mr. CHILES. Let me say to my good friend from Mississippi first, I appreciate the remarks that he thinks the budget we crafted is not a bad budget if it is the final product. I tend to believe that way myself, even though it is not everything I want. It is not the one the Senator from New Mexico, the chairman, would put in. But it represents a meeting of the minds of the majority of Republicans and Democrats on our committee.

The Senator is pondering whether our bargaining position is correct. That is a very legitimate question. The Senator may be right on that. I would tell him that there have been times before when the Senator from New Mexico and the Senator from Florida have agreed, and there has been a meeting of the minds. We have stood on our bargaining position with, for example, the defense number going to budget conference with the House, and we have locked it.

We have said we have already gone through the process of high-low and put it together here. We are not going to move off that.

That is the way I view this budget. It is not one I think is the starting position. But as the Senator from Mississippi knows, there is another bargain that must take place. That is with the White House. It is a bargain that skews things in another way. He has asked whether the House has shirked the process or whether there is a dereliction of duty.

There is an old saying that you never know until you put on the other Indian's moccasins. Then you know exactly what he is thinking about. But I can say to my friend from Mississippi, the House is very leery if any plan has revenue in it.

The President has said, "Make my day. I am going to unlimber the veto." The House feels they have been hammered with that before. They take the position that there is no way you can get down to 144 without there being some revenue. They are not going to be the initiator. But they have said, again in a meeting we had recently, if the Senate initiated revenues with the preponderence of votes of the Republican-controlled Senate, if there was some bipartisan spirit over here, they would back off the Speaker's earlier position that the President had to ask for revenues or they would not go with it. Now the House has stepped back from that.

I am glad. I think it is the responsibility of the Congress. If the Senator is asking if I am worried about their position, yes, I am worried. I am worried that I do not think the administration is as involved as it should be. I heard the Senator's statement earlier today that they proposed their budget. They have. This is part of the thing that is in their budget. We are responding to it. Still I am worried about their involvement. I am worried there are not enough people in here who are concerned. So yes, I worry about all of those things. But I am still an optimist.

Mr. DOMENICI. Will the Senator yield?

Mr. CHILES. Yes.

Mr. DOMENICI. Might I say to my friend from Mississippi first I do want him to know that I did mention the distinguished Senator from Mississippi in my remarks only in one respect. Then I would like to answer some of the concerns he has expressed. But I did say that the Senator had helped us last year to reduce one of the things that he is very concerned about—rural housing. That program would have been reduced 40 percent in last year's budget. The Senator from Mississippi went to the trouble, which I thank him for, of soliciting bipartisan signatures on the letters to me as I marked up saying that the Senator thought we should not terminate the program but we could achieve significant savings. Nonetheless, the administration now proposed to terminate this program.

So I have listed it and talked about what would happen to the program if it is terminated as prescribed.

I did that because on almost all of these programs there is someone who has a very good feeling for why it should not be terminated, and why it still is needed.

But, I say to the Senator, in terms of why I offered this amendment, I do not think it necessary to offer it to make the point that the Senator from Mississippi already knows. The Senator worked on these matters as an appropriator. I do not believe the Senator from Mississippi assumes that three programs including the elimination of rural housing is going to amount to a huge amount of dollars in our trillion-dollar budget.

I think the Senator knows that EDA annually does not cost very much money. But, Senator, I am having a very difficult time making the point when people say to me as chairman, "You have eliminated only three programs, and, those programs amount to $5 billion in outlays out of a total of $9 billion that would be the result of terminatory 43 in total.

I am having a very difficult time in making people understand that all of these equal programs only $4 billion the first year in total savings in a deficit reduction package that is many times that in size. And if we want to increase defense, we have to even add some more to the reduction side.

I offer this amendment so that we will now once and for all, for all concerned, see what they are, how much we save, and for those who continue to say this is the way to solve the fiscal dilemma of this Nation they can see what it does but equally what it does not do.

I acknowledge that there are many who think this kind of program elimination in addition to the budgetary and fiscal impact has some other kind of overtones to it.

I respect that. There are some who claim it is philosophical, and that many of these are not the Government's role. The Senator from Mississippi knows me well enough. I voted to eliminate a lot of these programs. I do not even vote to eliminate some of them on color of philosophical notion. I vote to eliminate some of them because I do not think they do enough in comparison to the damage that the deficit is doing.

I adopt a philosophy which asks if we can afford these programs in today's environment as compared to 20 years ago when Congress enacted the—like EDA, and others.

I go to this great length because I have great respect for the Senator from Mississippi and for what he thinks about this amendment in terms of what I have just described. He is the chairman of the subcommittee, and has a very responsible role.

It just seems to me that in the next 1½ hours or so I have that Members will come to the floor as the Senator from Mississippi did, to discuss their views. Do Members really all understand that we terminate these programs and we get $4 billion in savings? Or maybe some will say, we do not support this amendment, but we would like to negotiate a little. But we do have to realize that this is not the way and increase defense and achieve all of our other objectives.

So I think it illustrates a point to my friend, the distinguished Senator from Mississippi, that I have been unable to make to many of my friends in the Senate. We must look beyond this kind of approach if we are to increase defense, hold down revenues and meet our budget goals. I hope nobody assumes it is improper for me to call this to their attention in this way. But I have been searching for a way to get some action and movement on some proposals.

I do not want the record to have any doubt about it, I am not going to vote for this. As I indicated, I voted for maybe 50 percent of them once or twice. So did my good friend from Mississippi, who incidentally, asked the questions on the proper interpretation of a vote for this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. The Senator from Mississippi has said that he believes this would enhance our bargaining position with the House. If this amendment carried, I would say to my friend from Mississippi, we would have an enhanced bargaining position. I do not think there is any doubt about that. I think when you include things like the Export-Import Bank, Rural Electrification Administration subsidies, the EPA sewer treatment grants, soil conservation programs, the Ag extension service, the Federal Crop Insurance Program, postal subsidies, rural housing, the SBA Budget Authority, section 202 housing for the elderly and handicapped, with Amtrak, all of those programs certainly have a constituency on the House side. If we look at UDAG, EDA, the Rural Development Programs, SBA disaster loans, community service block grants, the Library Program, FEMA Supplemental Food and Housing Program, all of those trigger some determined constituencies over there.

I guess, as the chairman has said, these are some decisions that have to be made. If our budget proposal is not good enough, at some stage we need to find out what we can do.

I think the chairman and I feel that maybe if everybody had to go through this process and spend as much time on it as we have, they would end up somewhere near where we are. That is exactly what happened to us. It was not my personal choice to come out with the proposition we have. I do not want to have to vote for any new taxes myself. I would like to have a higher number for defense. I would like to not even cut some of the programs and not have to resist some of the amendments we will have to resist. But, to get the deficit down to $144 billion, to fashion something we thought would have some chance of passing, is how we arrived at this number.

The process we are in now is to find out where there are 51 votes in this body for a budget. That is what we are up against.

So, Mr. President, we think this is a proposition that will allow the Senate to express itself. It will have the chance to express itself on these cuts. For that reason, I think it is a "good will" amendment that gives the Senate the opportunity to make that choice.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. On whose time?

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the time be charged equally to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. 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. ARMSTRONG. Mr. President, I have just come to the floor, and I understand that an amendment is now pending, which has been offered by the distinguished chairman and the distinguished ranking minority member of the committee, the effect of which will terminate a number of programs. I have not had a chance to discuss the substance of the amendment——

The PRESIDING OFFICER. If the Senator will withhold, who yields time?

Mr. BOSCHWITZ. How much time does the Senator need?

Mr. ARMSTRONG. An hour. I might not use it all.

The PRESIDING OFFICER. Who yields time?

Mr. ARMSTRONG. Mr. President, I move that the resolution be recommitted to the committee. I do so simply to gain the opportunity to speak on this matter. It is my understanding that by doing so I gain the opportunity to speak for 1 hour. It is my intention, in fact, to speak for about 2 minutes; and at the proper time I will move to vacate my own motion.

Mr. President, I understand that the business pending before the Senate is the Domenici-Chiles motion, the effect of which is to terminate a number of programs. I have not had the opportunity to discuss this with the two managers, but I am led to believe, by staff and others who have consulted them, that they do not offer this with the serious intent that it be adopted, but merely to embarrass a number of Senators and put them on record—a sort of tongue-in-cheek kind of amendment.

It has been the opinion of some Senators that it is impossible to make any cost savings, that it is impossible to come to grips with these program terminations. The President has sent us, I guess, all these 43 proposed changes, and what the managers are evidently seeking to accomplish here is to just prove how preposterous and ludicrous it is to think that these suggestions by the President could actually be acted upon by the Senate; and I suppose the expectation is that it is going to get a very small vote.

I came here today to say that while I would be perfectly comfortable to vote for these, separately or individually, and I may do so, I hope that most Senators, especially those who are running for office this year, will see through this, that it is an intention to embarrass them, without an intent to enact these changes.

I would be proud to come to the floor and try to make some savings. But this kind of tactic I find quite disagreeable. So I think that, under the circumstances, the Domenici-Chiles proposal deserves to be defeated; and in due course I think the budget resolution in its present form should be defeated.

It appears to me that this is a proposition which is better handled by defeating the budget resolution and then having the committee go back to work.

So, Mr. President, I just wanted to set the record straight. If, at some time, Senators want to come forward with a serious proposal to do something, I will be the first to support it. In fact, if this particular measure is put to a rollcall vote—and I hope it is not—I probably will vote for it.

In fact, I intend to because I think, while I have not looked at the list of 43, I am probably in favor of every one of those terminations, and if truth be known, I could come up and be comfortable with a list of 43 more that are not on there.

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

Mr. ARMSTRONG. I better not, I say to the Senator, because he is such a skillful person in moments like this that I am not sure I want to entrust my fate to his tender mercies now. May I ask of the Senator before I decide to yield, does he seek me to yield for friendly purposes or otherwise?

Mr. JOHNSTON. A gentle and friendly question.

Mr. ARMSTRONG. In that case, I am pleased to yield to my friend from Louisiana.

Mr. JOHNSTON. Mr. President, first I agree with my distinguished friend from Colorado, that this amendment is somewhere between a "make a point amendment" and a "tongue in cheek."

Just how would the Senator characterize OMB Director Jim Miller's letter to Robert Dole of April 21 in which he said, "The answer to the Gramm-Rudman-Hollings challenge is not to increase taxes or lessen our defense capability; it is to cut inefficiency and ineffective domestic programs?"

Does the Senator not also put that letter in the same category as this amendment, that is defying the laws of arithmetic, as Dave Stockman is wont to say?

Mr. ARMSTRONG. Mr. President, I do know much, but I learned a long time ago not to hang around here defending OMB. If there is one thing that is absolutely guaranteed to lead to disaster it is trying to defend the OMB. I have not even had a chance to read David Stockman's book yet, though in due course I intend to do so.

I say to the Senator, I have not read the letter. I do not want to dispute his characterization of it.

The practical fact is this, let me say to my good friend from Louisiana, and I do not want to overemphasize it, but I do not think we ought to lose sight of it either: This budget resolution we have before us does not cut anything, only really a handful of small reductions, a handful of places; we restrained slightly the growth of Federal spending. We are in the sixth year of an administration, the most conservative President in our lifetime or probably should ever see. The Senate is under the control of a bipartisan conservative majority, generally conservative Members in both parties. In fact, there are darn few Members of the Senate in either party who would willingly be identified in public as big spending liberals. And yet the fact of the matter is we have runaway Federal spending—rising every year. We have taken no serious sustained effort to make any cuts. The best we have done in a few cases is to slow and only by a little, the rate of increase in these programs.

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

Mr. ARMSTRONG. Yes. But let me list some programs we have not done anything about. UDAG, one of the most costly, outmoded, overblown programs we have ever had, the termination of which is endorsed not only by those of us opposed in the first place, but those who were initial sponsors and backers; Amtrak, which has cost so far $12 or $14 billion, generally agreed I think by most thoughtful people privately that it is going to go out of existence—the only real question is how much longer it is going to be on the Federal dole before it does go out of existence—and I guess 40 or 42 more.

We really have not done anything about those. It just seems to me that we ought to treat it more seriously than to offer an amendment of this kind.

So, that is my only point.

I am pleased to yield.

Before I do, Mr. President, I withdraw the motion which I offered, which, as I explained at the outset, was only for the purpose of gaining recognition.

The PRESIDING OFFICER. The motion is considered withdrawn.

The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, if my friend from Colorado would stay, I often find myself to be in agreement with him and yet I must respectfully disagree.

The effort that is being made here by the chairman of the Budget Committee and the ranking minority member of the Budget Committee is to join in the debate. The effort is not being made to embarrass any Senators.

It is my understanding that Chairman DOMENICI and Senator CHILES have been waiting here very patiently. They have called upon Senator JOHNSTON and me to replace them because they have been here so long and had to attend to other business. They have been waiting very patiently for people to come and suggest alternatives and perhaps my friend——

Mr. ARMSTRONG. Will the Senator yield for a question?

Mr. BOSCHWITZ. I ask my friend from Colorado the same question: Is this a friendly question he is going to ask or is this——

Mr. ARMSTRONG. Mr. President, in response I say it is a question friendly to him but not to the sponsors of the amendment or the amendment itself.

Mr. BOSCHWITZ. I certainly yield to my friend from Colorado.

Mr. ARMSTRONG. Mr. President, the question is, Is it the understanding of the Senator from Minnesota that neither of the sponsors of the amendment intend to vote for it?

Mr. BOSCHWITZ. I have only spoken to the staff about this and let me speak only for my chairman. It is my understanding that he will not, but that he is very desirous of joining the debate and having Senators come down here with amendments, having Senators who are critical of the budget as passed by the committee come down and offer substitutes for it, so that we can proceed.

In the alternative, we sit and watch the clock tick away and arrive at the conclusion by coming to the end.

Mr. ARMSTRONG. Mr. President, if I am told——

Mr. BOSCHWITZ. Pardon me. I believe I have the floor. Does the Senator from Colorado want to ask a question?

Mr. ARMSTRONG. No, Mr. President. I just wanted to draw a final conclusion and then go have lunch.

Mr. BOSCHWITZ. I want to respond to the Senator's statements about whether or not we have been able to slow the budget.

As I look at the outlays for 1985, they were $946 billion; they are estimated, in 1986, to be $979 billion; in 1987, under the budget that we have passed in committee, $994 billion. That is less than a 2-percent increase.

From 1985 to 1986, the increase is approximately 3 percent; from 1986 to 1987 it is 2 percent, less than 2 per-

cent. Once again, it is a little less than 3 percent from 1987 to 1988.

I respectfully tell my friend from Colorado that political realities are such that that is a pretty good result. If we can keep Government spending rising at 2 or 3 percent for a few years, we certainly will conform with Gramm-Rudman, and that since Government revenues have risen in the last 30 years at the rate of about 9.5 percent, if we can keep spending down to 2 or 3 percent, we are going to be OK and we are going to conform to the goals of Gramm-Rudman.

With that I yield to my colleague from Colorado for a comment.

Mr. ARMSTRONG. Mr. President, first with respect to the amendment itself, if it is correct that neither of the two sponsors intend to vote for it, I rest my case on the merits of the amendment.

Second, with respect to whether or not we are doing a good job, I appreciate the reassurance of my friend from Minnesota. I do not share his conclusion. I think we are doing a miserable job. I think it is a disgrace for this body to treat so lightly the economic future of this country and, more than that, I must say that it has now reached a point where I think it is more than just an economic issue. I think it is a fundamental question of the integrity of the lawmaking process to let deficits of this size go on year after year.

Now, it is my observation that most people out in the country who have thought about it think that Congress is populated by a bunch of gutless wonders, and in general I think that perception is correct. There are certainly some honorable exceptions, in fact I guess I would have to say there are many honorable exceptions, but Congress is a body which is uniquely a reversed synergism. Somehow a group of thoughtful, well-informed, well-intentioned men and women come from all over the country and collectively they proceed to do something which they would not any one of them in their individual capacity dream of doing.

I regret it very much. I have not come to the floor to bellyache about that but really only to complain of this pending amendment which I think is not only—well, I just think it is a sham, and I just wanted to say so. I am not one to be lacking in candor.

I do not think it changes anything whether this amendment is up or down or whether or not there is ever a vote on it, and I presume probably there is not any intention to vote on it. But what it emphasizes is that there is not any serious intent on the part of the managers to try to achieve these savings, and I regret that very much.

(Mr. ABDNOR assumed the Chair.)

Mr. BOSCHWITZ. Mr. President, I hope that my friend would come down and offer some alternatives. This is once again an effort by the Budget Committee leadership to draw the attention of the Senate to the fact that the debate is certainly proceeding slowly, that time is elapsing, that we are going to drive it to 50 hours and there will be a vote on final passage and those who wish to amend or otherwise change or substitute for the package should come down here and do so. We certainly would welcome that.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, I am delighted that the amendment has been offered and I am delighted to say I will be voting against it. I do not think that brands me as one not interested in bringing our deficit under control because, as the record clearly shows, this Senator has been on this floor time and time again for the last 3 or 4 years trying to put a freeze into effect to get our spending under control.

So I believe that if we can have a vote up or down on these issues then that will settle once and for all any suggestion that seems to crop up from time to time that we should refer this matter back to the Budget Committee.

I wish to associate myself with the remarks made by my able and distinguished friend from Minnesota. He was one of that courageous band of seven Republicans, joined by five Democrats, to report a budget out to the floor that took an awful lot of hard work and an awful lot of courage and an awful lot of give and take. Certainly not everything in that budget is agreeable to this Senator. But the way you work things out here is to kind of come up with some kind of reasonable consensus by reasonable people who take a reasonable approach and not one that jumps off the cliff.

I simply would recite once again for the record the excellent letter that came from the distinguished chairman of the Budget Committee and the ranking member today that simply says domestic spending will be substantially restricted under the committee's budget resolution, declining from 13.1 percent of GNP in the current year to 11.7 percent of GNP for 1989. That is progress. And those who say that we have not taken action to reduce spending in the Budget Committee simply are not looking at the facts.

I would like to quote the next paragraph from that letter dated April 23 to all the Members of the Senate from the chairman and the ranking minority member of the Budget Committee. The next paragraph says, Mr. President:

> The Director mischaracterizes the issue as raising taxes versus cutting spending. Our budget resolution has total outlays that are $4 billion less than the President's budget in fiscal year 1987 and $12 billion less over a 3-year period. Our high tax revenues go not for higher spending but to reduce the deficit.

And I thought that that was what Gramm-Rudman-Hollings was all about. I would simply say that almost every time I mention Gramm-Rudman-Hollings, I want the record very clear that this Senator did not support that, although it had some parts that I liked. But on balance, Gramm-Rudman-Hollings is the wrong way to go about solving the difficult problems that face us, in the opinion of this Senator from Nebraska.

I simply say, Mr. President, that an awful lot of hard work has gone into the Budget Committee. Unless you serve on the Budget Committee and recognize the trauma that we went through over there, then I simply say that you do not fully understand and appreciate how good a budget we came out with; but, granted, it is a long way from perfect.

Since it is a long way from perfect, and since there are determined attempts by those who say it is easy to do this if you have the courage, I am delighted that we are going to have a chance to vote on this for a clear expression of the Members of the U.S. Senate.

Mr. President, I yield the floor.

Mr. BOSCHWITZ. Mr. President, I would point out to my friend from Nebraska that while I do not want to give too much credit to my colleagues on the other side, the Democrats, it was not five Democrats but six who voted for the budget resolution.

Mr. EXON. I am delighted to stand corrected.

Mr. BOSCHWITZ. And seven Republicans among that group behind my name.

I do disagree with my friend from Nebraska about Gramm-Rudman. I suggest to him that if we did not have the drive and the constraints that were imposed upon us by Gramm-Rudman that we would be back to the business as usual and you would see spending climbing even at the normal rate. And I pointed out before the Senator came here, spending in the next 2 or 3 years is going to climb at somewhere between 2 and 3 percent each year. That is a fairly good restraint.

If you in your home or I in my home or we in our businesses—and both of us are among the few businessmen who are here in the Senate—if we could keep the overhead, the expenses, rising at 2 or 3 percent a year, we would be in pretty good shape in our businesses. And that is what Gramm-Rudman is forcing us to do. Because, in the event we do not do it, then, that scythe will just come and mow down a whole bunch of programs rather indiscriminately. And as long as the club exists, I think the Senate will act. And in the event it is not there and you rely upon the goodwill of the Senators

from Nebraska and Minnesota and all the others who occupy this body, I am afraid we would not get it done.

So I think that Gramm-Rudman-Hollings was among really the premiere prices of legislation that I have had an opportunity to participate in since I arrived here, arriving on the same day that my friend and colleague from Nebraska did.

Mr. EXON. Mr. President, I appreciate the fine remarks made by my good colleagues from Minnesota. I still do not agree with him on Gramm-Rudman, but, as I said, it has helped somewhat in bringing the attention, perhaps, of the Senate to problem at hand.

The question is: What happens if all of our best efforts fail? We are already in violation of Gramm-Rudman, as the Senator from Minnesota knows full well, because Gramm-Rudman mandated that we have the budget reported out on April 15, 1986, not April 15, 1987.

So I am not certain that Gramm-Rudman is everything that it is hailed to be, but I do agree that it has brought at least attention of the matter to the U.S. Senate.

I would simply say that I think it has some serious constitutional flaws that are now being tested and I believe that we should have been here doing the work that we are doing right now, Gramm-Rudman-Hollings notwithstanding.

So I say that it may be that we are here late getting the budget out. That may be the fault of Gramm-Rudman. I think it is not. I think that if there is anything good about Gramm-Rudman, it at least forces some feet to the fire.

I would certainly agree with my friend from Minnesota that because of Gramm-Rudman, or in spite of it, the attention of the people of the United States have come to grips with the situation that confronts us and we have got to do something about this skyrocketing deficit and national debt.

I thought it was interesting the other night when I heard the former director of the Office of Management and Budget, Mr. David Stockman, say that he was astonished that the total national debt of the United States had doubled from $1 to $2 trillion in the 5 short years that we have had the Reagan administration.

And he conceded in this television interview that we are in terrible shape today, and we had been working on an economic malaise for the last 5 or 6 years that got us into the situation we have now.

So I suspect that Gramm-Rudman-Hollings and/or the continuing high deficits and the skyrocketing national debt are what brought us to the realization that we are going to have to do something.

So I think it was the actions of the current administration over the last 5 years and the faulted policies with regard to deficits and budgets that brought us to this and not necessarily Gramm-Rudman-Hollings in and of itself.

Mr. President, I yield the floor.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. I say to my good friend from Nebraska that the fact the Senate missed the April 15 date is not really debilitating. We miss those kinds of dates right along. But they are not compulsory. We begin to pick up the real tough dates only on August 15, and there will be a great penalty if we do nothing. But that penalty is not yet coming into play, and it will not for a while.

So the fact that we missed the April 15 date and are not in precise compliance with Gramm-Rudman in my judgment really does not make too much difference.

Mr. President, I suggest the absence of a quorum and, Mr. President, I ask unanimous consent that the time on the quorum call be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I understand the distinguished Senator from Florida has a modification that he desires to offer to the pending amendment.

Mr. CHILES. Mr. President, I send the modification to the desk.

The amendment was modified.

The amendment (No. 1797), as modified, is as follows:

On page 2, decrease the amount on line 3 by $4,063,000,000.

On page 2, decrease the amount on line 4 by $6,242,000,000.

On page 2, decrease the amount on line 5 by $8,408,000,000.

On page 2, decrease the amount on line 8 by $4,063,000,000.

On page 2, decrease the amount on line 9 by $6,242,000,000.

On page 2, decrease the amount on line 10 by $8,408,000,000.

On page 2, decrease the amount on line 19 by $4,455,000,000.

On page 2, decrease the amount on line 20 by $8,299,000,000.

On page 2, decrease the amount on line 21 by $10,904,000,000.

On page 2, decrease the amount on line 24 by $4,063,000,000.

On page 2, decrease the amount on line 25 by $6,242,000,000.

On page 3, decrease the amount on line 1 by $8,408,000,000.

On page 5, decrease the amount on line 5 by $4,063,000,000.

On page 5, decrease the amount on line 6 by $6,242,000,000.

On page 5, decrease the amount on line 7 by $8,408,000,000.

On page 5, decrease the amount on line 10 by $4,455,000,000.

On page 5, decrease the amount on line 11 by $8,299,000,000.

On page 5, decrease the amount on line 12 by $10,904,000,000.

On page 5, decrease the amount on line 15 by $4,063,000,000.

On page 5, decrease the amount on line 16 by $6,242,000,000.

On page 5, decrease the amount on line 17 by $8,408,000,000.

On page 7, increase the amount on line 12 by $729,000,000.

On page 7, increase the amount on line 13 by $140,000,000.

On page 7, increase the amount on line 21 by $586,000,000.

On page 7, increase the amount on line 22 by $223,000,000.

On page 8, increase the amount on line 6 by $121,000,000.

On page 8, increase the amount on line 7 by $268,000,000.

On page 8, decrease the amount on line 16 by $80,000,000.

On page 8, decrease the amount on line 17 by $80,000,000.

On page 8, decrease the amount on line 24 by $80,000,000.

On page 8, decrease the amount on line 25 by $80,000,000.

On page 9, decrease the amount on line 7 by $80,000,000.

On page 9, decrease the amount on line 8 by $80,000,000.

On page 9, decrease the amount of line 16 by $369,000,000.

On page 9, decrease the amount on line 17 by $300,000,000.

On page 9, decrease the amount on line 25 by $653,00,000.

On page 10, decrease the amount on line 1 by $635,000,000.

On page 10, decrease the amount on line 9 by $1,002,000,000.

On page 10, decrease the amount on line 10 by $1,004,000,000.

On page 10, decrease the amount on line 19 by $847,000,000.

On page 10, decrease the amount on line 20 by $140,000,000.

On page 11, decrease the amount on line 4 by $1,447,000,000.

On page 11, decrease the amount on line 5 by $246,000,000.

On page 11, decrease the amount on line 13 by $2,047,000,000.

On page 11, decrease the amount on line 14 by $603,000,000.

On page 11, decrease the amount on line 23 by $368,000,000.

On page 11, decrease the amount on line 24 by $321,000,000.

On page 12, decrease the amount on line 8 by $510,000,000.

On page 12, decrease the amount on line 9 by $540,000,000.

On page 12, decrease the amount on line 17 by $605,000,000.

On page 12, decrease the amount on line 18 by $666,000,000.

On page 13, increase the amount on line 2 by $347,000,000.

On page 13, decrease the amount on line 3 by $1,851,000,000.

On page 13, decrease the amount on line 11 by $2,465,000,000.

On page 13, decrease the amount on line 12 by $2,645,000,000.

On page 13, decrease the amount on line 20 by $3,056,000,000.

On page 13, decrease the amount on line 21 by $3,214,000,000.

On page 14, decrease the amount on line 5 by $915,000,000.

On page 14, decrease the amount on line 6 by $708,000,000.

On page 14, decrease the amount on line 14 by $977,000,000.

On page 14, decrease the amount on line 15 by $758,000,000.

On page 14, decrease the amount on line 23 by $1,077,000,000.

On page 14, decrease the amount on line 24 by $930,000,000.

On page 15, decrease the amount on line 9 by $961,000,000.

On page 15, increase the amount on line 10 by $85,000,000.

On page 15, decrease the amount on line 18 by $725,000,000.

On page 15, decrease the amount on line 19 by $174,000,000.

On page 16, decrease the amount on line 2 by $1,075,000,000.

On page 16, decrease the amount on line 3 by $633,000,000.

On page 16, decrease the amount on line 13 by $815,000,000.

On page 16, decrease the amount on line 14 by $396,000,000.

On page 16, decrease the amount on line 22 by $819,000,000.

On page 16, decrease the amount on line 23 by $856,000,000.

On page 17, decrease the amount on line 6 by $819,000,000.

On page 17, decrease the amount on line 7 by $932,000,000.

On page 17, decrease the amount on line 16 by $117,000,000.

On page 17, decrease the amount on line 17 by $180,000,000.

On page 17, decrease the amount on line 24 by $117,000,000.

On page 17, decrease the amount on line 25 by $136,000,000.

On page 18, decrease the amount on line 7 by $117,000,000.

On page 18, decrease the amount on line 8 by $137,000,000.

On page 19, decrease the amount on line 18 by $789,000,000.

On page 19, decrease the amount on line 19 by $103,000,000.

On page 20, decrease the amount on line 3 by $819,000,000.

On page 20, decrease the amount on line 4 by $119,000,000.

On page 20, decrease the amount on line 13 by $839,000,000.

On page 20, decrease the amount on line 14 by $167,000,000.

On page 23, decrease the amount on line 2 by $413,000,000.

On page 23, decrease the amount on line 3 by $352,000,000.

On page 23, decrease the amount on line 10 by $411,000,000.

On page 23, decrease the amount on line 11 by $414,000,000.

On page 23, decrease the amount on line 18 by $409,000,000.

On page 23, decrease the amount on line 19 by $411,000,000.

On page 24, decrease the amount on line 2 by $20,000,000.

On page 24, decrease the amount on line 3 by $20,000,000.

On page 26, increase the amount on line 3 by $163,000,000.

On page 26, increase the amount on line 4 by $163,000,000.

On page 26, increase the amount on line 12 by $138,000,000.

On page 26, increase the amount on line 13 by $138,000,000.

On page 26, increase the amount on line 21 by $101,000,000.

On page 26, increase the amount on line 22 by $101,000,000.

On page 29, increase the amount on line 24 by $252,000,000.

On page 29, increase the amount on line 25 by $252,000,000.

On page 29, increase the amount on line 26 by $275,000,000.

On page 29, increase the amount on line 26 by $275,000,000.

On page 30, increase the amount on line 1 by $280,000,000.

On page 30, increase the amount on line 2 by $280,000,000.

On page 33, decrease the amount on line 13 by $4,063,000,000.

On page 33, decrease the first amount on line 14 by $6,242,000,000.

On page 33, decrease the second amount on line 14 by $8,408,000,000.

On page 35, increase the amount on line 11 by $159,000,000.

On page 35, increase the amount on line 12 by $46,000,000.

On page 35, decrease the first amount on line 13 by $501,000,000.

On page 35, decrease the second amount on line 13 by $566,000,000.

On page 35, decrease the amount on line 14 by $1,025,000,000.

On page 35, decrease the amount on line 15 by $1,171,000,000.

On page 36, increase the amount on line 20 by $252,000,000.

On page 36, increase the amount on line 21 by $252,000,000.

On page 36, increase the first amount on line 22 by $275,000,000.

On page 36, increase the second amount on line 22 by $275,000,000.

On page 36, increase the amount on line 23 by $280,000,000.

On page 36, increase the amount on line 24 by $280,000,000.

On page 42, increase the amount on line 15 by $159,000,000.

On page 42, increase the amount on line 16 by $46,000,000.

On page 42, decrease the first amount on line 17 by $501,000,000.

On page 42, decrease the second amount on line 17 by $566,000,000.

On page 42, decrease the amount on line 18 by $1,025,000,000.

On page 42, decrease the amount on line 19 by $1,171,000,000.

On page 44, decrease the amount on line 6 by $4,063,000,000.

On page 44, decrease the first amount on line 7 by $6,242,000,000.

On page 44, decrease the second amount on line 7 by $8,408,000,000.

On page 44, after line 21, insert the following:

SENSE OF THE CONGRESS

SEC. 4. It is the sense of the Congress that $4,343,000,000 of the spending (outlay) reductions in fiscal year 1987 assumed in this concurrent resolution should be achieved through program terminations and significant program reductions, as proposed by the President's budget request for fiscal year 1987, affecting the following programs: Export-Import Bank direct loans; OPIC insurance programs; advanced communications technology satellite; Rural Electrification Administration subsidies; weatherization assistance programs; EPA sewage treatment grants; soil conservation programs; LANDSAT; sea grant and coastal zone management; Department of Agriculture extension service; temporary emergency food and shelter; Federal crop insurance program; trade adjustment assistance to firms; U.S. Travel and Tourism Administration; postal subsidy; rural housing loans; Small Business Administration; Section 202 housing; Amtrak; Interstate Commerce Commission; Washington Metro; Maritime Cargo Preferece Expansion; Appalachian Regional Commission; Economic Development Administration; Urban Development Action Grants; rental housing development grant (HODAG-RRG); Section 312 rehabilitation loan fund; Section 108 loan guarantee program; Rural development program; SBA disaster loans; Community service block grant; Impact aid (Part B); Library programs; Small higher education programs; State student incentive grants; College housing loans; Public health service (health profession subsidies); FEMA supplemental food and shelter; Section 8 moderate rehabilitation; Rural housing grants; Legal Services Corporation; Justice grants; Public debt reimbursement to Federal Reserve Banks.

SENSE OF THE CONGRESS

SEC. 4. TERMINATION AND REDUCTION OF PROGRAM.—It is sense of the Congress that $4,343,000,000 of the spending (outlay) reductions in fiscal year 1987 assumed in this concurrent resolution should be achieved through program terminations and significant program reductions in 43 areas, as proposed by the President's budget request for fiscal year 1987, affecting the following programs: Export-Import Bank direct loans; OPIC insurance programs; advanced communications technology satellite; Rural Electrification Administration subsidies; weatherization assistance programs; EPA sewage treatment grants; soil conservation programs; LANDSAT; sea grant and coastal zone management; Department of Agriculture extension service; temporary emergency food and shelter; Federal crop insurance program; trade adjustment assistance to firms; U.S. Travel and Tourism Administration; postal subsidy; rural housing loans; Small Business Administration; Section 202 housing; Amtrak; Interstate Commerce Commission; Washington Metro; Maritime Cargo Preference Expansion; Appalachian Regional Commission; Economic Development Administration; Urban Development Action Grants; rental housing development grants (HODAG-RRG); Section 312 rehabilitation loan fund; Section 108 loan guarantee program; Rural development program; SBA disaster loans; Community service block grant; Impact aid (Part B); Library programs; Small higher education programs; State student incentive grants; College housing loans; Public health service (health profession subsidies); FEMA supplemental food and shelter; Section 8 moderate rehabilitation; Rural housing grants; Legal Services Corporation; Justice grants; Public debt reimbursement to Federal Reserve Banks.

Mr. DOMENICI. Mr. President, I have discussed the pending amendment with the leader's office. I am going to give the Senate a rough estimate that we shall not start the vote on this amendment for something like 25 or 30 minutes. As soon as I have word from the leader, then I shall inform the Senate that there are a few minutes left and we shall proceed to move the amendment toward a Senate vote.

If Senators are wondering what might happen after that, there are a number of Members who have indicated their intention to other amendments. We are trying to find a Senator——

The PRESIDING OFFICER. The time on the amendment has expired.

Mr. DOMENICI. Mr. President, I yield myself whatever time is necessary off the resolution.

The PRESIDING OFFICER. The Senator has that right.

Mr. DOMENICI. I thank the Chair. Let me continue that discussion.

Senators are wondering what will happen after the vote on the pending amendment. It is my hope that we can get an amendment, where the Members involved will agree to reduce the time limit to less than the 2 hours allowed. We would not take a full hour in opposition—so that we might have one additional vote before the 3:30 time the leader has set. This proposal might clearly change the leader's plans for the remainder of the day.

I will conclude by saying as I have for well over an hour, today that the propose of this amendment is to help us understand what the terminations the President has proposed mean in terms of fiscal policy, and the extent to which they will move us toward the Gramm-Rudman-Hollings mandatory target of $144 billion for 1987 and the outyears. This amendment does, in my opinion, serve a useful purpose. I repeat that I have been trying to get those who have amendments and have concrete ideas, either because they are partially or totally in opposition to the pending budget resolution, to offer them, to come to the floor and suggest them and seriously debate them.

ELIMINATE 44 FEDERAL PROGRAMS

Mr. LEAHY. Mr. President, I rise today to oppose an amendment to the Senate budget resolution which would eliminate the 44 programs the President recommended for termination in his budget proposal.

Mr. President, I ask unanimous consent that a list of these programs appear at this point in the RECORD.

Let me mention just a few of the programs slated for elimination by this amendment. The General Revenue Sharing Program would be eliminated, despite the fact that this important means of Federal-local cooperation helps towns and cities in my State of Vermont provide essential services without raising already high property taxes.

The Work Incentive Program [WIN] would be canceled. Yet, WIN is the only Federal program with the specific charge of removing Americans from welfare rolls and placing them in jobs. WIN has been especially important in helping single parents on welfare find employment and a means of support for their children. Not only is WIN well-intentioned, but it works and it works in Vermont, where our WIN Program was rated first in the Nation.

Federal support for libraries would also end as a result of this amendment. I cannot think of a greater threat to an enlightened America or an informed electorate than ending support for libraries—very often the center of knowledge and information in rural communities.

Passage of this amendment would also mean the end of passenger rail service in Vermont. Since 1979, I have fought to maintain and strengthen Amtrak's Montrealer service to Vermont. This amendment would not only put an end to the Montrealer; it would eliminate Federal support for Amtrak.

These are just a few examples of the ill effects of the proposed amendment eliminating 44 Federal programs.

But, what is worse—what is more compelling—is the fact that canceling these programs would only save $4 billion. There is no doubt that $4 billion is a great deal of money, but there are far more sensible and less painless ways of raising those funds than cutting important programs wholesale.

Earlier this year, the General Accounting Office reported to me that more than $7.5 billion could be saved in the Pentagon budget simply by correcting incorrect inflation assumptions in major defense contracts. That is, GAO found $7.5 billion in padding and waste in defense contracts.

It is beyond me, how the administration could ask us to gut programs that help people—that help people in Vermont—to reduce the deficit by $4 billion, when almost twice that much can be saved by teaching Pentagon accountants to add.

For this reason, Mr. President, I urge my colleagues to defeat this amendment soundly.

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

PROGRAMS TO BE TERMINATED

Work incentive program (WIN).
General revenue sharing.
Conrail.
Trade adjustment assistance to firms.
Appalachian Regional Commission.
Economic Development Administration.
Urban development action grants.
U.S. Travel and Tourism Administration.
Export-Import Bank direct loans.
Community services block grant.
Rental housing development action grant (HODAG).
Section 312 rehabilitation loan fund.
Postal Subsidy.
FEMA supplemental emergency food and shelter.
Advanced communications technology satellite.
OPIC insurance programs.
Amtrak.
Interstate Commerce Commission (terminations and transfers).
Washington Metro construction grants.
Maritime cargo preference expansion.
EPA sewage treatment grants.
Impact aid (type "b" students).
Library programs.
Small higher education programs.
State student incentive grants.
College housing loans (new loans).
Public Health Service (health profession subsidies).
Legal Services Corporation.
Certain soil conservation programs.
Federal crop insurance program.
Rural housing loans/grants.
Small Business Administration (eliminations and transfers).
Rental rehabilitation grants.
Section 8 moderate rehabilitation.
Section 202 elderly and handicapped housing.
Section 108 loan guarantee program.
Rural development program.
Rural Electrification Administration subsidies.
Weatherization assistance program.
LANDSAT (eliminate future subsidies for contractors).
Sea grant and coastal zone management grant programs.
Juvenile justice grants.
Justice State-local assistance grants.
Public debt reimbursements to Federal Reserve Banks.

Mr. DOMENICI. Mr. President, unless the distinguished Senator from Florida has something to say, I suggest the absence of a quorum and ask unanimous consent that it be charged equally to both sides.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the clerk dispense with further reading of the roll.

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

Mr. DOMENICI. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. Has all time expired on the amendment, as modified?

The PRESIDING OFFICER. All the time has expired on the amendment, as modified.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays on the pending amendment.

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 amendment offered by the Senator from New Mexico and the Senator from Florida. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER], and the Senator from Florida [Mrs. HAWKINS], are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa [Mr. HARKIN] would vote "nay".

The PRESIDING OFFICER (Mr. PRESSLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 14, nays 83, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—14

Armstrong	Hecht	Proxmire
East	Helms	Rudman
Garn	Humphrey	Symms
Gramm	Laxalt	Wallop
Hatch	McClure	

NAYS—83

Abdnor	Exon	Mitchell
Andrews	Ford	Moynihan
Baucus	Glenn	Murkowski
Bentsen	Gore	Nickles
Biden	Gorton	Nunn
Bingaman	Grassley	Packwood
Boren	Hart	Pell
Boschwitz	Hatfield	Pressler
Bradley	Heflin	Pryor
Bumpers	Heinz	Quayle
Burdick	Hollings	Riegle
Byrd	Inouye	Rockefeller
Chafee	Johnston	Roth
Chiles	Kassebaum	Sarbanes
Cochran	Kasten	Sasser
Cohen	Kennedy	Simon
Cranston	Kerry	Simpson
D'Amato	Lautenberg	Specter
Danforth	Leahy	Stafford
DeConcini	Levin	Stennis
Denton	Long	Stevens
Dixon	Lugar	Thurmond
Dodd	Mathias	Trible
Dole	Matsunaga	Warner
Domenici	Mattingly	Weicker
Durenberger	McConnell	Wilson
Eagleton	Melcher	Zorinsky
Evans	Metzenbaum	

NOT VOTING—3

Goldwater	Harkin	Hawkins

So the amendment (No. 1797), as modified, was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I understand that Senator ANDREWS has an amendment.

Mr. ANDREWS. That is correct.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1798

(Purpose: To add additional funds for education programs and to offset the increased outlays with increased revenues)

Mr. ANDREWS. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. ANDREWS], for himself, Mr. HOLLINGS, Mr. STAFFORD, Mr. LAUTENBERG, Mr. WEICKER, Mr. BRADLEY, Mr. D'AMATO, Mr. DODD, Mr. SPECTER, Mr. MOYNIHAN, Mr. PRESSLER, Mr. PELL, Mr. MATHIAS, Mr. MELCHER, Mr. DANFORTH, Mr. KERRY, Mr. MITCHELL, Mr. SIMON, Mr. MATSUNAGA, Mr. BURDICK, Mr. LEVIN, Mr. KENNEDY, Mr. LEAHY, Mr. SARBANES, Mr. ROCKEFELLER, Mr. FORD, Mr. METZENBAUM, Mr. INOUYE, Mr. BOREN, Mr. BINGAMAN, Mr. DURENBERGER, Mr. RIEGLE, Mr. BUMPERS, Mr. PRYOR, and Mr. BYRD proposes an amendment numbered 1798.

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

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

The amendment reads as follows:

On page 2, increase the amount on line 3 by $300,000,000.

On page 2, increase the amount on line 4 by $1,100,000,000.

On page 2, increase the amount on line 5 by $1,500,000,000.

On page 2, increase the amount on line 8 by $300,000,000.

On page 2, increase the amount on line 9 by $1,100,000,000.

On page 2, increase the amount on line 10 by $1,500,000,000.

On page 2, increase the amount on line 19 by $1,200,000,000.

On page 2, increase the amount on line 20 by $1,500,000,000.

On page 2, increase the amount on line 21 by $1,500,000,000.

On page 2, increase the amount on line 24 by $300,000,000.

On page 2, increase the amount on line 25 by $1,100,000,000.

On page 3, increase the amount on line 1 by $1,500,000,000.

On page 5, increase the amount on line 5 by $300,000,000.

On page 5, increase the amount on line 6 by $1,100,000,000.

On page 5, increase the amount on line 7 by $1,500,000,000.

On page 5, increase the amount on line 10 by $1,200,000,000.

On page 5, increase the amount on line 11 by $1,500,000,000.

On page 5, increase the amount on line 12 by $1,500,000,000.

On page 5, increase the amount on line 15 by $300,000,000.

On page 5, increase the amount on line 16 by $1,100,000,000.

On page 5, increase the amount on line 17 by $1,500,000,000.

On page 16, increase the amount on line 13 by $1,200,000,000.

On page 16, increase the amount on line 14 by $300,000,000.

On page 16, increase the amount on line 22 by $1,500,000,000.

On page 16, increase the amount on line 23 by $1,100,000,000.

On page 17, increase the amount on line 6 by $1,500,000,000.

On page 17, increase the amount on line 7 by $1,500,000,000.

On page 33, increase the amount on line 13 by $300,000,000.

On page 33, increase the first amount on line 14 by $1,100,000,000.

On page 33, increase the second amount on line 14 by $1,500,000,000.

On page 44, increase the amount on line 6 by $300,000,000.

On page 44, increase the first amount on line 7 by $1,100,000,000.

On page 44, increase the second amount on line 7 by $1,500,000,000.

Mr. BYRD. Mr. President, will the distinguished Senator from North Dakota yield?

Mr. ANDREWS. I am more than happy to yield to the distinguished Democratic leader.

Mr. BYRD. I thank the distinguished Senator.

If I may direct my inquiry to the distinguished majority leader, I use this time to indicate to the distinguished majority leader that I would like to have given him a little notice but I did not know, in this instance, because I thought we ought to have the inquiry while we have pretty good attendance on the floor.

Could the distinguished majority leader indicate what the outlook is for the rest of the day with respect to rollcalls—and many of us already know that, as the majority leader has already told us—but, more importantly, what is the outlook for tomorrow as to rollcalls and with respect to Friday, and may I say especially with regard to Friday?

The distinguished majority leader has indicated, I believe, maybe for the RECORD, certainly with me, that we might be out Friday if we could charge some time off the budget resolution to compensate for the time we could be out. Would the majority leader be in a position now to elaborate?

Mr. ANDREWS. Mr. President, in yielding to the distinguished Democratic leader, let me, before the majority leader responds, point out that it was my intention momentarily to ask unanimous consent—and I have the consent of Senator HOLLINGS, the principal sponsor on the Democratic side—that the vote on this amendment occur at 3:30, which is, as I understand it, by agreement, the moment that a vote should occur.

So I will propound that unanimous-consent request or I would ask the Democratic and Republican leaders to entertain that kind of unanimous-consent request.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. DOLE. Mr. President, we will have this vote yet today on this bill, and we are going to recess at 4 o'clock by a previous unanimous-consent agreement. Tomorrow, we will come in at 10 o'clock and hope to be on the bill by 10:30 and hope to dispose of some other amendments. We have not reached any agreement on when we might complete voting on tomorrow.

But, if we can work out a substantial agreement on time on Friday, I think I have the consent of the managers to charge that off and not be in session on Friday.

Mr. BYRD. Will the distinguished majority leader and others, especially the managers of the resolution, perhaps put the request at this time or at least make a clear position known that

on Friday the Senate will not be in session and that, say, 8 hours would be counted against the measure, which is probably more than would actually be consumed if the Senate were to be in session? Then all Senators would know there would be no session on Friday.

Mr. DOMENICI. Will the majority leader permit me to make an observation?

Mr. DOLE. Yes.

Mr. DOMENICI. Mr. President, I think 10 hours might be more appropriate. I might say to the distinguished minority leader that actually we cannot get anymore to bring amendments down here. Senator ANDREWS has brought his up, but we have asked five other Senators who have amendments that we have known about if they could come in this afternoon, perhaps using less time than the distinguished Senator from North Dakota—Senator ANDREWS has what he considers to be a very important amendment—and we could not get anybody to do that. If we could get credit for 10 hours, people might begin to look at the fact that there are 8 or 10 or 12 amendments left and that maybe they should start offering them. So I would urge we take 10 hours off.

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate completes its business on Thursday, April 24, it stand in adjournment until 12 noon on Monday, April 28, and that 10 additional hours be considered as having been used on the budget resolution.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, reserving the right to object, I have an inquiry. How much time will be remaining if this consent agreement is agreed to?

Mr. DOLE. Thirty-some hours. But let me get it from the Parliamentarian.

The PRESIDING OFFICER. At present, there are 39 hours and 36 minutes remaining.

Mr. BUMPERS. Could the Parliamentarian give us some idea—or I guess the majority leader would have to do it—counting the time we anticipate staying in today and tomorrow, and adding the 10 hours on Friday, approximately how much time would be left on the bill?

Mr. DOLE. Twenty hours or more. It would be 1½ today, and that gets us down to 38, and tomorrow we might consume 6 or 8 hours. That is 30, and 10 is 20.

Mr. BUMPERS. I will defer to the minority leader on this, but I hope that in the request, instead of asking that 10 hours be charged against the bill on Friday, that we simply agree that starting at noon on Monday, if that is when we are going to come in, according to this request, that there be 20 hours remaining at that point.

Mr. METZENBAUM. At least.

Mr. HOLLINGS. Reserving the right to object, I am as anxious about Monday as some others are about Friday. Does this change the Monday schedule? I am not trying to ham up the agreement for Friday, but I do not want all of a sudden to find myself in the briar patch on Monday.

Mr. DOLE. On Monday, the agreement is there are no votes after 6. There will not be any votes after 6.

Mr. HOLLINGS. There could be votes before 6?

Mr. DOLE. Yes.

Mr. HOLLINGS. I thought we westerners had to come back before 6. Then, for the moment, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I thank the distinguished Senator for yielding.

Mr. ANDREWS. Mr. President, I am glad to yield to the Democratic leader.

Mr. President, I now propound my unanimous-consent request that the vote on this amendment occur at 3:30 p.m.

Mr. DOMENICI. Mr. President, reserving the right to object, I believe it would be more appropriate or more acceptable to the Senator from New Mexico if you were to add to that, "and the time be equally divided."

Mr. ANDREWS. I would add to that, "and the time to be equally divided between Senators on the majority and minority side, to be controlled by myself and the Senator from South Carolina, Senator HOLLINGS."

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object, that is controlled by those in favor and those opposed, not the majority and minority.

Mr. ANDREWS. Mr. President, my apologies. I would suggest that the time be controlled by the Senator from North Dakota and the Senator from New Mexico.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object. The Senator would not object to adding that "all provisions of the Budget Act regarding floor consideration of amendments shall remain in full force and effect"?

Mr. ANDREWS. That is right.

Mr. DOMENICI. I thank the distinguished Senator.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. ANDREWS. Mr. President, I am pleased to offer an amendment for myself and Senators HOLLINGS, STAFFORD, LAUTENBERG, WEICKER, BRADLEY, D'AMATO, DODD, SPECTER, MOYNIHAN, PRESSLER, PELL, MATHIAS, MELCHER, DANFORTH, KERRY, MITCHELL, SIMON, MATSUNAGA, BURDICK, LEVIN, KENNEDY, LEAHY, SARBANES, ROCKEFELLER, FORD, METZENBAUM, INOUYE, BOREN, BINGAMAN, DURENBERGER, and Mr. ABDNOR and we seem to have additions coming in.

Let me point out that our amendment represents a concerted bipartisan effort to restore Federal funding for education programs under function 500. During my career in Congress, Mr. President, I repeatedly expressed my conviction——

The PRESIDING OFFICER. The Senate will be in order. Will Senators suspend? Will all conversations in the rear of the room move into the cloakroom? The Senate will be in order.

The Senator from North Dakota.

Mr. ANDREWS. I have repeatedly expressed my conviction, Mr. President, that some Federal programs are investments—investments for both individuals and nations as a whole, investments in our todays and all of our Nation's tomorrows.

Mr. President, the diminishing importance of education as an issue of national priority now threatens the ability of our public schools to continue to do the job that must be done to thoroughly and effectively educate our Nation's young people. The fact is the States simply cannot do this critically important job on their own. In my own State, times are tough. The Midwest must contend with an ailing farm economy, and in North Dakota there are problems with our oil industry as well. Add that to a high rate of unemployment, and it is a small wonder, Mr. President, that States' coffers are depleted. Despite the claims of economic health and stability, financial resources on which to draw the Federal dollar remains a necessary and a critical component for many States and public school systems.

Mr. DOLE. Will the Senator from North Dakota yield for an announcement?

Mr. ANDREWS. I am happy to yield to the majority leader.

Mr. DOLE. I want to remind my colleagues. At 2:30 p.m. in S-207 Secretary Shultz will be there to talk about a wide range of topics including Libya, the economic summit, Saudi arms sales, and other things. He will be there at 2:30.

I thank the Senator.

Mr. ANDREWS. I appreciate the majority leader's pointing that out, and I yield to my colleague, my good friend and cosponsor of this legislation, the Senator from South Carolina.

Mr. HOLLINGS. I thank my distinguished colleague from North Dakota.

I ask unanimous consent to add as cosponsors Senators RIEGLE, BUMPERS, and PRYOR.

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

Mr. HOLLINGS. Mr. President, in 1983, the National Commission on Excellence in Education, which was chartered by then Secretary of Education Bell in 1981, released a report titled "A Nation at Risk: The Imperative for Educational Reform." The report stated:

> If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war.

Since that time, claiming to support a strong education system has become the latest fad. Unfortunately, as with most fads, such support appears to be all flash, and little substance. The current administration has done nothing to combat this threat, and, in fact, has exacerbated the problem by refusing to commit to excellence in education.

Since the release of "A Nation at Risk," 10 other reports which censure our Nation's educational system have been released. While all these reports set forth different ways in which to reform the educational system, they all agree that the system is in dire need of such reform.

Incredibly enough, the response of the current administration to this plethora of demands to reform and strengthen the educational system has been to decrease the amount of available funding. Federal funding for education has increased in dollar amount, Mr. President, but, when adjusted for inflation, it has declined by about 16 percent since fiscal year 1980. Federal funds have also decreased as a percentage of the total national expenditure for education. Federal expenditures now represent 7 percent, or less, of the total spent on education. More to the point, education has dropped from 2.3 percent of the Federal budget in fiscal year 1980 to only 1.6 percent in fiscal year 1986.

What are the consequences of this declining commitment to education? Well, when a significant portion of the funds for specific programs comes from the Federal Government and that Federal assistance is substantially reduced, the results are devastating. For example, after the 1981 budget cuts, 700,000 students were dropped from the Chapter 1—compensatory education for the disadvantaged—Program—which now only serves 40 percent of those eligible, and nearly 3 million children were dropped from the School-Lunch Program. The results are particularly tragic in light of a national high school drop-out rate that has recently increased to 27 percent, and a child poverty rate that has escalated from 16 percent in 1979 to a current rate of 22 percent.

It is good common sense to utilize our Nation's most valuable asset—her people. Investment in the human infrastructure is the most cost-effective method for ensuring increased domestic prosperity, social welfare, and international leadership. Education is the fundamental source of our economic prosperity, our national security, and our sense of national community. The knowledge created and transmitted by educational institutions is the key to our economic and military strength in an increasingly competitive world.

Education is essential for maintaining our tradition of democracy and individual freedom. Thomas Jefferson eloquently stated the importance of education in a democracy when he said:

> I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion.

We simply cannot afford to allow education to become the preserve of a privileged few. The United Negro College Fund has a slogan that states "A mind is a terrible thing to waste." We in the Senate have a responsibility to assure that no minds go to waste in this country. A real and tangible commitment to the expansion of the human mind is, perhaps, the single most important legacy we can bequeath our children.

In an effort to discharge this responsibility, Senator ANDREWS and I have put together an amendment which would add $1.2 billion in budget authority to the education portion of Senate Concurrent Resolution 120—the Domenici-Chiles budget resolution. As I have said many times before, we cannot increase the economic level of any until we increase the educational level of all. Specifically, our amendment provides for current services for all education programs. Current services equal the fiscal year 1986 appropriation—the presequestration amount—plus inflation, figured at 5.7 percent.

Because the budget resolution contains $400 million in increases for priority programs such as title 1, handicapped education, and Pell grants, the percentage increase for these programs in the Andrews-Hollings amendment is less than for other education programs. Similarly, because the budget resolution assumes a $100 million cut in the Chapter 2 Block Grant Program, the percentage increase for this program is more than for other education programs.

Mr. President, I urge my colleagues to join me in supporting this amendment. The education challenge has not even begun to be met. Inadequate funding at this point would only serve to undermine the very foundations of our educational system in this country. I do not think that anyone wants to pay that price. So please give us your earnest here. This is a very serious amendment. It should not be opposed by the leaders of the bill. It frankly ought to be accepted in the context that we have shown the discipline—we have complied with Gramm-Rudman-Hollings—we provided for the revenues, and it is only a modest amount to try to help keep pace in the programs.

Our amendment adds funding to the first concurrent budget resolution for several important programs including title 1, handicapped education vocational and adult education, chapter 2 block grants, impact aid, Bilingual Education, and the Math and Science Program.

TITLE 1, AID TO DISADVANTAGED CHILDREN

Enacted in 1965 to provide financial assistance to school districts with concentrations of children from low-income families, its focus has been to provide compensatory educational programs that address the special needs of educationally deprived children—primarily for instructional services in reading, math and language arts. The national assessment of education progress data show that the reading scores of disadvantaged students rose dramatically between 1970 and 1984, and these gains are largely attributable to title 1. The shortcoming of the program is, while it serves about 4.8 million children, it is available to less than half of the students who are eligible for its valuable service. And, adjusting for inflation, the estimated constant dollar funding level for title 1 has fallen by 24 percent between fiscal year 1980 and fiscal year 1986.

The Andrews-Hollings amendment will provide an additional $219 million for title 1 and restore 328,000 students to the program over the amount in Domenici-Chiles.

HANDICAPPED EDUCATION

The Education of the Handicapped Act was established for the purpose of awarding grants to States to assist them in providing a free and appropriate education to all handicapped children. This program represents the basic vehicle through which the Federal Government maintains a partnership with the States and localities to end the educational neglect of handicapped children. Although Federal appropriations for this program have increased steadily since 1975, the Federal share of the excess costs peaked at 12.5 percent in 1979 and currently represents 9 percent, well below the authorized level of 40 percent.

State and local districts simply cannot afford the extra financial burden of carrying out the congressional mandate of providing free public education in as normal a setting as possible for every handicapped child. We must live up to our obligation and provide the funding necessary

to assist the state in this important endeavor. Our amendment would provide an additional $83 million for handicapped education over the level provided in the budget resolution. An increase in funding for the Education of the Handicapped Program would result in an increase in the overall Federal contribution for the excess costs of educating a handicapped child.

VOCATIONAL EDUCATION

Vocational education programs provide education, training, and basic instruction needed by persons to successfully compete and advance in the labor market. Vocational education bridges schools and the workplace and provides alternative learning for thousands of youths, who without such an option, would become dropouts from school.

Since 1980 enrollments in vocational education have risen from 16.8 million to 19.5 million secondary, post-secondary and adult students. Despite this significant increase in enrollments, Federal dollars for vocational education have declined by 28 percent since 1980 when adjusted for inflation.

The Andrews-Hollings amendment would add $85.4 million to the budget resolution for vocational education. Without this increase, vocational education improvements will be reduced and training and retraining for adults will be cut back. In addition, services for disadvantaged and handicapped students will be reduced.

CHAPTER 2 STATE BLOCK GRANTS

Chapter 2 block grants provide funding to State and local education agencies for a wide variety of educational improvement purposes from special programs for the gifted to career education and teacher education. Enacted in 1981, this program replaced 28 categorical programs previously funded at $743 million. In addition, enactment of this consolidation under the severely reduced funding level has meant competition among diverse previously funded programs for shrinking funds.

For example, local education agencies now find themselves choosing between funds for library materials or desegregation assistance. Our recommendation of $171 million would reverse the funding decline these activities have experienced since fiscal year 1980. It would provide States and localities with additional financial flexibility to adjust elementary and secondary education programs to the changing educational needs of our society, and to develop and expand programs ensuring that students have the basic minimal skills needed to be educated citizens in our society. Funds may also be used to purchase and utilize modern instructional equipment, including microcomputers, or to encourage and enhance the process of school desegregation. This amount would also provide more funds to the Secretary of Education to invest in education programs of national priority—programs which would identify areas in education where deficiencies exist and where national leadership could avert future crises in our educational system.

IMPACT AID—PUBLIC LAW 81-874—PUBLIC LAW 81-815

Public Law 81-874, impact aid is a current year funded reimbursement law which makes payments directly to local public school districts which educate military, Indian and poverty children. These children have parents who are exempt from one or more of the revenue generating taxes due to their Federal involvement.

The concept was first passed in 1950 as an in-lieu-of taxes law and only makes payment where there is an actual presence of federally connected youngsters.

In 1980, the law was funded at $702 million or almost 75 percent of the actual amount needed to fully fund the concept. In 1980 it served 4,300 school districts or about 2.5 million children.

In 1986, the law was funded at $663 million or about 53 percent of its actual need. In 1986 the number of districts had been reduced to 3,000 serving a little under 2 million youngsters.

Insufficient funding has forced payments to some categories for some districts as low as 10 percent of their entitlement. A regular A payment may be as little as $450 per child with regular B payments as low as $25 each.

If the Andrews-Hollings amendment is passed, the law would be funded at 60 percent of its actual need and the additional revenue would make a significant increase in the per-pupil payments in both regular categories.

Additionally, there would be enough to restore the devastating cuts to the 815 companion law for school construction to serve federally connected children.

HIGHER EDUCATION

PELL GRANT PROGRAM

The largest need-based Federal postsecondary student aid program administered by the Department of Education is the Pell Grant Program. The program's purpose is to assist students from low-income families to gain access to postsecondary education. Eligibility for a Pell grant is determined by a federally established need analysis system implemented through the family contribution schedule, and once the student's eligibility is determined, grants are provided directly to undergraduate students based on their financial need.

The buying power of the Pell grant for needy students has declined drastically since fiscal year 1980. In fiscal year 1980, the $1,750 maximum award represented 40 percent of the average cost of attendance at all institutions—although only 25 percent of the cost of students attending independent institutions. In fiscal year 1986 the maximum award grew to $2,100 and unless that level is maintained for fiscal year 1987 it will meet only 34 percent of the average cost of attendance at public institutions—and only 17 percent of the average cost for students at independent institutions. Students from needy backgrounds will find it increasingly difficult to attend college.

Our amendment will continue to ensure that Pell eligible students receive financial support to continue their undergraduate studies. Our amendment will serve an additional 442,800 students over the current March 1, 1986, level of 2,881,000 students.

TRIO PROGRAMS

The special programs for students from disadvantaged backgrounds are comprised of five programs—Talent Search, Upward Bound, Special Services for Disadvantaged Students, Educational Opportunity Centers, and Staff Development Activities. These programs provide important outreach, counseling, and tutorial services as supportive services to low income, first generation, and physically handicapped students. These supportive services are utilized as a mechanism to encourage attendance and retention and to improve academic performance of low income, first generation college students, whose parents were not afforded the opportunity to pursue a postsecondary education. Through the Trio programs, low-income students are provided with a realistic opportunity to escape the cycles of poverty and dependence and to achieve the upward mobility afforded by access to higher education. Studies have shown that participants in the TRIO programs are more than twice as likely to stay in school as other disadvantaged college students who did not have the benefit of these services. And, Upward Bound students are four times as likely to graduate from college as similar students not in Upward Bound.

The TRIO programs have lost over 100,000 students since fiscal year 1980. The Andrews-Hollings amendment will provide $17 million in additional funds to ensure that these low-income students continue to receive the essential services they so desperately need to enter postsecondary education. An additional 43,500 students will be added to the current level of 486,866 students who are currently being served through the TRIO programs.

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT

The Supplemental Educational Opportunity Grant [SEOG] Program provides education grant assistance for undergraduate students who demonstrate substantial financial need. Grant awards are made to students

through the postsecondary institution that the student plans to attend. Awards for SEOG students may range from $200 to $2,000. The amount of the award is determined by the school that the student attends. Better than 72.4 percent of the SEOG funds are awarded to students with family incomes of less than $30,000 per year. This program's effectiveness also has been substantially eroded in the past 6 years.

By the addition of $40 million, our amendment will increase the number of SEOG recipients by an additional 71,818 to the current level of 718,000 participants.

STATE STUDENT INCENTIVE GRANTS

The State Student Incentive Grant Program is a Federal-State cost sharing partnership to encourage the development and expansion of need-based grant programs, and State scholarship aid programs for postsecondary students with substantial financial need. To participate in the program, States are required to match each Federal SSIG dollar with another dollar from non-Federal sources.

The Andrews-Hollings amendment would provide access for an additional 21,600 students over the current level of 292,000 students who are eligible to receive State Student Incentive Grants.

COLLEGE WORK STUDY [CWS]

The College Work Study Program finances part-time employment for undergraduate, graduate, and professional students who are attending eligible institutions of postsecondary education and who need those earnings from employment to attend college. Federal grants pay up to 80 percent of the student's wages; the remaining 20 percent is paid by the institution, which may pay its share directly to the student in tuition, room and board, and books. Not only does the program help students meet their college expenses, but participants also receive training and experience in their selected course of study through their part-time jobs. Still other students are employed under the program to support various campus services and activities that the institutions might not otherwise be able to provide.

Our amendment will increase the 772,727 participants—current level—by an additional 77,318 participants as a means of ensuring that the students with the greatest financial need will be able to meet their college expenses through a program of training and experience through part time employment opportunities.

NATIONAL DIRECT STUDENT LOAN [NDSL]

The National Direct Students Loan Program provides educational loans to undergraduate, graduate, and professional students on the basis of need. By providing long-term, low interest loans to needy students, the NDSL Program has offered a system of credit to those persons who have difficulty securing loans from commercial lenders. Revolving funds have developed at colleges through prior and current year loan repayments. The federal capital contribution permits institutions that have not yet achieved revolving fund status to make new awards.

Our recommendation of $18 million to this amendment will add an additional 22,750 participants to the current level of 227,273 participants in the NDSL Program.

I ask unanimous consent that the following tables indicating what has happened to education funding since fiscal year 1980 be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Education funding levels, fiscal year 1980–87

	Billion
1980	$14.4
1981	14.8
1982	14.7
1983	15.4
1984	15.4
1985	17.9
1986	18.4
1986—Mar. 1, 1986	17.7
1987—Domenici-Chiles	17.8
1987—Andrews-Hollings	19.0

Funding reductions in certain education programs

[In constant dollars: 1980–86]	*Percent*
Vocational education	−28.0
Chapter 1, compensatory education	−23.9
Chapter 2, block grant	−56.4
Bilingual education	−44.7
Impact aid	−36.2
Education of handicapped	−7.8
Adult education	−32.4
Pell grants	+38.5
Supplemental educational opportunity grant	−26.1
College work study	−28.5
National direct student loans	−51.9
Guaranteed student loans	+36.0
Institutional aid	−14.9
Educational research and statistics	−52.7
Aid to public libraries	+18.4

Source: Based on a January 31, 1986 report from the Congressional Research Service, Library of Congress.

ELEMENTARY AND SECONDARY EDUCATION

Program	Fiscal year 1980	Current level Mar. 1, 1986	Domenici-Chiles fiscal year 1987	Added by Domenici-Chiles	Andrews-Hollings fiscal year 1987	Added by Andrews-Hollings
Title 1	[1] $3.216	[1] $3.530	[1] $3.689	[2] +$159	[1] $3.908	[2] +$219
Number served	[2] 5.4	[2] 4.8	[2] 5.0	+200,000	[2] 5.3	+328,077
Chapter 2	[2] $743	[2] $506	[2] $406	[2] −$100	[2] $577	[2] +$171
Number served						
Handicapped education	[2] $875	[1] $1.350	[1] $1.409	[2] +$59	[1] $1.492	[2] +$83
Percent Federal share	12	9	9.1	+.1	9.3	+.2
Impact aid	[2] $702	[2] $663	[2] $663	$0	[2] $739	[2] +$76
Number served	[2] 2.5	[2] 1.9	[2] 1.9	0	[2] 2	+230,000
Vocational education	[2] $779	[2] $813	[2] $813	$0	[2] $898	[2] +$85
Number served		[2] 1.7	[2] 1.7	0	[2] 1.9	+180,000
Adult education	[2] $100	[2] $98	[2] $98	$0	[2] $108	[2] +$10
Number served	[2] 2	[2] 2.5	[2] 2.5	0	[2] 2.7	+146,765
Bilingual education	[2] $167	[2] $162	[2] $162	$0	[2] $179	[2] +$17
Number served	340,000	215,500	215,500	0	241,126	+25,626

[1] Billion.
[2] Million.

HIGHER EDUCATION

Program	Fiscal year 1980	Current level Mar. 1, 1986	Domenici-Chiles fiscal year 1987	Added by Domenici-Chiles	Andrews-Hollings fiscal year 1987	Added by Andrews-Hollings
SEOG	[1] $370	[1] $395	[1] $395	$0	[1] $435	[1] +$40
Number of awards	743,522	718,000	718,000	0	789,818	+71,818
CWS	[1] $550	[1] $567	[1] $567	$0	[1] $624	[1] +$57
Number of awards	819,093	772,727	772,727	0	850,045	+77,318
NDSL	[1] $301	[1] $209	[1] $209	$0	[1] $227	[1] +$18
Number of awards	335,287	227,273	227,273	0	250,023	+22,750
SSIG	[1] $77	[1] $76	[1] $73	$0	[1] $80	[1] +$7
Number of awards	307,000	292,000	292,000	0	313,600	+21,600
Pell	[2] $1.718	[2] $3.432	[2] $3.586	[1] +$154	[2] $3,807	[1] +$221
Number of awards	2,807,000	2,881,000	3,190,000	+309,000	3,632,800	+442,800
TRIO	[1] $147.5	[1] $169	[1] $169	$0	[1] $186	[1] +$17

HIGHER EDUCATION—Continued

Program	Fiscal year 1980	Current level Mar. 1, 1986	Domenici-Chiles fiscal year 1987	Added by Domenici-Chiles	Andrews-Hollings fiscal year 1987	Added by Andrews-Hollings
Number of awards	510,800	486,866	486,866	0	530,366	+43,500

[1] Million.
[2] Billion.

Mr. HOLLINGS. I thank my distinguished colleague from North Dakota.

Mr. ANDREWS. I appreciate my colleague from South Carolina, who cosponsors this.

Let me, Mr. President, finish my statement, and I will yield to the unanimous-consent request of the Senator from California.

Let me point out, Mr. President, that while the Domenici-Chiles budget package represents a significant improvement over the administration's fiscal year 1987 budget request for education, a modest increase is still needed to ensure that existing education programs continue to operate effectively.

For these reasons, my colleagues and I are offering this amendment to increase funding for function 500 by $300 million in budget outlays for fiscal 1987. This amendment will restore elementary, secondary, and higher education programs to their current level of services for 1987 by adding an amount for inflation, and the 1986 Gramm-Rudman sequestration.

Lowering the Federal deficit is without question our greatest challenge. However, logic, common sense, and fairness must govern our approach to deficit reduction. To shortchange education in the name of national security, fiscal restraint, or for any other reason is wrongheaded, shortsighted, and damaging to the future of our Nation.

The decision the Senate will make on this amendment reminds me, Mr. President, of a story I told about President Lincoln. The President frequently attended the Wednesday evening services at the New York Avenue Presbyterian Church. On the way home after one such service an aide asked Mr. Lincoln what he thought about the sermon just preached. The President replied, "The content was excellent. He delivered it with eloquence. And he put work into the message."

"Then you thought it was a great sermon?" questioned the aide.

"No," replied Mr. Lincoln.

"But you said that the content was excellent, it was delivered with eloquence, and it showed much work."

"That is true," Mr. Lincoln said, "but Dr. Gurley forgot the most important ingredient. He forgot to ask us to do something great."

Mr. President, we stand before this body, and we say to our colleagues let us show the American people that we as Members of the Senate are not only willing but capable of doing something great. I ask that you join together with us in reaffirming our commitment to a public education system for our children that is second to none.

Quite candidly, Mr. President, if we do not like young people, if for some reason or another they trouble us, they bother us and we are not friendly toward them, Mr. President, if we only worship the almighty dollar, then let me point out we ought to support this amendment because, Mr. President, this amendment will restore $10 for every dollar we invest in this program because these are indeed and in fact the investment programs.

Mr. President, our most critical strategic defense initiative is a well-educated population. The young people of this Nation must not have the doors to their future slammed shut even before they have been fully opened to them. By denying adequate funding for education, we are condemning our children to an intellectual wasteland and short-circuiting the training of our best and brightest young people to take their places as leaders in the councils of government, the technological arena as poets, philosophers, teachers, and physicians, but most of all, as literate and knowledgeable citizens of our great democracy.

In closing, I would like to recall the words of yet another great American, and this is a bipartisan effort. I am going to recall the words of Thomas Jefferson who said, "If a nation expects to be ignorant and free in a state of civilization, it expects what never was and never will be."

Mr. President, I yield to the Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, I am proud to be a cosponsor of the Andrews-Hollings amendment, which would add $1.2 billion to the budget resolution for education purposes.

If approved, this amendment would provide education with funding at the fiscal 1986 final appropriation plus an inflation adjustment. The result would be very similar to the recommendation which the distinguished chairman of the Senate Subcommittee on Education, Arts, and Humanities [Mr. STAFFORD] and I recommended to the Budget Committee earlier this year.

On many occasions I have contended that the real strength and health of our Nation lies not in our weapons of destruction, nor in our machinery of construction, nor even in the amount of gold in Fort Knox. In reality, it is determined by the sum total of the education and character of all of our people.

The Federal contribution to education is not a large one. Overall it amounts to about 10 percent of all moneys spent on education. That 10 percent, however, is extremely important because of the highly targeted manner in which it is allocated.

In elementary and secondary education, for example, the $3.5 billion we spend in chapter I constitutes 70 percent of all the money that is spent on compensatory education in the entire United States.

In vocational education, the $700 million we spend at the Federal level generates an amount that is more than 10 times that figure in expenditures at the State and local level.

And, in higher education, where we spend close to $18 billion annually, over 90 percent of that goes directly to students in the form of grants, loans, and college work study. It is money that enables millions of deserving young Americans to pursue a postsecondary education that otherwise would be beyond their economic reach.

Mr. President, few would question that what we do in education today will have benefits for our society for years and years to come. What we accomplish in a classroom this afternoon may well unleash the talents of a new artist, begin the discovery of a cure to a mysterious disease, or perhaps even lead to the achievements of a lasting peace rather than the hostility and violence on the globe today.

It is in the classrooms of America that we sustain this Nation, and it is through education that we insure that our future will be strong and vibrant.

I urge my colleagues to join me in supporting this important amendment.

Mr. ANDREWS. Mr. President, other Senators will be speaking on this amendment. At this point, however, I yield to Senator LAUTENBERG of New Jersey.

Mr. LAUTENBERG. Mr. President, as an original cosponsor of this amendment to add $1.2 billion to the education budget, I am pleased to rise in support of the amendment of the Senators from North Dakota and South Carolina. The education of America's children is critical to our future. Our children are the foundation for our national security and strength as a democratic nation in the years ahead. Without an educated young people with a stake in our society, America will ultimately lose out in the fierce

international competition for jobs and economic growth. America's unique place among nations with its commitment to protect the freedom will erode.

A strong military defense capability is essential for our country. However, a strong defense establishment is not sufficient. We need a cohesive society tooling up for the future by educating our youth. We need young people who believe in our country and who have the skills to provide the leadership required in the years ahead.

Federal programs have been critical to improving equity in education and assuring access for all students. These programs focus on the disadvantaged and the handicapped. They provide financial assistance for higher education. The programs assist cultural and educational institutions. Overall, Federal aid is a small proportion of education spending in this country. But, in the areas where assistance is provided, it is a major factor in the development of quality education.

The resolution reported by the Budget Committee does not provide for adequate funding for education for fiscal year 1987. The cuts required earlier this year by the Gramm-Rudman-Hollings budget law would be left in place. Most programs would be frozen at fiscal year 1986 levels, with some programs sharing in a small increase.

Mr. President, the Budget Committee's resolution is an improvement over the budget proposed by the administration. But it does not do enough to support education. During the Budget Committee's consideration of the resolution, I offered a substitute budget plan which included funding for education at about the level proposed in this amendment. The committee did not adopt my budget plan. But, it only narrowly defeated an amendment to add funds for education, which I supported. I believe there is strong support in the Senate for a fair and adequate level of education funding, a level which would be above that provided in Senate Concurrent Resolution 120.

The amendment that we are offering today would add $1.2 billion to the resolution. This increase will allow education funding to make up for inflation and to make up for the 1986 Gramm-Rudman cuts. Keeping in mind that Federal spending for education has declined since 1981, this amendment is reasonable. It will keep education spending at the current level of services. It does not attempt to make up for the cuts of the last few years.

This amendment will help to maintain programs of demonstrated effectiveness, such as the chapter I program for disadvantaged children. The current funding level provides services for only about 40 percent of the eligible children, although the number of disadvantaged children has greatly increased since 1980. Similarly, Pell grants, to assist low-income students with the costs of higher education, cover an ever smaller proportion of the need. This amendment will help to stop the erosion in these and other education programs that has occurred in the last 5 years.

Mr. President, the budget problem is real. The need to cut the deficit is real. I recognize only too well the damage that has been done to the economy by the deficits of the last few years. But, the proper way to deal with deficit reduction is to set priorities. I believe that education must be given a high priority. This amendment will help to place education funding at a level that better reflects its importance than the committee resolution. I urge the adoption of the amendment.

Mr. ANDREWS. Mr. President, does the Senator need some time?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. ANDREWS. Mr. President, if the senior Senator from New Jersey [Mr. BRADLEY] wishes to speak at this time, I yield to him 3 minutes.

Mr. BRADLEY. Mr. President, I thank the Senator for yielding.

Mr. BRADLEY. Mr. President, I rise today, as a cosponsor of this amendment, to support my distinguished colleagues, the Senators from North Dakota and South Carolina. This amendment will increase funding for basic education programs by $1.2 billion for fiscal year 1987. This $1.2 billion brings education programs to their fiscal year 1986 level plus inflation.

But that really does not adequately tell the story. This amendment comes after a 6-year period, beginning in fiscal year 1981, in which funds for education have been subject to persistent cuts. Over this period, the aggregate Department of Education appropriations have been reduced by approximately 16 percent, after adjusting for inflation.

The cuts in elementary and secondary education have been staggering. In fiscal year 1980, for every $100 spent by the Federal Government, $1.10 went for elementary and secondary education. This is not a particularly generous figure to begin with. In the President's fiscal year 1987 budget, however, only 66 cents of every $100 would be spent on elementary and secondary education—a 40-percent reduction since 1980.

Higher education has also suffered. Beginning with the President's first budget in 1981, $100 million was cut from Pell grant funding, and $100 million from national direct student loans. The President's fiscal year 1987 budget continues these persistent cuts in Federal support for higher education. It would result in 1.4 million fewer students receiving any form of student aid or loans. In my home State of New Jersey, 12,600 fewer needy students would receive Pell grants.

Mr. President, it is easy to talk about the failure of our schools and the need for improvement in our educational standards, but it is shortsighted to talk about the importance of education and the problems of our schools while persistently cutting back on the Federal commitment to education.

We cannot continue to pare away at our investment in our most vital natural resource, our children. We cannot look at education as an isolated program that we can cut with impunity. Education has a critical impact on the serious social problems confronting our Nation. The experience of every immigrant group has shown that education offered them the path out of poverty. Moreover, the studies which have demonstrated the critical importance of education for individual and collective progress can and do fill countless libraries.

An enormous amount of publicity and attention has been devoted to the social ills of our youth. Indeed, one in four of our students in America drops out and fails to complete high school. Unfortunately, the figures are much higher in our inner cities. Approximately one in five of our adult population do not have the basic reading and computational skills that will allow them to participate as full functioning members of our society. What does that mean? It means that the tasks of following printed directions in their places of employment, reading directions on medications for themselves or their children, following a recipe, reading a bedtime story to a child, or filling out a tax form, become humiliating experiences of failure. Mr. President, we as a Nation cannot permit this dismal level of competence among our citizens.

Following these past 6 years of cuts in education funding, our educational programs took a further cut under the Gramm-Rudman-Hollings law. My home State of New Jersey, as an example, lost $9.67 million in elementary and secondary education funds, and $4.67 million in higher education funds.

Undeniably, we are in a time of serious budgetary constraints. Choices must be made as to how to best spend our funds. I submit that education is not only a good place to spend money, but a critical one.

Mr. President, it seems like a small victory to hold the line on education spending. This is a time for innovation in education. We badly need to address the problems in our educational system, support efforts at improvement, and reward success. We cannot afford to neglect the education of our next generation. I urge passage of this amendment.

Mr. ANDREWS. Mr. President, we reserve the remainder of our time.

Mr. DOMENICI. Mr. President, a parliamentary inquiry: How much time remains for the proponents and how much for the opponents?

The PRESIDING OFFICER. The proponents have 5 minutes 21 seconds; opponents have 30 minutes 45 seconds.

Mr. DOMENICI. I thank the Chair. I yield myself as much time as I need at this time.

First, I want to make one very important point, since some have implied that this amendment is going to save education in the United States. Upon hearing that statement, some Americans might assume that the Federal Government provides a major portion of the money spent on education in this country. This year, the people of this country are going to spend $260 billion on education. Of that $260 billion, the cities, the counties, and the States will provide all but $17.7 billion. In total $17.7 billion is how much our budget resolution provides for education. If this amendment passes, State and local governments will spend all but $18.4 billion of the $260 billion. I hope everyone understands that it is not Federal education programs that are educating our young people; it is the taxpayers' out there in our cities, counties, and States. Again, if Congress implemented our budget resolution as reported, out of $260 billion spent on education, our national Government would provide only $17.7 billion of the $260 billion.

As my colleagues listen to all of the wonderful arguments about how we are going to save this Nation by educating our children properly if we pass this amendment, I want them to keep in mind that this amendment will increase spending on education one-half of 1 percent; not 5 percent, not 10 percent, but one-half of 1 percent.

I do not need to say any more on that point. It is an incredible, preposterous statement. Nobody believes that we will destroy the education system in this country if we don't adopt this amendment.

I have heard that we should be innovative; we should be more creative. I believe that if there's one thing wrong with our Federal programs is that they are not very innovative or creative. Despite that, we hold on to them as though they were the only game in town.

Maybe we should put a little money in for special programs: We are increasing funds for the FAA because we do not have enough people watching out for plane crashes. We are increasing the Internal Revenue Service because there are not enough agents to collect taxes.

We already provided $400 million above a freeze for education in this budget. And that is not enough. Many claim that education is not getting its fair share. They want $1.4 billion more this year and $4.2 billion over the next 3 years. And how do they pay for it? With more taxes.

I believe this is a serious amendment. I believe there will be plenty of supporters and I would not be surprised if it passes. I do not believe we could have reported out a budget resolution that would have enough funding for education to avoid any further increases on the floor.

Now, let me address those Senators who are worried about the budget and the size of the defici,t and the tax increases already assumed in our resolution. If this amendment passes, we will have to raise $4.3 billion more over the next 3 years.

I have heard a lot of talk that Congress has cut education over the past 5 years. Well, let me tell you what has happened to education since 1980. Vocational rehabilitation has been cut, right? Wrong, vocational rehabilitation has increased by 37 percent in the last 5 years. Compensatory education has grown by 13 percent. Education for the handicapped have increased by 32 percent.

Student financial aid—some people wonder if the Senator from New Mexico knows anything about that. Well, I do not receive very much student aid but I have a lot of kids in college. As a matter of fact, there has never been a U.S. Senator in history with more children in college at one time than I have. I have seven: two in law school and five in undergraduate schools around this country, from New Mexico to Loyola College in Baltimore. Believe me, I know what it costs. In the budget resolution before us, there is not one reduction in student financial assistance programs not one. Over the past 5 years, these programs increased by 32 percent. The Pell Grant Program alone grew by 46.4 percent.

Mr. NICKLES. Will the chairman yield?

Mr. DOMENICI. I will be happy to yield.

Mr. NICKLES. I missed the Senator's opening statement. I am sure the Senator covered this. Could he tell me what the outlays were last year and then what the outlays are projected for 1987, or for 1986, 1987, 1988, 1989. Are they level or are they the same, increased or decreased?

Mr. HOLLINGS. Decreased.

Mr. DOMENICI. Although the budget authority is increasing, outlays are about constant.

Mr. NICKLES. Constant with 1986 levels?

Mr. DOMENICI. Yes. About $17.4 billion. They decline slightly due to the savings in the Guaranteed Student Loan (GSL) Program. These GSL reforms affect primarily the banks and the State guarantee agencies, not the students.

Mr. NICKLES. They are the same program plus a little bit more. The savings come from interest savings from the banks and other management changes.

Mr. DOMENICI. Yes. Under the Guaranteed Student Loan (GSL) Program, banks receive a subsidy from the Federal Government, as an incentive to make these loans. We are recommending that the banks receive slightly less of a subsidy for making GSL's to young people.

Mr. NICKLES. For the banks.

Mr. DOMENICI. Yes.

Mr. NICKLES. I thank the Senator.

Mr. DOMENICI. I will reserve the remainder of my time. I will conclude by saying again, I do not believe we could have produced a budget resolution that would have enough for education to satisfy everyone.

My colleagues should know that we already voted on this amendment in committee. It failed. The same person who offers it now, my good friend, Senator ANDREWS, offered it in committee.

The committee instead settled for a $400 million increase over a freeze for education. I hope that Senator would seriously consider that sooner or later, even with the best of our programs, unless we can find other ones to cut, we ought to settle for something as reasonable as the Budget Committee has offered. I need not repeat what we have done in these programs. We have funded these programs well considering the constraints. And I do not say "we" as though I have been personally responsible. There are many Senators who have been tremendously instrumental in increasing education spending in this country.

Mr. ANDREWS. Mr. President, will my colleague yield for a moment?

Mr. DOMENICI. I just want to compliment several of my colleagues. For example, we have the distinguished education subcommittee chairman. Thanks to him funding for these programs have gone up.

Our job will not be any easier if this amendment passes.

Mr. ANDREWS. Will my chairman yield briefly?

Mr. DOMENICI. I will be pleased to yield.

Mr. ANDREWS. Let me point out, Mr. President, that our chairman is a friend of education. He did move very far toward our figures in the Budget Committee. I think it is also important to point out that while he came about two-thirds of the way, we had an amendment within the Budget Committee. We lost by a two-vote margin and we said we would take that amendment to the floor, which is what we are doing. Let me also point out that while the distinguished Senator from New Mexico and the Senator from Florida, the chairman and rank-

ing member of the Budget Committee, did accommodate about two-thirds of our request, the amendment that now is before us is, as the chairman, I am sure, in his fairness and equity will point out, still below the CBO budget baseline in each one of these outyears. It is that simple. We are merely revisiting on the floor what we had a sharp debate about in the Budget Committee, and those of us who support education assure our colleagues that the Senator from New Mexico does support education, too. He just does not come quite as close to the CBO baseline as we would like to come.

Mr. DOMENICI. I thank the distinguished Senator.

Mr. President, how much time does the Senator from New Mexico have?

The PRESIDING OFFICER (Mr. SYMMS). Fourteen minutes and 50 seconds.

Mr. DOMENICI. I yield myself 1 minute, and then I will yield to the distinguished Senator from Florida. The Senator from Nebraska (Mr. EXON) also wants 3 minutes.

Mr. President, I want to address the point raised by Senator ANDREWS. I hope no one believes that the baseline has anything to do with the question of how much funding a particular program should receive.

Since the Budget Act passed, some 12 years ago, our committee has used the baseline, or current policy, as a starting point. Current policy assumes that every program increases by the rate of inflation, even if Congress has not voted for increases.

CBO has no expertise in education. CBO is not telling us, and never has, what a proper funding level should be for education.

Mr. ANDREWS. Does CBO have that expertise in defense? That CBO baseline is held firmly when you talk about defense numbers.

Mr. DOMENICI. CBO does not make recommendations about increases in spending. They do not claim to know what level of Government spending we should support.

Mr. President, I yield 3 minutes to the Senator from Nebraska.

Mr. EXON. I thank the chairman of the Budget Committee.

Mr. President, I think I have a record of supporting education at all levels very strongly, and that record speaks for itself. Nevertheless, I know that when I cast the vote I am going to cast because of my conviction on this, I will be on some lists as antieducation.

We are going to make the first really sincere attempt to break the limits set in the Budget Committee. There is nothing wrong with this, and I applaud the members of the Budget Committee and the members of the Senate. They have every right to offer the amendment that has been offered; and in normal circumstances, this Senator would be supporting it.

Mr. President, I cast my vote in support of education in the Budget Committee when we essentially froze—by freezing, I mean we did not allow an increase nor did we allow the permanent cuts suggested in the President's budget. This Senator stands for his support of education in the Budget Committee. But, as is the case in almost every program we can think of, the question is, What have you done for me lately? What have you done for me lately in education is likely to be the measure of the education associations—not what we did in committee or what we did in basically freezing the education budget, which I thought was good and proper under the circumstances to meet the constraints we were working under. But, no; now we come along with another $1.2 billion.

I wish I could support it, because I am a strong supporter of education. I did everything I could for education, in good conscience and in bringing some constraint into line as dictated by good commonsense and as mandated by not so good commonsense embodied in the so-called Gramm-Rudman-Hollings proposal, in the view of this Senator.

It seems to me that what we are really doing here is saying that education is another of those items that will not be cut. If we approve this $1.2 billion increase, we are basically going to be returning to education the amount that was sequestered under the first Gramm-Rudman-Hollings cut. If we are going to do that with education, "Katy, bar the door" with respect to what we are going to do on down the line.

I am simply saying that, as worthwhile as this amendment is, and as much as I would like to vote for it, I cannot do so in good conscience; because I am fearful that if we break the dam on this issue, "Katy, bar the door" as we take up other amendments.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

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

Mr. DOMENICI. How much time does the Senator desire?

Mr. CHILES. Five or six minutes.

Mr. DOMENICI. I yield 6 minutes to the Senator from Florida.

Mr. CHILES. Mr. President, I have listened to the arguments for this amendment, and I find that they have great merit. They are arguments, in the main, that I have made before—many on the floor, many in committee. I cannot take issue with the arguments.

In fact, I would like to see us at this time be adding more to education. I do not think $1.2 billion is enough for what we should be doing in education—nowhere near enough. But if you think about it, that is part of what we are about in this whole thing of trying to get a handle on the deficit.

What do we do when we pay $148 billion this year in interest payments, when it is the fastest growing item in the Federal budget, the most uncontrollable item in the Federal budget? What does it do? It squeezes us to the point that, over the last few years, we have not been able to set priorities that we know need to be set. We cannot do the kinds of things for the handicapped that we know we should be doing. We cannot do the things for the disadvantaged that we know we should be doing.

We are not doing the things in many other areas of what Government's principal role is—training, education. It is so important for this country that there is no doubt that we should be putting more money into it.

However, we have another thing to remember: We are living in a different environment this year. The Senator from Florida was a cosponsor of an amendment last year that added $1 billion to education and has been a cosponsor in most of the years it has come up. There is a difference. There is something called Gramm-Rudman-Hollings and the sequester that comes from that if we fail to meet these targets.

I have not seen any great surplus of votes for the committee document as we have it on the floor. In fact, it is 4 weeks out of the committee, and we have just taken it up. Why? Because the majority leader said there is not sufficient support on that side. We certainly have not seen it being given great marks by the White House. We have seen what has happened from that standpoint.

I am tremendously concerned. If we cannot reach that level, as we should, under the Budget Act, what happens? We fall under Gramm-Rudman-Hollings. We fall under the sequester. Then what happens to education? What happens to all our other programs? That is what we are up against.

So in the Budget Committee when we were trying to craft this document, a number of us said that before we would lend our support, we had to add $400 million to education—we had to add above that so-called baseline or that freeze we were talking about. What we were trying to do was put it in the programs for the disadvantaged, for the handicapped, for the areas where we felt we had to give some additional money.

Give more? Absolutely—I would like to see us be able to give more. But we have to look at it in the context of this question: "How do you like your mother-in-law?" Compared to whom? How do you like this deficit? How do

you like this budget? Compared to a sequester. Compared to what happens if the ax falls and we start cutting. That is the thing we have to look at now.

If you can show me this amendment as it is adopted; if we are going to get the same preponderance of votes; if we are going to get sufficient votes on both sides of the aisle; if we are going to have a bipartisan budget; and if we are going to have a kind of budget so that the House will say, "Wait a minute, we can put in some revenue and go forward with this budget because we have a majority of the Democrats and Republicans sponsoring that in the Senate, so we will not worry about the actions the White House tends to take," then I would say this is a good amendment.

I do not feel that confident. I do not feel that there are enough votes now, especially on the other side of this Chamber, so that we will be able to produce any kind of vote.

For those reasons, I have to say that when you look at the mark we have, compared to what happens if we have a sequester, I think that mark looks very good.

I think we have tried. If you look at what we had to do with all of the other programs the disadvantaged programs, feeding programs, housing programs, the elderly programs, all of those areas, we have tried to treat education as well. I think we did that as we did all of those programs, and again one thing: What is the overall scheme about? The overall scheme is to get control of our destiny so that we can come back and do what we should be doing as a Congress, setting those priorities so that we can be determining what our role should be in education.

But I will guarantee you we will never have an opportunity to do that until we can get this budget under control, until we can cause that interest rate not to be fastest growing program of the Federal Government.

For that reason, I think we should stick with the mark we have in the Budget Committee.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. DOMENICI. Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. GRAMM. Mr. President, I thank the distinguished chairman of the Budget Committee for yielding to me.

I wish to identify myself with his remarks and with the remarks of the Senator from Florida and the Senator from Nebraska.

Mr. President, the fundamental weakness in this budget, as I see it now, is that we do not have a commitment from the partner in this process. That clearly has to be present if the budget is going to be put into place. The reason we do not have that commitment is a dispute about a tax increase of $53 billion over a 3-year period.

Now, I do not doubt the sincerity of Senators who propose this amendment. I do not doubt for a moment that they are willing to raise taxes, to add another $2.9 billion to education programs.

I am doubtful, however, Mr. President, that such a tax increase is going to be adopted or that it is going to be signed by the President.

I think with the adoption of this amendment, if in fact it is adopted, that we are adding more to the clear confrontation that exists over this issue. We are making this budget further and further out of reach in terms of its adoption and implementation through a reconciliation bill and a tax increase.

I am concerned, therefore, that while the budget might conform to the Gramm-Rudman-Hollings requirement of being deficit neutral, and I think it is interesting to note that in any other year this would simply have been an add on to the deficit, we are at least debating it here as a tax increase and an add on because of a requirement of the Gramm-Rudman-Hollings bill, and I think that is a step in the right direction.

But I oppose it. I do not feel constrained to explain that I am proeducation. I spent 12 years of my life teaching. I think that represents a commitment in and of itself. But I oppose raising taxes by $2.9 billion for this add on. I believe that tax increase will be vetoed and if, in fact, we spend the money it will end up being added to the deficit.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. ANDREWS. I yield 3 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 3 minutes.

Mr. WEICKER. Mr. President, I rise in support of the amendment of the distinguished Senator from North Dakota.

Let me say this in relationship to remarks just made: The fact is you are going to have a confrontation on the matter of budget priorities. We have lived now for several years in a rather bizarre arrangement where most of the money goes for defense and little enough in terms of education, health, and science.

No, this is not a finger-pointing exercise as far as the Budget Committee is concerned. They are doing their job, which is to produce a budget. But the matter of choices as to what that budget is to consist of, that is really what is at issue here on the floor of the Senate, and it should be.

Do not let anyone take any solace in saying this is the Budget Committee's fault, that they are the ones who are responsible. The real clear-cut question before us is what we are going to allocate to education in this Nation.

As the chairman of the Appropriations Subcommittee that handles education funding, I can assure you that over the past several years, education has been shortchanged and continues to be shortchanged.

I appreciate the fact that the budget reported by the Budget Committee is better than that offered by the President. But it still leaves us far behind in terms of what needs to be done in primary, secondary, higher education, and special education. I will address special education separately in a later amendment.

What this vote is about is that once again we want to establish education as a priority in the overall scheme of things, and that is something that can only be done by the Senate and not by the Budget Committee. Please understand that just within my subcommittee alone there were approximately 30 days of hearings just on the subjects of education, health, and labor. The Budget Committee does not have time to do that. I do not know how many days Senator STAFFORD, who is chairman of the education authorizing committee, has also put in on this matter.

But I go down the checklist of what needs to be done, and believe me it is considerable and, yes, over these years we barely kept our head above water.

Now what the Budget Committee has to consider is what are the outyear costs of standing still or falling behind.

Let me give you an example: According to the American Library Association, some 27 million adults are functionally illiterate with an estimated 2 million added to that number annually. It is estimated that functional illiteracy costs the Nation over $224 billion each year in welfare payments, crime, incompetent job performance, lost tax revenue, and remedial education.

Unless you tend to these outyear costs, there is no way you will ever be able to balance the budget in the future just by virtue of the cost of not doing what should be done in terms of education.

I wonder if my colleagues have any idea what it will cost this Nation if we fail to provide educational services for the handicapped and vocational rehabilitation services for disabled adults. The cost of caring for those who would not be mainstreamed in our schools and the cost of providing food, clothing, and shelter assistance to those who could otherwise be working is enormous.

Recent estimates show that since 1980, Federal education efforts have been reduced by 16 percent in real dollars. The constant erosion of these education dollars will continue to have serious consequences for our society.

Mr. President, this amendment to restore current services for education programs based on the presequestration level is not some wild, big spending assault on efforts to reduce the deficit. Rather, it is an honest attempt to strengthen the capacity of our educational system to provide the quality of education we so desperately need.

I commend my good friend from North Dakota for his leadership in restoring essential Federal funding for educational programs and I urge adoption of this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. ANDREWS. I yield a minute to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for a minute.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Florida writes us on April 10 which I received a few days later, less than 10 days ago, which I ask unanimous consent the entire document be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, April 10, 1986.

DEAR COLLEAGUE: We invite your cosponsorship of the growth and investment initiative discussed at the Democratic Conference.

The resolution passed by the Senate Budget Committee is a balanced and effective deficit reduction package. It complies with the Gramm-Rudman target for fiscal year 1987 responsibly, by ensuring that defense moderation, domestic cuts, and revenues all play a role.

But our Party has long recognized that the national budget is more than a statement of accounts—it is a blueprint for our future. And to secure that future, we must support investments—in science, education, technological development, training, and trade promotion—that will make the country strong, competitive, and capable of offering meaningful opportunities for our people.

To fulfill these objectives, our amendment proposes several billion dollars in investments over three years, funded with new revenues. We do not propose further cuts in national defense. And the amendment includes language rejecting proposals to increase the average American's income taxes.

Attached, you'll find a comprehensive statement which details the investments we are proposing. Please review this material. If you are interested in cosponsoring this Democratic initiative, contact Mark Steitz in Senator Hart's office (4-5852) or John Hilley with Senator Chiles' staff (4-0553).

Sincerely,

GARY HART.
LAWTON CHILES.

APRIL 10, 1986.

THE DEMOCRATIC—HART/CHILES—GROWTH AND INVESTMENT INITIATIVE

The government must develop and invest in a comprehensive program for economic growth that recognizes the challenges and opportunities of the future. Consequently, Democrats must unite behind an alternative package to:

Nurture minds and creativity;

Foster additional scientific research;

Promote technological development;

Sustain a skilled and flexible workforce;

Use our natural resources productively;

Expand international market opportunities;

Rather than reacting with piecemeal solutions, America must develop strategic and activist approaches to an evolving world economy:

To maintain our lead in scientific and commercial endeavors, we must provide opportunities for all to learn and then apply their education;

To translate research into marketable products, we must reward technological and product development. But we must also sustain a skilled and flexible workforce to produce these products competitively;

To reap the benefits of our competitive prowess, we must be able to compete fairly and openly in the world's markets;

To enable our prosperity to endure we must manage our resources wisely and adopt innovative approaches which minimize energy usage and maximize environmental protection.

Concerted action can create a whole that is greater than the parts. The growth and investment initiative funds programs in science, education, technological development, training, natural resources, and trade promotion—drawing together the elements of a comprehensive and connected policy.

Therefore, we propose a "pay as you invest" budget amendment.

The Democratic Growth and Investment initiative would invest $3.0 billion more in fiscal year 1987 and $17.1 billion more over the next three years, compared to the bipartisan compromise. These investments would be financed through increased taxes—the amendment includes, however, language expressing the sense that these revenues not come from increasing income taxes on low and middle income Americans.

As the attached table shows, the amendment contemplates three major initiatives: investments in science and technology, in resource development, and in education and training. The science and technology initiatives include:

New investment in technology development focused on biomedical and biotechnical research, supercomputers, robotics, fiber optics and other advanced processes;

Increased basic research through the NSF and other research organizations.

The resource development initiative is designed to develop our nation's energy, agricultural, metalurgical and other natural resources.

The education and training initiatives, accounting for roughly two-thirds of the funds in the amendment, aim to restore the nation's historic commitments to our children's future and a skilled and flexible labor force. The amendment would:

Invest in skills critical to our growing and changing economy including math, science, and foreign language programs;

Ensure a quality education for the children most at risk—those 14 million growing up in poverty; more will be invested in successful programs with proven track records, such as Head Start, compensatory education and Pell grants, as well as new public/private partnership, demonstration, and educational excellence initiatives;

Combat adult illiteracy and growing high school dropout rates;

Reaffirm our commitment to training dislocated and disadvantaged workers by increasing participation in current, successful programs and establishing pilot programs to develop new approaches.

DEMOCRATIC GROWTH AND INVESTMENT INITIATIVE

[Increases over SBC resolution, in billions of dollars]

	1987	1988	1989	1987–89 total
Investments in science and technology:				
Advance basic science (F. 250):				
Budget authority	0.3	0.4	0.6	1.3
Outlays	.2	.3	.5	1.0
Develop innovative technologies:				
Health (F. 550):				
Budget authority	.3	.7	1.0	2.0
Outlays	.2	.5	.8	1.5
Industry and commerce (F. 370):				
Budget authority	.2	.2	.2	.6
Outlays	.2	.2	.2	.6
Subtotal:				
Budget authority	.8	1.3	1.8	3.9
Outlays	.6	1.0	1.5	3.1
Investments in resource development:				
Energy (F. 270):				
Budget authority	.3	.3	.4	1.0
Outlays	.2	.2	.3	.7
Agriculture (F. 300/350):				
Budget authority	.3	.3	.4	1.0
Outlays	.3	.3	.3	.9
Other natural resources (F. 300):				
Budget authority	.1	.2	.4	.7
Outlays	.1	.2	.3	.6
Subtotal:				
Budget authority	.7	.8	1.2	2.7
Outlays	.6	.7	.9	2.2
Investments in education and training (F. 500):				
Education:				
Budget authority	1.7	4.8	5.4	11.9
Outlays	1.3	2.0	4.3	7.6
Training:				
Budget authority	.8	3.1	3.7	7.6
Outlays	.5	.9	2.8	4.2
Subtotal:				
Budget authority	2.5	7.9	9.1	19.5
Outlays	1.8	2.9	7.1	11.8
Grand total:				
Budget authority	4.0	10.0	12.1	26.1
Outlays	3.0	4.6	9.5	17.5

WE ARE AT RISK

America does not have a guarantee to prosperity. Our economic well-being is in large part a legacy of the work and investments of earlier generations. That is a birthright that we must not squander.

Yet in the decade of the 1980's we have chosen to borrow from, rather than build for, our future. As things now stand, the federal government will increase its debt by $1.36 trillion in the years from 1981 to 1990.

Having recognized that the budget deficit is an impediment to economic growth, we are committed to a process that will lead to a balanced budget by 1991. But already having borrowed so much from our future, it would be shortsighted to balance the budget in a way that steals even more from tomorrow. We simply cannot afford to freeze or starve programs essential for future economic growth.

The warning signs are clear. The U.S. is losing the race against our international competitors—the result will be a lower standard of living. Consider:

SCIENCE AND TECHNOLOGY

In the last five years, the U.S. trade balance in high-technology goods has declined by more than $20 billion;

By 1985, the number of robots installed in Japanese facilities was twice as great as the United States;

As a proportion of GNP, the U.S. spends less than any of its major trading partners on industrial research and development;

The military proportion of federal R&D was 50 percent in 1980. This would grow to 73 percent under the President's budget;

Japan graduates twice as many engineering students per capita as the United States;

U.S. productivity growth in this decade has been the lowest among our major trading partners;

EDUCATION

U.S. students scored at or below the average of nineteen other countries on a series of math achievement tests administered to 8th and 12th graders. The high school seniors fell into the lowest fourth of countries on the algebra, geometry, and the number systems tests.

Only 15 percent of American high school students study a foreign language—down from about 24 percent in 1965.

Over 27 million adult Americans are functionally illiterate, with less than 10 percent receiving remedial education each year.

WORKFORCE

Over 11 million workers permanently lost jobs due to plant closings and layoffs between 1979 and 1984. Nearly half were employed in manufacturing industries hardest hit by foreign competition;

Yet, at most, 5 percent of those eligible to participate in training programs are being served at existing funding levels;

At least 20 percent of displaced workers lack reading and basic math skills. When they lose job-specific skills and seniority benefits, long-term earnings losses result. Among displaced workers who find reemployment, 45 percent report pay cuts.

By the year 2000, half of the workforce will be middle-aged (35-55), compared with about 35 percent today. Retraining the adult workforce will be paramount.

RESOURCES

Each year, 264 million tons of hazardous wastes are generated with only 0.3 percent covered by Superfund;

The life expectancies of the world reserves of essential materials such as silver, lead, and zinc range from 10 to 20 years, implying rapid depletion at current demand levels;

Soil conservation losses of 5 to 15 tons per acre per year are occurring under current erosion conditions.

MARKET OPPORTUNITIES

Market barriers to U.S. exports deprive our producers of billions in sales annually;

Seeing the success of our competitors, many developing nations are adopting a neo-mercantilist approach to trade;

Only 5 percent of world trade is subject to international trade rules.

Mr. HOLLINGS. Senator CHILES wrote us a few days ago that what he wants to do is give some $11.9 billion more to education in budget authority. Then he adds $1 billion for energy, $1 billion for agriculture, $2 billion for health, $0.6 billion for industry and for commerce, $1.3 billion for science, and $0.7 billion for natural resources, and $7.6 billion for training—for a grand total of $26.1 billion.

This proposal adds $17 billion more in taxes. I call the Hart-Chiles amendment the tax and tax and spend and spend amendment.

Now, this afternoon, he says we have to stop and think about the Andrews-Hollings amendment. That we have to get discipline over the budget. That have to get the budget under control. Unlike the Hart-Chiles amendment, the Andrews-Hollings amendment before you now conforms to the discipline of Gramm-Rudman-Hollings.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. MATSUNAGA. Will the Senator yield me 1½ minutes?

The PRESIDING OFFICER. The Senator from North Dakota has 1 minute remaining; the Senator from New Mexico has 2 minutes remaining.

Mr. DOMENICI. I yield 1 minute to the Senator from Illinois who requested it even though he is not in favor of my side.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

Mr. SIMON. Mr. President, I thank my colleague from New Mexico.

I candidly have mixed feelings on this. My concern is that we are going to improve this budget resolution to death. At the same time, clearly we ought to make a greater priority of education in this country.

So, I am going to vote for the resolution. It does not suggest that our friends on the Budget Committee have not done a superb job. I think they have. But I am going to vote for it simply as an indication that this Nation has to do more to prepare for tomorrow than we are now doing, but I confess again some mixed feelings because I fear as we "improve" this resolution we may be lessening its changes for passage.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. ANDREWS. I am glad to yield to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, I rise as a cosponsor to speak in favor of the amendment offered by my colleagues from North Dakota and South Carolina which would increase funding for function 500 by $1.2 billion for fiscal year 1987.

Starting in 1983 with the issuance of the National Commission on Excellence in Education's report entitled "A Nation at Risk: The Imperative for Education Reform," there has been extensive debate in both Houses of Congress about the state of education in our country. The debate has centered on various proposals for achieving quality education but especially on the level of funding necessary for attaining and maintaining that quality.

The business before this body today requires another of our recurring visits to past discussions. Once again this body is determining the merits of a proposal to provide funding for education. Once again this body is weighing the arguments for taking such action against a background of budget deficits. Once again this body must focus foremost on that which is for the overall good of this Nation's schools and students.

Mr. President, in thinking through all of these necessary considerations, I could come to only one conclusion—this amendment deserves support. If education is truly an endeavor in which a partnership exists not only between a school and its community, but also between the community and the State and between the State and the Federal Government, then it is incumbent upon this body to demonstrate its commitment to this partnership—not merely by rhetoric, but through tangible actions. It is not acceptable for the Federal Government to pass on to the States its share of responsibility for education. It must demonstrate leadership and wisdom and accept its share of responsibility in an area so full of promise—the promise of young minds with the hope of new endeavors.

In determining whether or not adoption of this amendment adequately reflects fiscal restraint, I can only emphasize that the amendment merely restores funding to the current services level with an adjustment for inflation. Surely this, in and of itself, is neither excessive nor irresponsible. I believe it is only fair that the Federal Government at the very least maintain its current level of involvement and responsibility in the educational programs throughout our country. To do otherwise would be to pull away support from State and local efforts at a time when such support is most urgently needed in order to act upon projections of educational reform. We Members of Congress have repeatedly heard the administration describe the many different initiatives taken by the States to meet the challenge of providing educational quality and equity head on. Given the fact that these initiatives have barely taken root, is it really prudent for the Federal Government to cut off its current support and thereby jeopardize whatever gains may have been achieved by these new State initiatives? I hardly think so. After all, is it not extremely plausible, if not highly probable, that cuts in Federal funding may result in moneys previously targeted for State initiatives being instead diverted to offset Federal cutbacks? Then where would we be? Is such a consequence wise and efficient use of the human resources in our schools? As a one-time classroom teacher, I do not believe that

cost effectiveness in education can only be evaluated by counting dollars saved. It is high time that deliberate consideration also be given to manhours wasted.

Finally, in considering the proposed amendment as it relates to the broader good of our Nation's schools and students, there is no question in my mind as to the gains to be made. I am, instead, gravely concerned about what impact the failure to pass this amendment would have. If failure to maintain current services results in an inability on the part of schools to serve certain groups of students or the same number of students, and it may, or if failure to pass this amendment results in a decrease in the kinds or amount of services provided to students, and again it may, then the need to pass the amendment offered by the Senators from North Dakota and South Carolina is even further underscored. How can the Members of the U.S. Senate, in good conscience, deny to these students their access to a quality education? Once again, I return to my comment on the irretrievable losses of time spent and effort made by teachers and others in trying to meet the needs of the child in the classroom. As a former public school teacher and father of five I know that maintenance of effort is crucial to every child's rate and level of achievement. Therefore, if quality education is indeed the goal that is sought by Congress—and it should be—I believe that the only reasonable and responsible action that this body can take is to support the pending amendment.

Mr. ANDREWS. Mr. President, I yield 30 seconds to the Senator from Connecticut.

Mr. WEICKER. Mr. President, what this finally boils down to is that the advocacy of education does not rest with the Secretary of Education, except, perhaps for his advocacy of bilingual education. Advocacy of education is not up to the Budget Committee. It is this body that has to speak to the advocacy of education as a matter of national priority.

That is what is at issue here, not the Budget Committee, not the Secretary of Education, but each individual Senator saying, yes, in the course of the overall budget, education now deserves an emphasis which has been lacking over the past several years.

The PRESIDING OFFICER. All time has expired on the side of the proponents.

Mr. ANDREWS. Mr. President, I have 30 seconds left. We had 1 minute and 15 seconds. I made a unanimous-consent request. I yielded 30 seconds. So we should have 45 seconds remaining.

Mr. ABDNOR. Mr. President, I am pleased to join with Senators ANDREWS and HOLLINGS in sponsoring this very necessary amendment to the budget resolution (S. Con. Res. 120).

Mr. President, I am, no doubt, viewed as one of the more fiscally conservative members of this distinguished body. I do not apologize for being concerned about the Federal deficit. We must work together to ensure that our children and our grandchildren are not burdened with our debts.

We must also provide our children with a quality education. As a former schoolteacher, I can assure my colleagues that a dollar spent wisely on the education of our youth is an invaluable investment in our Nation's future.

Mr. President, in my State the vast majority of those who puruse a post-secondary education rely upon Federal financial aid. Without adequate funds for these important programs, many students in South Dakota and across the Nation will be denied access to a college education or vocational training. Additionally, programs which serve to assist disadvantaged students [TRIO] and developing institutions will suffer if we fail to adopt this amendment. Surely we cannot deny our young people the opportunity to realize their hopes and dreams for a bright and promising future.

As my colleagues know, I have long been an outspoken proponent of the impact aid program. Our Nation's federally impacted schools, particularly those which are heavily impacted with military dependents or Native American children, whose parents do not contribute to the local tax base, can ill afford any reductions in funds. Certainly the Federal Government has an obligation to reimburse local school districts that are unable to generate sufficient revenues due to Federal activity.

Mr. President, there are a number of other vital education programs which are provided for through this amendment, including Chapter 1 compensatory education, chapter 2 ECIA [Education Consolidation and Improvement Act], vocational education, and handicapped education. I commend the distinguished Senators from North Dakota and South Carolina for developing this sensible and well-balanced amendment. I urge our colleagues to join in supporting the amendment.

Mr. SPECTER. Mr. President, I am pleased to be an original cosponsor of the Andrews amendment to increase education funding by $1.2 billion in fiscal year 1987. Our amendment restores funding for the basic education programs to current services—a freeze on the fiscal year 1986 appropriation plus inflation. This amendment would insure that services and aid to students would not be reduced from current levels, recognizing that Federal education programs are essential to the collective educational needs of our nation's students and should, therefore, be protected from further cuts.

Mr. President, in my view, Federal education programs have absorbed their fair share of budget cuts in recent years. Between fiscal year 1980 and the fiscal year 1986 actual appropriation, all Federal spending grew by 65.9 percent. During this same period, Federal funding for all elementary and secondary education programs except vocational education, chapter I, and education for the handicapped declined in actual dollars.

Because funding has not kept up with the inflation, approximately 600,000 fewer students are being served by chapter I in the 1985-86 school year than were being served in 1980-81. Between 1980-86, the Federal share of education of the handicapped fell from 12 to 7 percent, even though the original Federal commitment was to provide 40 percent of the funding by 1980. Clearly, education has not added to the Federal deficit and should be allowed to keep pace with inflation.

The Senate Budget Committee Budget Resolution sets the function 500 funding level at $30.8 billion, which is essentially an across-the-board freeze on the fiscal year 1986 actual appropriation. The budget resolution also contains a $100 million cut in chapter II funding. Our amendment would restore the funding for Federal education programs at the fiscal year 1986 current services appropriated level. With current services funding maintained, States will be able to continue to serve those children who are already participating in a Federal education program. Current services funding for chapter I is particularly important. Although the number of disadvantaged children has increased by 2.2 million since 1980, only 40 percent of the eligible chapter I children are currently being served.

In increasing function 500 by $1.2 billion for education programs, we are placing education in a high priority position. Our amendment can make the difference between whether millions of Americans continue to have access to federally supported education programs or whether they lose access to educational opportunity.

The strength of our Nation rests in its people, and we cannot strengthen the Nation without investing in the human infrastructure. As we consider this amendment, let us keep in mind that if the United States wants to maintain its position as the greatest nation in the world, if we are to keep pace with modern industrial nations like Japan, and West Germany, if we are to keep pace with the Soviets, we must make realistic expenditures on our greatest capital asset, our most important domestic defense weapon—an educated citizenry.

I urge my colleagues to vote in favor of the Andrews-Hollings-Specter amendment.

Mr. BOREN. Mr. President, I am pleased to join with Senator ANDREWS and HOLLINGS and my other colleagues in supporting an amendment to begin to restore vital funding to our educational system.

It is frightening to imagine that over the last 5 years, while we have seen 163 percent funding increase in the amount of foreign aid, we have withstood a drastic 23 percent cut in the education function. How can a Nation so dependent on the vital need for human resource development, be so negligent of its obligation to the investment necessary to insure that development?

I proudly join in this effort to redesignate this funding priority to education as a first step in redefining that priority and putting a renewed emphasis on this Nation's economic and technological leadership. As we see ourselves lose markets to foreign competitors, we should realize the need to protect our future and work to insure a continued growth in the standard of living for ourselves and our children.

I applaud the leadership of the two principal sponsors of this amendment and have cosponsored and support it wholeheartedly.

Mr. ROCKEFELLER. Mr. President, I rise to urge my colleagues to support this amendment. A fundamental decision is now before us—will we invest more in the education of our young people to equip them with the skills, knowledge, and motivation they will need as America's next generation of leaders and workers? Or will we risk undermining that future through inadequate funding and neglect?

This amendment would add $1.2 billion to education programs in the Domenici-Chiles budget plan—just enough money needed to freeze education funding and provide an adjustment for inflation. In other words, the amendment sustains last year's level of support for a range of critical education programs—including assistance to our local schools, an effort to upgrade math and science classes, vocational education, student loans and grants, and teacher training in key fields.

As pointed out by the authors of this amendment, Senators HOLLINGS and ANDREWS, funding for education in real dollars has significantly decreased in the past 5 years. This has happened against a backdrop of increasing problems in our educational system and the state of our economy, all suggesting that we should have been doing the reverse with education funding.

One of the most compelling warnings was sounded 3 years ago by the President's National Commission on Excellence in Education: "Our Nation is at risk. Our once unchallenged preeminance in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world." The commission placed much of the blame on our country's educational system. Indicators of the Nation's risk which are now well known include a steady decline in our students' testing scores, particularly in math and science, an increasing rate of illiteracy among adults and teenagers, and a drop in the ranking of American students in comparisons of student achievement among industrialized nations. As a study led by major U.S. corporations recently pointed out, Japanese students spend more time in class than their American counterparts; by the time they graduate from high school, they have completed the equivalent of a second year at a good American college.

We cannot afford anything but a first-rate educational system. Today's young people must be trained and educated to make the adjustments to the new world economy. Their task will be enormous, as we can see by looking at the country's present economic situation. Fully 70 percent of the goods we produce compete with merchandise from abroad. We have lost half the jobs in the U.S. steel industry, given up a significant share in the market in all high technology or sunrise industries, and allowed a trade deficit to form between our electronic sales and Japan's that is close to the magnitude of our deficit in autos. These trends are especially disturbing when one recalls the Bureau of Labor Statistics projection, released in 1984, of a shortage of workers in occupational fields requiring higher entry-level skills by the 1990's.

Another Presidential commission, focusing on industrial competitiveness, drew the conclusion that must be acted upon. It said: "Our ability to compete internationally faces unprecedented challenge from abroad. Our world leadership is at stake, and so is our ability to provide for our people the standard of living and opportunities to which they aspire."

Fortunately, the American people are responding by pushing for reform of our educational system. Across the country, States have made the commitment to upgrade curricula, teacher certification standards, school buildings and equipment, and many other aspects of their schools. But they need and desire leadership and resources from the Federal Government. As a Nation, we are not going to make the leaps fast enough which are necessary to prepare our young people for the demands of the future unless we increase support for more in education programs.

We all remember the Federal Government drive to emphasize education in response to Sputnik in the late 1950's—a drive that propelled the innovation and the prosperity of the 1960's. Isn't now the time to mobilize again? In my view, Congress must focus on education as one of its highest priorities—the financial resources must be committed to vastly improve and modernize the teaching and training of America's young people.

This amendment would provide a modest amount of funding to move in this direction—not enough, I would argue, to make the improvements needed to meet the challenges ahead. But it is a step in the right direction, and will help to build momentum for a national effort to bring excellence into our schools. The key to America's economic resurgence is education. Either we invest now or we will pay the price all too soon.

Mr. LEAHY. Mr. President, in recent years funding for basic education in real dollars has declined. This amendment, which I am proud to cosponsor, will restore funding for basic education to last year's current services level—a freeze at last year's appropriation plus inflation.

Programs strengthened by this amendment include education for the handicapped, vocational and adult education, and compensatory education for the disadvantaged and much more.

With more families falling into poverty and an increasing number of young people without the basic skills to get and hold down jobs, it is clear to me education is one place we cannot afford to cut back.

Whether we talk about productivity in manufacturing and business, national security or international relations, new challenges in technology or the need for new leadership skills in social and domestic policy matters, education is the key to finding the answers to problems we face now and in the future.

I can think of no investment of our resources which carries the promise of so rich a return as the investment in education.

Mr. President, the amendment to restore $1.2 billion in educational programs represents an investment in our future. Like any investment, there is some cost involved. But that cost of $1.2 billion is a small price to pay for an educated and enlightened America.

The amendment directs the Finance Committee to find $1.2 billion in revenues to offset this important investment in education, so that it will not add to the $200 billion budget deficit.

The chairman of the Senate Finance Committee and virtually all of its members have stated that any revenues raised to reduce the deficit would not be derived by increasing individual taxes. I also oppose outright any increase in individual taxes to raise the necessary funds to finance this amendment and I encourage the Finance

Committee to raise the needed revenues either through a minimum corporate tax or effects to increase tax compliance.

Mr. President, more than 200 of our largest, most profitable corporations paid less in taxes last year than the average Vermont family. In fact, the Boeing Corp. and Dow Chemical received $13.6 and $18.5 million refunds, respectively.

Mr. President, I ask unanimous consent that a list of corporations that pay no Federal income taxes be printed at this point in the RECORD.

There being objection, the list was ordered to be printed in the RECORD, as follows:

COMPANIES THAT PAID NO INCOME TAX

[The following chart lists 50 American companies that paid no Federal income tax or received refunds from 1981 through 1984, according to a recent survey of 275 companies by Citizens for Tax Justice. Total profits and tax refunds for that period are in millions of dollars]

Company	Profit	Tax refund	Tax rate (percent)
Boeing Co	$2,099.0	$285.0	−13.6
Dow Chemical Co	972.0	180.0	−18.5
ITT	815	177.7	−21.8
Tenneco	3,401.0	166.0	−4.9
Pepsico	1,798.7	135.8	−7.6
Santa Fe Southern Pacific Corp	2,309.0	133.4	−5.8
General Dynamics	1,579.5	103.8	−6.6
General Electric	9,477.0	98.0	−1.0
Transamerica Corp	748.6	93.6	−12.5
Texaco	1,819.0	68.0	−3.7
Ashland Oil	336.1	62.0	−18.5
Hutton (E.F.) Group	372.5	59.6	−16.0
Weyerhaeuser Co	929.2	59.1	−6.4
Georgia Pacific Corp	783.0	59.0	−7.5
IC Industries	534.7	55.4	−10.4
Northrop Corp	416.8	46.4	−11.1
First Executive Corp	444.2	44.2	−10.0
International Minerals and Chemical	371.6	43.7	−11.8
Mitchell Energy and Development Corp	458.7	41.1	−9.0
Dupont	4,075.0	40.0	−1.0
Mellon Bank Corp	544.7	32.8	−6.0
International Paper Co	1,136.3	32.6	−2.9
Ohio Edison Co	1,524.4	31.8	−2.1
Scott Paper Co	594.6	30.5	−5.1
Philadelphia Electric Co	1,892.5	30.3	−1.6
Panhandle Eastern Corp	1,220.7	28.8	−2.4
Union Carbide	892.0	26.0	−2.9
Piedmont Aviation	169.0	25.4	−15.0
Tesoro Petroleum	124.3	22.5	−18.1
Harris Corp	307.6	19.5	−6.3
Allied Corp	693.0	17.0	−2.5
Columbia Gas System	1,147.1	15.9	−1.4
Northern Indian PSC	792.5	14.6	−1.8
Arizona Public Service Co	1,278.4	14.1	−1.1
Singer Co	194.2	11.6	−6.0
Sun Chemical Corp	103.2	10.4	−10.1
Greyhound Corp	419.9	10.4	−2.5
Centex Corp	264.4	10.2	−3.9
Pennsylvania Power and Light Co	1,362.9	10.0	−.7
Xerox	1,122.7	9.2	−.8
Southwest Airlines Co	213.0	8.1	−3.8
Comerica	135.3	7.1	−5.3
Dun and Bradstreet Corp	967.0	6.7	−.7
Ogden Corp	251.5	5.6	−2.2
Jim Walter Corp	361.7	4.1	−1.1
International Multifoods	43.9	3.2	−7.3
Burlington Northern	2,799.2	1.1	−.0
Tyson Foods	69.1	1.0	−1.4
Grumman Corp	653.4	.0	−.0
Lockheed Corp	1,670.9	.0	−.0

Compiled by James Schwartz—the Washington Post.

Mr. LEAHY. Mr. President, this cannot go on. The Senate Finance Committee ought to report a minimum tax to ensure that these corporations pay their fair share of taxes. As part of the Hollings budget freeze, I was pleased to cosponsor a minimum tax that would raise $15 billion from corporations that previously avoided paying taxes. It can be done. Out of a sense of fairness, it must be done.

Finally, Mr. President, last year the Internal Revenue Service reported that up to $92 billion in revenues could be raised simply by collecting taxes owed to the Federal Government. It makes far more sense to increase efforts to collect back taxes from those who have skirted their responsibilities than raising individual taxes. I urge the Finance Committee to follow the lead that Senator KERRY and I took in offering a successful amendment to Gramm-Rudman-Hollings calling for an annual report on the progress of the Internal Revenue Service's efforts to increase tax compliance.

No American should be asked to pay a single cent more in Federal income taxes, when so much revenues remains uncollected and so many profitable corporations avoid paying their fair share of taxes.

Mr. MITCHELL. Mr. President, I rise today in support of the amendment being offered by Senators ANDREWS, HOLLINGS, myself and many others, to increase funding for function 500 by $1.2 billion.

Under this amendment we will restore current services for all education programs. Current services represents the fiscal year 1986 appropriations level plus 5.7 percent for inflation.

I am committed to reduce the enormous budget deficit. However, I strongly disagree with those who would do so primarily by reducing funding for basic education programs which provide the foundation for an educated citizenry.

Since 1980, funding for education in real dollars has declined by approximately 16 percent. During the same period defense spending has increased by 38 percent. The defense of our Nation depends not only on weapons, but upon an informed and trained people. Young men and women in the Armed Forces without the mathematical and technical skills to understand and operate complicated equipment will not contribute to the Nation's defense.

This amendment will restore funding to a number of vital education programs including title I, which serves students from low-income families, the TRIO programs, such as Upward Bound, which provide important outreach, counseling and tutoring services to encourage low income disadvantaged students to enter and complete college.

The amendment will also restore funding for vocational education. In the President's fiscal year 1987 budget, vocational education was cut by nearly 50 percent. This program has been an important one in my home State of Maine. Many students, who might not otherwise continue a post-secondary education, have benefited greatly by the availability of vocational educational programs in Maine.

Finally, the Andrews-Hollings amendment will increase funding for the Pell grants. The $221 million provided in this amendment for Pell grants will allow an additional 442,800 students to receive educational awards in fiscal year 1987. We must not abandon college students from low- and middle-income families at a time of rapidly escalating tuition costs.

Mr. President, the Federal Government must continue its historic support of public education. Access to education for all students regardless of economic circumstances is one of the greatest legacies of this Nation. Children of immigrants with no education have had an opportunity to study and learn and achieve whatever goals they have set for themselves. We must continue to provide that opportunity for future generations of American children.

Mr. CHAFEE. Mr. President, I am pleased today to support the Andrews-Hollings amendment, restoring $1.2 billion to the education budget for fiscal year 1987. I support this amendment because I believe that adequate funding for education programs must remain a high priority of the Federal Government.

Since 1980, total Federal spending has grown by 65 percent. Yet, during the same period spending for education programs, including programs serving the most needy, has declined in real dollars. This record indicates to me that we in Congress may be forgetting what is truly important in terms of Federal investment. It is troubling to see that year after year the Federal budget includes wasteful, inefficient programs which do little more than sap the taxpayers' dollars, while we reduce our assistance to the Nation's schools.

What could be more important than maintaining a strong education system? The future of the United States is in the hands of the Nation's educators, and I want to ensure that they continue to have the resources necessary to train and shape the minds of our children. That is what this amendment seeks to do. Under this amendment, a principal will not be forced to cut back on salaries, reduce his teaching staff, or decide that he simply cannot afford new textbooks because of a shrinking budget.

As we have tried in recent months to address the budget crisis, we have heard a great deal of talk about priorities. The Gramm-Rudman-Hollings legislation was passed with the conviction that it would force us, at long last, to sit down and decide what really matters to us in the Federal budget and what we can do without. I believe, Mr. President, that there is still a lot of fat in the budget which we should eliminate.

It is clear to me that the choice Gramm-Rudman-Hollings is forcing us to make should include an affirmation of education's importance. The Federal budget plays a vital role in supplementing the efforts of local communities, and fine institutions of higher learning, all over the country. I know that in my State, for example, the Education for the Handicapped Program is helping people with special needs gain the same quality education as any other child. Those who administer this program, and the teachers who work with these students, make effective use of every penny they receive.

Another fine example of where this money will go is the TRIO Program, for bright high school students from disadvantaged backgrounds. TRIO programs, such as Upward Bound, have been outstandingly successful in equipping thousands of young Rhode Islanders with the skills they need to get into college, and to do well once they are there. As a final example, I would point out that this amendment will assist Federal library programs, which are included in the education budget. In addition to the important traditional services they provide to readers, our libraries are making a strong effort to fight illiteracy, which prevents millions of Americans from leading full, self-sufficient lives. I believe that as we make our difficult budget choices, these are the kinds of programs we must view as critical, and worth fighting for.

Education is about helping people make it in life. The programs which would benefit from the Andrews-Hollings amendment represent investments in people—people who will one day determine the course of this Nation, and whom we must not neglect. I am happy to vote for this amendment, and urge my colleagues to join me in supporting it.

Mr. KERRY. Mr. President, I rise as a cosponsor of the Andrews-Hollings amendment, which restores funding for basic education programs to levels which keep pace with inflation.

Over the course of the last 5 years, we have witnessed the steady erosion of Federal funding for crucial education programs. This reduction in the Federal Government's role comes at a time when State and local governments have been tightening their belts as well. I believe that it is not overdramatization to suggest that these reductions imperil our ability to provide a viable future for our children and our grandchildren. If this trend continues, future generations may look back at the 1980's as a decade in which America began to abandon its commitment to education.

I know that all of my colleagues in this Chamber agree that we must invest in our children today if we are to see America live up to its productive potential tomorrow. This is particularly true at a time when we are facing tougher competition from abroad. In order to remain competitive as a nation, we must have a well-educated population, and the Federal Government should continue to play an integral role in support of this education.

Let me give you some examples from my own State of Massachusetts, which owes much of its prosperity to the high quality of its many and varied educational institutions. We have benefited in the past from a strong national commitment to education on all levels. On the elementary, secondary, and vocational education level, thousands of children have benefited from Federal assistance. Chapter 1, Compensatory Education for the Disadvantaged, for example, has served numerous migrant children, handicapped, and neglected and delinquent children. Chapter 1 is one of the most effective Government programs on the books and it cannot afford to suffer any further cuts.

There are many other programs for primary and secondary education that we need to support and which have been recognized by Senators ANDREWS and HOLLINGS in this amendment. Inpact aid, which provides compensation to school systems in which there is a large Federal presence, is very important to many communities in Massachusetts as well as in many other States. In addition, programs in adult and vocational education provide vital opportunities to many citizens throughout the country. These programs have just "gotten by" for the last several years and they are in need of additional funds if they are to accomplish their congressional mandate.

In higher eduation, there are more than 100,000 recipients of Federal financial assistance in Massachusetts. The Federal student financial aid programs have given these students, many of whom could not otherwise afford to attend college, access to higher education and consequently the opportunity to achieve their full academic potential. Moreover, it is clear that these Federal education programs, established during the 1960's and 1970's, are the single most important factor in Massachusetts' present prosperity.

The Domenici-Chiles budget resolution is the result of a strong bipartisan effort within the Budget Committee, and it provides a responsible base which many of us feel puts us in the right direction. The resolution, however, does not go the distance needed to ensure that we do not fall further behind in our commitment to education. The Andrews-Hollings amendment simply returns education funding for fiscal year 1987 to current services—a freeze on last year's level plus inflation. This amendment, therefore, represents a small, yet necessary improvement to the committee's budget, and a critical step toward ensuring the long-term stability of our Nation's educational system.

When I voted for the Gramm-Rudman-Hollings amendment last year, I did so in the hopes that it would force the Congress to make tough choices in order to get the massive Federal budget deficits under control. These choices must reflect the will of the American people. I know that the American people desire a strong commitment to education—to the future of our country. By adopting the Andrews-Hollings amendment, we will be displaying that commitment to the American people and reaffirming the Federal Government's role in improving our children's education. I urge my colleagues to join me in supporting this amendment.

Mr. KENNEDY. Mr. President, I join today with Senator ANDREWS and Senator HOLLINGS and 29 of my other colleagues in the Senate in offering this critical amendment to provide a vital increase in funding for Federal education programs. This amendment will add $1.2 billion to restore the funding for basic education programs to current services and meets the deficit neutral requirement with a revenue offset. The budget resolution as reported out of committee freezes education funding at the 1986 level of appropriations. The resolution does assume a $300 million increase for function 500 for unspecified priorities. But this does not mean that the basic education programs will receive increases.

I wish to remind my colleagues in the Senate that this amendment represents an inflation-only increase for education programs—enough to maintain those children who are currently in these programs. The $1.2 billion will not allow for any program expansion. This increase will not enable the millions of educationally disadvantaged first graders or the many limited English proficient fifth graders to obtain the education services they need under chapter I or bilingual education because again this year there will be no Federal funding available for these programs to expand.

Year after year, President Reagan has proposed drastic reductions in Federal education programs. And year after year Congress has rejected the administration's proposals. However, Congress has not always provided the necessary funding to maintain or expand Federal education programs over the past 5 years. In real dollars, basic education programs have been cut by 15.8 percent since 1981.

We are well into the second administration of Ronald Reagan and it should be clear to every Member of this distinguished body that we cannot rely on the President to defend educa-

tion. And it is more than clear that we cannot depend on Secretary Bennett to fight for the critical resources needed to teach our Nation's young students. The time has come for the Senate to accept its responsibility for educating the next generation. By adopting this amendment today, we are reaffirming our commitment to the millions of young people across the United States who are participating in education programs supported by the Federal Government.

I would like to take a moment to remind my colleagues of the role of the Federal Government in education. We are responsible for ensuring that first graders, young adults entering junior high school, high school students, and students entering higher education have ready access to quality education and are provided an equal education. That is the charge of the Federal Government and we have not been diligent in this responsibility.

There are consequences to our inactions. Thousands of young students are dropping out of our schools. According to the National Center for Educational Statistics, 25 percent of all students who enter the fifth grade do not graduate from high school in the eighth year afterwards. The Current Population Survey shows that 16 percent of 18 and 19 years olds do not have a high school diploma nor are they currently enrolled in school. The High School Survey and Beyond tells us that 14 percent of high school sophomores drop out before the end of their senior year. Estimates of the number of adults in the United States who are functionally illiterate range from 23 to 72 million. An estimated 2.3 million persons join these ranks each year.

As a nation it is our duty to provide the best education for all our children. Well educated children grow up to be knowledgeable and skillfull adults who we must depend on to strengthen our economy, to compete and prosper in an increasingly complex world, and to promote a kind and humane society.

Our goal is the maximum development of every child. It is not only morally right, but far less expensive for government to assist children in growing up whole and strong and able than to pay the bill later for children and adults who grow up with social and educational problems. Aeschylus wrote:

> In the rearing of our children, we are handing on life like a torch from one generation to another.

Mr. President, I urge my colleagues to demonstrate their commitment to our young children, our next generation, by adopting this amendment.

Mr THURMOND. Mr. President, it is being argued that a vote against the Andrews-Hollings amendment to restore $1.2 billion in budget authority to education programs in the Senate budget resolution is a vote against education. Yet, I have had a long history of support for education programs, and do not believe that this amendment is warranted. Similarly, the argument is that a vote against the amendment sponsored by Senator WEICKER, which would add another $600 million in budget authority for education programs for the handicapped, is a vote against handicapped individuals. However, I have always been a supporter of these programs, and do not intend to support this amendment.

The budget resolution under consideration provides for $32.1 billion in budget authority for programs under function 500—education, training, employment, and social services—during the 1987 fiscal year. This represents an increase of $1.8 billion in budget authority for this function over the 1986 fiscal year. These amendments, if passed, would double the projected increase in budget authority for this function over that provided in the pending resolution. Since current law requires amendments to be deficit-neutral, it is asserted that the additional funding sought by these amendments can be provided through "unspecified revenue enhancement."

Mr. President, I firmly believe that the average American taxpayer is tired of paying such a large percentage of his or her hard-earned income in Federal taxes. The term "unspecified revenue enhancement" is merely a fancy codeword for a tax increase.

These amendments would increase the already substantial tax burden on our citizens. Since I believe that these are worthwhile programs, it is difficult to oppose additional funding for them. However, as our Nation suffers through this deficit crisis, we must make difficult decisions. We have abdicated this responsibility for too long. Consequently, the national debt today exceeds $2 trillion.

These amendments would add funding authority beyond the increase already provided in the budget resolution before us. Furthermore, the passage of these amendments would result in a tax increase. Accordingly, I intend to vote in opposition to them.

In conclusion, the purposes of both these amendments are worthy ones, and I support the principle that more funds should be committed to these programs. However, under the current financial circumstances, I believe that it is more appropriate for the States to provide these additional funds. There is no State which is not in better fiscal condition in proportion to resources, than the Federal Government. Thus, it seems only fair, particularly during this budget crisis that States should provide a larger share of contributions to such programs. This, is especially true for education, which has traditionally been a State and local government responsibility.

Mr. BINGAMAN. Mr. President, I am pleased to be a cosponsor of the amendment offered by my colleague, Senator ANDREWS and Senator HOLLINGS, to increase funding for education. Quality education has never been more important to us than it is today, and it requires the continuing attention of the Senate. I compliment the two Senators for their leadership in generating bipartisan support for this critical need area.

The entire budget debate is a question of priorities, and many of my colleagues may disagree on the ordering of these priorities. As I have said, I support the efforts of the distinguished chairman and ranking minority member of the Budget Committee for their efforts to bring a fair and effective budget to the floor, and I will vote for the bill with modifications.

Mr. President, this is one modification I feel is absolutely essential. It is essential to a strong America. It is essential to the future of our children.

The Andrews-Hollings amendment brings education funding in line with the fiscal year 1986 appropriated amount—before sequestration—plus 5.7 percent for inflation. Function 500 of Senate Concurrent Resolution 120 will be increased by $1.2 billion in budget authority. The amendment meets the deficit-neutral requirement with an unspecified revenue offset to be decided by the Finance Committee.

This restoration of educational funding to current services, adjusted for inflation, reflects a sensible approach to maintain our education programs at adequate funding levels and to still meet deficit reduction goals. Adequate education funding must remain a high priority. Since 1980, Federal spending in actual dollars for elementary and secondary education programs has declined by almost 40 percent. This compares with a 66-percent increase in overall Federal spending. According to some education analysts, current Federal spending on education now constitutes only 65 cents of every $100. With the Andrews-Hollings amendment, we would increase the Federal effort by 2 cents, to a level of 67 cents for every $100. This hardly represents a budget-busting approach. In fact, it demonstrates fiscal restraint.

Mr. President, I strongly support a Federal role in public education, especially given the continuing decline in oil and gas revenues, which, in my State of New Mexico and in other States, have traditionally funded education. Also, on a national scale, our efforts to improve U.S. competitiveness in a very competitive world economy must address the need to improve our human capital resources, particularly our educational resources.

The evidence clearly demonstrates the need to continue to upgrade our educational system. An area of particular concern to me is the growing lack of teachers in certain areas of the country and in certain high need subjects. I am also concerned with the evidence of a decline in scholarships among those going into the teaching profession. A survey conducted by the National Center for Education Information in the spring and summer 1984 showed that the number of new teacher graduates dropped 53 percent from 1973 to 1983, that enrollment in teacher education programs decreased by a third, and that persons newly admitted into teacher education decreased 44 percent. Yet, the U.S. Department of Education projects that by 1993 we will need more than 1 million new elementary school teachers and more than half a million secondary school teachers. Furthermore, based on the most recent reports from the National Center for Education Statistics and other sources, the likely subject areas of greatest teacher shortage are special education, mathematics, physical sciences, computer sciences, bilingual education, and certain foreign languages.

We must begin to recognize and deal with these statistics. Unfortunately, they just scratch the surface. We must continually enhance our educational excellence in an ever more competitive world. We can begin to make a contribution today by approving this amendment.

Mr. McCONNELL. Mr. President, with education such an important issue and with the goal of maintaining an adequate educational system primary in my mind, this vote is extremely difficult. My vote is not a vote against education. I firmly believe that we need a strong educational system at all levels. The funding of this increase for education involves raising taxes. This is not the time for a tax increase. Had the source of funding been a transfer from some other program, I might well have been able to support it.

Mr. BYRD. Mr. President, I am pleased to cosponsor this amendment.

Nothing is more critical to the future security and economic well-being of this Nation than the education of our citizens. Without a citizenry at least as well educated as citizens of other industrialized nations, we can have little hope that our future will be as prosperous as we have come to expect in America; nor can we expect that we will continue to have the ability to be the leader of the free world and the defender of democracy. It takes education—not just adequate education, but excellent education—to assure such a future for our children and this Nation.

This amendment brings funding up to a level necessary to continue to provide education services now being federally financed prior to the March Gramm-Rudman cuts.

Federal education programs certainly have absorbed their fair share of budget cuts under this administration. Between fiscal year 1980 and fiscal year 1986, actual appropriations for all Federal programs grew by roughly 65 percent. During this same time period, Federal funding for education programs, across-the-board, declined in actual dollars.

These cuts have taken their toll.

Between 1980 and 1986, the Federal share of education funding expended for handicapped students fell from 12 percent to 7 percent, even though the original Federal commitment was to provide 40 percent of the funding by 1980.

These trends hold for other Federal education programs, as well. Despite an overall increase in Federal spending in the past 5 years, education programs have not participated in this real growth. Congress has kept education from being decimated by the budget cuts proposed by the administration, but it has not been able to give education programs the funding priority which I believe they require.

The amendment now before the Senate, like the efforts in past years, continues to fund the major programs at current services levels. Further, it avoids the destructive effects that another Gramm-Rudman sequester would have on education.

The effects of the March Gramm-Rudman sequester are already being felt. I have been told by education officials from West Virginia that, as a result of those cuts, roughly 70 percent of the Pell grant students in West Virginia will see their grants affected. I have received numerous calls from officials at the elementary level telling me of the cuts in the chapter I programs in West Virginia. One county in particular, Pendleton County, faces a loss of half the teachers hired for the program in that county. We must not allow these cuts to be compounded.

This amendment totals $1.2 billion in budget authority for fiscal year 1987, with estimated outlays of about $250 million. Surely this a small investment that will pay enormous dividends in our future. I belive that we cannot afford to do less. I urge the adoption of the amendment.

The PRESIDING OFFICER. On the time of the unanimous-consent request, the clock was running, the Chair will state. The time of the Senator from North Dakota has expired and there are 20 seconds left on the part of the Senator from New Mexico.

Mr. ANDREWS. I ask unanimous consent to proceed for 30 seconds.

Mr. DOMENICI. Mr. President, I have to object, because I have been told we were going to vote at 3:30 and I have 20 seconds.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI. Mr. President, if the proponents of this amendment would have found $300 million in outlays to cut somewhere else, $2.9 billion in outlays which is the new taxes somewhere else in this budget, they would have had my support. We have a $144 billion deficit.

The PRESIDING OFFICER. All time has expired.

Mr. DOMENICI. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The Chair will state that the unanimous-consent agreement called for the vote on the amendment.

Mr. DOMENICI. Parliamentary inquiry. Did not the unanimous-consent—I do not want to make a big point out of it—but did not the unanimous-consent agreement say we would vote at 3:30?

The PRESIDING OFFICER. On the amendment.

Mr. DOMENICI. I withdraw my request.

Mr. ANDREWS. 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.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 1798. 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 Arizona [Mr. GOLDWATER] and the Senator from Florida [Mrs. HAWKINS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—60

Abdnor	Eagleton	Matsunaga
Andrews	Ford	Melcher
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mitchell
Biden	Gorton	Moynihan
Bingaman	Grassley	Murkowski
Boren	Harkin	Packwood
Bradley	Hart	Pell
Bumpers	Hatfield	Pressler
Burdick	Heflin	Pryor
Byrd	Heinz	Riegle
Chafee	Hollings	Rockefeller
Cohen	Inouye	Sarbanes
Cranston	Kasten	Sasser
D'Amato	Kennedy	Simon
Danforth	Kerry	Specter
DeConcini	Lautenberg	Stafford
Dixon	Leahy	Stennis
Dodd	Levin	Stevens
Durenberger	Mathias	Weicker

NAYS—38

Armstrong	Dole	Garn
Boschwitz	Domenici	Gramm
Chiles	East	Hatch
Cochran	Evans	Hecht
Denton	Exon	Helms

Humphrey	McConnell	Symms
Johnston	Nickles	Thurmond
Kassebaum	Nunn	Trible
Laxalt	Proxmire	Wallop
Long	Quayle	Warner
Lugar	Roth	Wilson
Mattingly	Rudman	Zorinsky
McClure	Simpson	

NOT VOTING—2

Goldwater Hawkins

So the amendment (No. 1798) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this will be a parliamentary inquiry. There will be no further votes by previous order, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I understand that the Senator from New York (Mr. MOYNIHAN) wants to lay down an amendment on revenue sharing. Obviously, we do not have very much time. We will not debate it on our side tonight, but in due course tomorrow we will take it up under the rules. Perhaps we can waive some time on it tomorrow, if necessary. We will be ready tomorrow to discuss it.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 1800

(Purpose: To modify the treatment of the General Revenue Sharing Program)

Mr. MOYNIHAN. Mr. President, on behalf of Senators SASSER, BYRD, HEINZ, SPECTER, RIEGLE, JOHNSTON, PRYOR, LAUTENBERG, MELCHER, METZENBAUM, FORD, LONG, HART, GORE, KERRY, ANDREWS, DIXON, ROCKEFELLER, SARBANES, HEFLIN, INOUYE, HAWKINS, BURDICK, DECONCINI, and myself, 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 New York (Mr. MOYNIHAN), for himself, Mr. SASSER, Mr. BYRD, Mr. HEINZ, Mr. SPECTER, Mr. RIEGLE, Mr. JOHNSTON, Mr. PRYOR, Mr. LAUTENBERG, Mr. MELCHER, Mr. METZENBAUM, Mr. FORD, Mr. LONG, Mr. HART, Mr. GORE, Mr. KERRY, Mr. ANDREWS, Mr. DIXON, Mr. ROCKEFELLER, Mr. SARBANES, Mr. HEFLIN, Mr. INOUYE, Mrs. HAWKINS, Mr. BURDICK, and Mr. DECONCINI, proposes an amendment numbered 1800.

Mr. MOYNIHAN. 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 44, strike out line 9 through line 21 and insert in lieu thereof the following:

GENERAL REVENUE SHARING

SEC. 3. Upon the enactment of—

(1) legislation authorizing budget authority of up to $4,600,000,000 annually for the General Revenue Sharing program for any or all of the fiscal years 1987, 1988, and 1989, and

(2) legislation increasing revenues for any fiscal year for which outlays are to be made under such budget authority by an amount that is—

(A) not less than the amount of the outlays to be made for such fiscal year under such budget authority, and

(B) in addition to the amounts of increased revenues required to be reported pursuant to section 2 of this concurrent resolution for such fiscal year,

the authorized amounts of budget authority and outlays for such program shall be allocated to the Senate Committees on Appropriations and Finance, as appropriate, for such fiscal year, and such amounts shall be added to the total amounts of budget authority and outlays provided for in the applicable concurrent resolution.

Mr. MOYNIHAN. Mr. President, I yield the floor with the understanding that this amendment will be the first order of business when we return to the bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. Mr. President, I would like to offer my strong support for the budget resolution that is before us today.

I also wish to compliment the work of all my colleagues on the Budget Committee whose product we are now considering. In particular, the efforts of the distinguished chairman, Senator DOMENICI, and the distinguished ranking minority member, Senator CHILES, deserve special recognition. This has truly been an historic and herculean effort to achieve a bipartisan budget compromise. It has my support, and I think it is worthy of the support of all my colleagues.

It is unfortunate and unwise that the President has thus far withheld his support for the resolution and has refused to bargain to reach a new compromise. Instead he has chosen to stand at a distance and criticize the budget resolution while letting the deficit continue to mount.

It is critical to the Nation and all American people that we act to rein in the deficit. According to existing Congressional Budget Office assumptions the deficit for fiscal year 1987 will be $182.7 billion. Without any action this deficit will surely grow to exceed the $200 billion-plus deficit we reached last year. The lesson we haven't seemed to learn is that not only are the existing budget procedures not self-enforcing but that as we fiddle, Rome burns and the deficit rises higher.

We now have before us a realistic and workable compromise which does call for effective action to reduce the deficit—by $38.8 billion, to $143.9 billion. This meets the Gramm-Rudman-Hollings target of $144 billion and eliminates the need for a $16-billion sequester required by the President's budget. It does this by holding the line on defense spending at $295 billion, keeping it at zero percent real growth. It does cut some $17 billion from domestic spending, but far less drastic than the President's budget, adding back approximately $4 billion in previously called for cuts. It provides full cost-of-living adjustments for Social Security, Federal civilian and military retirees as well as other index programs. Still, total spending under the plan is reduced by $4 billion below the President's plan. Revenues would be increased by $19 billion, but this is to be done without any increase in individual taxes. The revenues would be decided upon by the Finance Committee and could easily be accomplished with a minimum corporate tax or an oil import fee.

Mr. President, this plan is a fair and workable compromise. It is far more effective in reducing the deficit than the President's plan, and it most equitably distributes the burdens of defict reduction. It also avoids the sequestering mandated by Gramm-Rudman-Hollings. Most importantly, it adds back resources for a number of critically important spending areas, including research and development, education, energy, environment, Medicare, and more.

It is imperative that we act now on this resolution in a bipartisan way to show Senator leadership and concern in this issue. I believe that with some minor changes the resolution will effectively and fairly reduce the deficit. It recognizes the fiscal situation that confronts us and it proposed a realistic solution. It has my support and it deserves the support of the President, the American people, and each of my colleagues.

Thank you Mr. President.

ROUTINE MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business for the remaining 4 minutes until 4 o'clock.

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

EXECUTIVE CALENDAR

Mr. DOMENICI. Mr. President, I would like to inquire of the minority leader, in behalf of the majority leader, if he is in a position to confirm the following nominations on the Executive Calendar: No. 756, Kenneth L. Ryskamp, of Florida, to be U.S. district judge for the southern district of Florida, and Calendar No. 757, Joe D.

Whitley, of Georgia, to be U.S. attorney for the middle district of Georgia.

Mr. BYRD. Mr. President, those two nominations have been cleared on this side of the aisle. We are ready to proceed.

Mr. DOMENICI. And Foreign Service nominations placed on the Secretary's desk beginning with Marshall D. Brown, and ending Robert A. Riccio.

Mr. BYRD. Mr. President, those nominations likewise have been cleared on this side.

EXECUTIVE SESSION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now go into executive session to consider the nominations just identified.

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

Mr. DOMENICI. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

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

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Kenneth L. Ryskamp, of Florida, to be U.S. district judge for the southern district of Florida.

DEPARTMENT OF JUSTICE

Joe D. Whitley, of Georgia, to be U.S. attorney for the middle district of Georgia.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

Foreign Service nominations beginning Marshall D. Brown, and ending Robert A. Riccio, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 12, 1986.

STATEMENT ON THE NOMINATION OF KENNETH L. RYSKAMP, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

(By request of Mr. DOLE, the following statement was ordered to be printed in the RECORD at this point:)

● Mrs. HAWKINS. Mr. President, I would like to ask my colleagues to join me in supporting Mr. Kenneth Ryskamp, who has been nominated by President Reagan to serve as U.S. district judge for the southern district of Florida. His nomination was unanimously approved by the Senate Judiciary Committee. Kenneth Ryskamp will bring to this judicial post an excellent combination of personal qualities, educational background, and legal expertise.

Kenneth Ryskamp approaches this judicial post prepared to address the vital issues confronting our country today. His extensive legal clients include liability insurance companies, the Federal Home Loan Bank Board, Federal Savings and Loan Insurance Corporation, an educational institution, and title insurance companies. Time and again, he has participated in litigation defending our constitutional rights. With his specialization in the areas of appellate practice, commerical litigation, railroad law, and real estate, he knows Florida's needs and problems as they relate to Federal law.

Kenneth will serve the southern district of Florida, a most unique district. This district has the heaviest judicial caseload in the country, and experience such as Kenneth's is vital to adequately serving the people of the area. Having practiced law for most of his career in Florida, he knows the complexities of those issues unique to Florida, such as our delicate environment and our extremely high growth as a State. Florida tends to attract perpetrators of fraud, such as the recent GIC Securities which declared bankruptcy and left thousands of senior citizens without a penny of their invested savings. Kenneth's past experience in these and other areas has prepared him for a judicial appointment.

Kenneth has built a reputation in the Miami area and beyond as an outstanding lawyer. He and his wife, Karyl Sonja Honsey, moved to Miami from Michigan in 1953, and they have contributed to the Miami community since that time. I am pleased to recommend Kenneth to you, Mr. President. He will be a tremendous asset to our Federal judiciary.●

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

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

LEGISLATIVE SESSION

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

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

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senators as members of the Senate delegation to the Mexico-United States Interparliamentary Group Meeting, to be held in Colorado Springs, CO, on May 29-June 2, 1986: The Senator from Nebraska [Mr. ZORINSKY], the Senator from Arizona [Mr. DECONCINI], the Senator from Utah [Mr. HATCH], the Senator from Georgia [Mr. MATTINGLY], and the Senator from New Mexico [Mr. BINGAMAN].

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 1928a-1928d, as amended, appoints the following Senators as members of the Senate delegation to the North Atlantic Assembly Spring Meeting, to be held in Luxembourg City, Luxembourg, on May 22-June 1, 1986: The Senator from Missouri [Mr. EAGLETON], the Senator from Maryland [Mr. MATHIAS], the Senator from Texas [Mr. BENTSEN], the Senator from Idaho [Mr. MCCLURE], the Senator from Utah [Mr. HATCH], and the Senator from Alabama [Mr. HEFLIN].

AUTHORIZATION FOR TESTIMONY AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. DOMENICI. Mr. President, in behalf of the majority leader, I send to the desk a Senate resolution regarding legal counsel.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A Senate resolution (S. Res. 387) to authorize testimony by Senate employee and representation by the Senate Legal Counsel in *In Re Possible Violations of 18 U.S.C. 1001.*

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, the U.S. Department of Justice has subpoenaed an employee of the Committee on Commerce, Science, and Transportation, Mr. David F. Zorensky, to assist it by testifying before a Federal grand jury in the U.S. District Court for the District of Columbia investigating possible false statements in violation of 18 U.S.C. section 1001. The information sought from Mr. Zorensky was acquired in the course of his work for the committee relative to other individuals and in no way involved his own conduct.

This resolution would authorize Mr. Zorensky to testify before the grand jury and in any subsequent proceedings in this matter, except concerning anything privileged. This is in keeping with our practice of facilitating justice consistent with the privileges and rights of the Senate. The resolution would also direct the Senate legal counsel to represent Mr. Zorensky in this matter.

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

The resolution (S. Res. 387) was agreed to. The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 387

Whereas, a Federal grand jury in the United States District Court for the District of Columbia is currently investigating possible violations of 18 U.S.C. 1001;

Whereas, counsel for the United States has served a subpoena for the taking of testimony upon David F. Zorensky, a member of the staff of the Committee on Commerce, Science, and Transportation;

Whereas, pursuant to sections 703(a) and 704(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a) (1982), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena or order relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of employees of the Senate concerning information acquired in the course of their official duties is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent David F. Zorensky in connection with his testimony in *In Re Possible Violations of 18 U.S.C. § 1001.*

SEC. 2. That David F. Zorensky is authorized to testify before the grand jury and in any subsequent proceedings in *In Re Possible Violations of 18 U.S.C. § 1001* (D.D.C.), except concerning matters for which a privilege from testifying should be asserted.

Mr. DOMENICI. I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

RECOGNITION OF THE NATIONAL GUARD AND RESERVE

Mr. WILSON. Mr. President, in order to avert a truly unintended disaster, I ask unanimous consent that the Senate turn to calendar item 611, House Joint Resolution 220, dealing with the National Guard Reserve. This item has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, this item has been cleared on this side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 220) to reaffirm Congress' recognition of the vital role played by members of the National Guard and Reserve in the national defense.

Without objection, the Senate proceeded to consider the joint resolution.

AMENDMENT NO. 1799

Mr. WILSON. Mr. President, I send an amendment to the desk on behalf of Senator GOLDWATER and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON], for himself and Mr. GOLDWATER, proposes an amendment numbered 1799.

Mr. WILSON. 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:

At the end of the joint resolution add the following new section:

"SEC. 2. EXTENSION OF DEADLINE RELATING TO OBLIGATION OF FUNDS FROM MILITARY PERSONNEL ACCOUNTS OF THE DEPARTMENT OF DEFENSE.

"Notwithstanding any other provision of law, until, but not after, June 1, 1986, obligations from the Department of Defense military personnel accounts may exceed a rate in excess of the rate required to limit total obligations to the obligation ceilings established by law for such accounts for fiscal year 1986.".

Mr. WILSON. Mr. President, this amendment simply states that notwithstanding other provisions in the law, and most notably an amendment added to the appropriations bill last year, there now be permitted to the Department of Defense authority to expend from its current military personnel accounts at a rate in excess of the rate required to limit total obligations to the obligation ceilings established by law for such accounts for fiscal year 1986.

The reason for this is we are facing a deadline we cannot meet, Mr. President. The House is about to go out. The President is going to Japan. There has to be a signature on this piece of legislation before May 1 to avoid the necessity that will otherwise exist for the Pentagon to lay off half a million men from the armed services.

Mr. President, I move adoption of the amendment.

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

The amendment (No. 1799) was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (H.J. Res. 220) as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Page 2, after line 13, insert:

SEC. 2. EXTENSION OF DEADLINE RELATING TO OBLIGATION OF FUNDS FROM MILITARY PERSONNEL ACCOUNTS OF THE DEPARTMENT OF DEFENSE.

Notwithstanding any other provision of law, until, but not after, June 1, 1986, obligations from the Department of Defense military personnel accounts may exceed a rate in excess of the rate required to limit total obligations to the obligation ceilings established by law for such accounts for fiscal year 1986.

The title was amended so as to read, "A joint resolution to reaffirm Congress' recognition of the vital role played by members of the National Guard and Reserve in the national defense, and for other purposes."

Mr. WILSON. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

NATIONAL SECRETARIES' DAY

Mr. MOYNIHAN. Mr. President, here in the Senate, the crunch of daily business sometimes makes us take the people around us for granted. Today is National Secretaries Day, and, as the secretaries in the Senate (and indeed everywhere) are certainly and often taken for granted, I should like to take this occasion to pay them some attention.

Of special importance to me are the secretaries on my own staff. The demands on them are great, and the thanks they receive usually few. We don't frequently say so, but it is the simple truth that we could not function without them. My gratitude goes out today, then, to my secretaries Vicki Bear-Dodson, Julie Smith, and Loretta Shepard. They are professionals in every sense of the word, and they have my deepest appreciation.

FARM CREDIT LEGISLATION

Mr. BOREN. Mr. President, I read with interest the remarks by the distinguished majority leader yesterday afternoon concerning the need to pass a concurrent resolution dealing with the Farm Credit System.

I am a cosponor of the resolution intended to be proposed by the majority leader. At least I was a cosponsor of the resolution when I received a copy of it on April 7. I understand, however, that it has changed many times since then and in fact, at one point I heard it was going to be introduced as a joint resolution instead of a concurrent resolution.

I had hoped that the majority leader would have introduced the resolution 2 weeks ago. So that the Senate Agricultural Committee could have considered the resolution and reported it out, perhaps with no amendments.

I agree with the majority leader that it is imperative that we send a clear signal to the Farm Credit System. However, I do not believe a nonbinding resolution will accomplish very much if anything. It will more than likely provide a sense of false hope to the borrowers of the Farm Credit System, because it will be more words without the power of law to back it up.

It's my understanding that Frank Naylor, the President's designated nominee to the Farm Credit Administration Board, has indicated a willingness to write regulations which would provide for maximum forebearance to Farm Credit System borrowers. That's all well and good, Mr. President, however, Mr. Naylor is not presently a member of the Farm Credit Administration Board. Further, unless the White House moves quickly and designates the Democratic nominee to the board, it could be months before the Farm Credit Administration Board is in place. I believe we all had hoped that the White House would have acted more promptly in making the appointments. We have all hoped that the board and the Capital Corporation could have been in place and operational long before now. The White House apparently has not recognized the urgent situation facing the borrowers of the Farm Credit System. Consequently, Mr. President, I don't believe we can wait for Mr. Naylor to become chairman of the Farm Credit Administration Board and implement regulations which would provide forbearance.

I believe, Mr. President, that we need statutory language requiring the Farm Credit System to provide forbearance to its borrowers and we need to consider legislation now. If we are really interested in helping the farmers in this country we will not wave a flag of false hope; rather, we will give them real hope by considering meaningful farm credit legislation.

Mr. President, I am not requesting that the majority leader agree to passing legislation I am sponsoring. I am asking the majority leader to decide whether or not farm credit assistance is important enough to be considered by the full Senate. I would be happy to offer my amendment to any vehicle he chooses.

It has been suggested that those of us interested in considering credit legislation have shown up at the last minute. The Senate has adopted two farm bills already this year, the so-called cross compliance bill and the Food Security Improvements Act. Before both bills were considered, I indicated my strong interest in offering a credit amendment to both bills. However, at the urging of the majority leader and others who were interested in seeing both of these bills passed quickly, I did not offer my amendment. I made it clear then that I wanted farm credit legislation considered. In addition, when the majority leader first circulated his concurrent resolution, I again indicated that I wanted the Senate to have an opportunity to consider farm credit legislation. We are simply asking that a reasonable date certain be given for the Senate to consider farm credit legislation. Only in that way will a concurrent resolution dealing with farm credit be meaningful. Without subsequent action on a meaningful farm credit package, the concurrent resolution will provide no real assistance to the farmers and ranchers in this Nation. In the past on farm legislation, the majority leader and I have worked together many times.

It is time for all of us to sit down together and set up a timetable for the consideration of a farm credit package that will really help farmers. Farmers cannot make mortgage payments or restructure their debts with an armload of election year platitudes contained in resolutions without the force of law.

RESPONSE TO LIBYA

Mr. STEVENS. Mr. President, United States military action against Libya on April 14 serves a stern notice to all of our Nation's enemies that military forces of the United States can and will be used—if necessary—in the defense of our citizens and our interests.

In an editorial on Wednesday, April 16, the Anchorage Times compliments President Reagan for his role in strengthening the military, so it can carry out its role as an instrument of national policy. This editorial also calls on our allies to support our Nation and our President in the defense of democracy and the struggle against oppression.

Mr. President, I ask unanimous consent that the editorial in the April 16, Anchorage Times, to which I have referred, be printed in the RECORD.

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

[From the Anchorage Times, Apr. 16, 1986]

RESPONSE TO LIBYA

A positive response to the attack on Libya would be expected from Alaskans. They live in a land of confrontations where they must defend their lives, liberty and property from natural and man-made enemies. They respond almost daily to oppressive situations.

Alaskans spring together when they face major issues that affect their land or their lives. During the last 100 years, they have stood together to overcome obstacles that appeared insurmountable on the land, on the sea or in the air in extreme conditions of temperature or location.

They stand their ground against intrusion or invasion by man, animals, winds, cold, rain, snow or anything else nature or mankind throws at them.

Alaskans should applaud the response to Libya's terrorism, an action that should, but probably won't, silence the administration's critics who argue that the military is useless as a response to terrorists.

President Reagan has now proven them wrong in that claim, just as they have been proven wrong in others. He has also shown by deed as well as word that the U.S. will defend its citizens. When he says he will table specific action, he will not fail to deliver.

Perhaps the nation is now seeing the payoff from the Reagan policies of the past six years during which he strengthened the national economy by eliminating inflation, reducing unemployment, increasing production. At the same time he strengthened the military establishment so it could carry out its role as an instrument of national policy.

Alaskans were strong for Ronald Reagan when he was running for president and he has not disappointed them. He has restored the pride of the people in their nation and has been eminently successful in handling national power.

In foreign relations his first concern was about military power. He rebuilt it in his first term and became the first president since Richard Nixon who improved America's geopolitical preeminence.

In that rebuilding effort, Alaska benefitted by a general strengthening and renovation of the military forces and their installations here. The Sixth Division for the U.S. Army marks the first time Alaska has had troops assigned to the defense of their state.

It is to be hoped that America's allies will recognize the effectiveness of the Reagan Doctrine and will support it.

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTIONS SIGNED

At 1:59 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 215. Joint resolution providing for reappointment of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 286. Joint resolution to designate the week of April 20, 1986, through April 26, 1986, as "National Reading Is Fun Week"; and

S.J. Res. 296. Joint resolution to designate October 16, 1986, as "World Food Day".

The enrolled joint resolutions were subsequently signed by the President pro tempore [Mr. THURMOND].

ENROLLED JOINT RESOLUTIONS SIGNED

At 3:02 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 214. Joint resolution providing for reappointment of Carlisle H. Hummelsine as a citizen regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 275. Joint resolution designating May 11 through May 17, 1986, as "Jewish Heritage Week".

The enrolled joint resolutions were subsequently signed by the President pro tempore [Mr. THURMOND].

At 3:11 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendments of the Senate numbered 1 and 2 to the bill (H.R. 3551) to amend title 18, United States Code, with respect to certain bribery and related offenses; and that the House agrees to the amendment of the Senate numbered 3 to the bill, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 4022. An act to release restrictions on certain property located in Calcasieu Parish, Louisiana, and for other purposes;

H.J. Res. 544. Joint resolution to designate May 7, 1986, as "National Barrier Awareness Week"; and

H.J. Res. 604. Joint resolution providing for appointment to the service academies of children of members of the Armed Forces killed in the military action against Libya on April 15, 1986.

MEASURES REFERRED

The following joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 544. Joint resolution to designate May 7, 1986, as "National Barrier Awareness Week"; to the Committee on the Judiciary.

H.J. Res. 604. Joint resolution providing for appointment to the service academies of children of members of the Armed Forces killed in the military action against Libya on April 15, 1986; to the Committee on Armed Services.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4022. An act to release restrictions on certain property located in Calcasieu Parish, Louisiana, and for other purposes.

ENROLLED BILLS SIGNED

The President pro tempore [Mr. THURMOND] announced that on today, April 23, 1986, he signed the following enrolled bill which had previously been signed by the Speaker of the House of Representatives:

S. 1684. An act to declare that the United States holds certain Chilocco Indian School lands in trust for the Kaw, Otoe-Missouria, Pawnee, Ponca, and Tonkawa Indian Tribes of Oklahoma; and

S. 2319. An act to provide for the continuation of the Martin Luther King, Jr., Federal Holiday Commission until 1989, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, April 23, 1986, she had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 1684. An act to declare that the United States holds certain Chilocco Indian School lands in trust for the Kaw, Otoe-Missouria, Pawnee, Ponca, and Tonkawa Indian Tribes of Oklahoma;

S. 2319. An act to provide for the continuation of the Martin Luther King, Jr., Federal Holiday Commission until 1989, and for other purposes;

S.J. Res. 214. Joint resolution providing for reappointment of Carlisle H. Hummelsine as a citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 215. Joint resolution providing for reappointment of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 275. Joint resolution designating May 11 through May 17, 1986, as "Jewish Heritage Week";

S.J. Res. 286. Joint resolution to designate the week of April 20, 1986, through April 26, 1986, as "National Reading Is Fun Week"; and

S.J. Res. 296. Joint resolution to designate October 16, 1986, as "World Food Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3026. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on rescissions and deferrals as of April 1, 1986; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-3027. A communication from the Director of the Accounting and Financial Management Division of GAO transmitting, pursuant to law, a report entitled "Fraud Hotline—DOD Fraud Hotline: Generally Effective but Some Changes Needed"; to the Committee on Armed Services.

EC-3028. A communication from the Secretary of the Federal Trade Commission transmitting, pursuant to law, the annual report under the Fair Debt Collection Practices Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-3029. A communication from the Administrator of the General Services Administration transmitting, pursuant to law, a report on requests for relief under extraordinary emergency authority in 1985; to the Committee on Banking, Housing, and Urban Affairs.

EC-3030. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to repeal section 10 of the Fisherman's Protective Act; to the Committee on Commerce, Science, and Transportation.

EC-3031. A communication from the Administrator of AID transmitting, pursuant to law, the Agency's annual report relative to actions to increase the representation of minority group members and women in the Foreign Service; to the Committee on Foreign Relations.

EC-3032. A communication from the Chief Judge of the U.S. Claims Court transmitting, pursuant to law, a report on its actions relative to the bill S. 413; to the Committee on the Judiciary.

EC-3033. A communication from the Secretary of Education transmitting a letter of continuing support for enactment of proposed legislation transmitted to Congress on March 12, 1985; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MATHIAS, from the Committee on Rules and Administration, with amendments and an amendment to the title:

S. Res. 374. Resolution limiting the amount that may be expended by Senators for mass mailings during the remainder of fiscal year 1986 (Rept. No. 99-285).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

Treaty Doc. 99-9. Vienna Convention for the Protection of the Ozone Layer, done at Vienna on March 22, 1985 (with additional views) (Exec. Rept. No. 99-13).

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. SASSER:

S. 2358. A bill to amend title XVIII of the Social Security Act to provide for an optional part C program to furnish comprehensive, catastrophic, long-term, and preventive benefits through prepaid plans; to the Committee on Finance.

By Mr. PRESSLER:

S. 2359. A bill to amend title 38, United States Code, to establish a Veterans' Administration Readjustment Counseling Professional Fellowship Program; to the Committee on Veterans Affairs.

By Mr. CHAFEE:

S. 2360. A bill to temporarily suspend the duty on 4-chloro-2,5-dimethoxy aniline; to the Committee on Finance.

S. 2361. A bill to temporarily suspend the duty on 3-nitro phenyl-4-beta-hydroxy sulfone; to the Committee on Finance.

By Mr. GORE:

S. 2362. A bill to provide that Bell operating companies may provide information services and manufacture telecommunications equipment, subject to regulation by the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for Mr. DOLE (for himself and Mr. BYRD)):

S. Res. 387. Resolution to authorize testimony by Senate employee and representation by the Senate Legal Counsel in In Re Possible Violations of 18 U.S.C. section 1001; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SASSER:

S. 2358. A bill to amend title XVIII of the Social Security Act to provide for an optional part C program to furnish comprehensive, catastrophic, long-term, and preventive benefits through pre-paid plans; to the Committee on Finance.

MEDICARE PART C: CATASTROPHIC HEALTH INSURANCE ACT

● Mr. SASSER. Mr. President, I am today introducing legislation which will provide assistance to millions of older Americans desiring insurance to cover health care services for catastrophic illness and other medical services. My legislation is a companion measure to H.R. 4287, introduced in the House by Congressman CLAUDE PEPPER who is renowned for his expertise in matters affecting the elderly.

Catastrophic illness is a common occurrence among Americans. Over 6 million elderly Americans suffer from chronic heart conditions. Nearly 4 million have been stricken by Alzheimer's disease. Almost 2 million older persons experience the ravages of cancer. And 2.5 million suffer from some other form of chronic disease. Sadly, as many as 1 million Americans will be forced into poverty and onto the welfare rolls this year due to the catastrophic costs of the health care they need.

Catastrophic illness or the need for long-term care can be emotionally and financially devastating—both to the individual and to his or her family. Such unpredictable instances are the cause of needless human trauma which, at the very least, can be minimized by some form of financial security not available today at affordable rates. There is a real need for legislative action to provide security for individuals who are struck by a catastrophic illness. Indeed, there has been no less than a public outcry calling for new law.

Furthermore, Medicare beneficiaries are increasingly paying out more personal funds in order to obtain the health care services they need and which are not presently covered under Medicare. Older Americans are now paying an average of $1,500 annually in out-of-pocket expenses for their health care. Quite frankly, the gaps in Medicare benefits, along with rising deductibles, premiums, and copayments are an increasing cause for concern among most senior citizens.

My bill remedies this situation by providing for a new Medicare part C which would be available as an option to current and future Medicare beneficiaries who enroll in both Medicare part A and part B. The new part C would effectively plug many of the holes which exist in current Medicare coverage while eliminating the premium, deductibles, and copayments required under parts A and B. Moreover, the most important aspect of this measure is that it will, without cost to the Medicare system, provide for coverage for long-term care and catastrophic illness.

As most of my colleagues know, Medicare does not presently cover many medical services which are needed by its beneficiaries. For example, certain types of care such as hearing, vision, dental, and foot care are services which are necessary for older individuals, yet these are not covered. Further, our older citizens need to have physical examinations on a regular basis, but these, too, are not covered services. My legislation would provide Medicare coverage for these, and other, important services.

Second, by paying one premium for the Medicare part C coverage, beneficiaries would no longer be required to pay the Medicare part A deductible when they are hospitalized. Nor would they be required to pay any copayments which have invariably accompanied the delivery of health care services to Medicare beneficiaries. In essence, this legislation allows Medicare beneficiaries to pay a single monthly premium, thereby eliminating all other out-of-pocket expenses for covered services.

Most important, this new Medicare part C would cover long term care in nursing homes and at home, as well as provide extended care required for catastrophic illness. Currently, nursing home care and hospital care beyond the 60th day are presently not Medicare-reimbursable. Home care is partially reimbursed, but these payments are being reduced more and more due to administrative reimbursement changes.

Funding for the new part C of Medicare program would come from a new part C premium and beneficiary payments previously made to the part A and part B trust funds. Medicare would take competitive bids from health care providers to provide both the comprehensive benefits set forth in this bill as well as standard covered services under parts A and B. Providers would do this for a predetermined capitated rate per beneficiary. At the time of enrollment of a new part C beneficiary, a sum equal to the average annual per-beneficiary Medicare payment—regionally adjusted—would be transferred from those trust funds into the new part C fund. Medicare would then contract with the beneficiary's chosen providers which would then be paid the capitated rate: a sum equal to the average payment for covered services under parts A and B multiplied by 133 percent. Providers would provide all the health care services covered previously under parts A and B and all new services included in this bill. For 1986, the estimated capitated rate would be about $3,200.

The part C beneficiary is subject only to an annual premium, in monthly installments, equal to 25 percent of the national average of the capitated provider payment. This annual premium may not exceed 20 percent of the beneficiary's annual gross income from the previous year. To compensate for any lost premiums, all beneficiaries will pay premiums for a month before their coverage begins, thereby raising nearly $7 billion, to offset any revenue foregone. For 1986, the beneficiary premium would be about $800. Current Medicare out-or-pocket expenses plus the cost of a Medigap insurance policy—that is, currently available insurance which reimburses only for deductibles and copayments—are at this level already. Indeed, since older Americans presently pay an average of $1,500 per year in our-of-pocket expenses for health care services, this premium represents a reduction in out-of-pocket expenses per beneficiary of about 47 percent.

Part C will also provide the opportunity for Medicare beneficiaries who are also Medicaid eligible to participate in the comprehensive capitation plan. Because part C covers catastrophic illness and long term care—services presently provided for eligible poor under Medicaid—States will be allowed to "buy in" to part C coverage by paying 90 percent of what it would have cost them to provide Medicaid coverage to their Medicaid-eligible Medicare beneficiaries. These funds from the States's Medicaid program would go into the part C trust fund and Medicare beneficiaries who are Medicaid eligible would also be served by the contracted providers.

I am hopeful that my colleagues will join me by cosponsoring this important health care legislation to establish insurance for catastrophic illness and long term care. This is a matter of great concern to our seniors, and I believe that it is time for us to act to provide security for these persons who potentially face trauma and great financial loss.

By Mr. PRESSLER:

S. 2359. A bill to amend title 38, United States Code, to establish a Veterans' Administration Readjustment Counseling Professional Fellowship Program; to the Committee on Veterans' Affairs.

71-059 O-87-38 (Pt. 6)

VETERANS' ADMINISTRATION READJUSTMENT COUNSELING PROFESSIONAL FELLOWSHIP PROGRAM

Mr. PRESSLER. Mr. President, I am introducing legislation today which addresses serious unmet readjustment needs of Vietnam veterans in the area of health care.

It has been more than 10 years since the fall of Saigon. Some of the millions of Americans who served in Indochina during the Vietnam war have problems, among them alcohol and drug abuse, depression, marital problems, aggressive behavior, and arrests and convictions for criminal behavior. Many of the servicemen from that era brought home with them a haunting sickness in the form of posttraumatic stress disorder [PTSD]. PTSD has lingered among the veterans of the Vietnam war, and I believe the time is overdue to confront the problem and help the individuals who suffer from it.

When we brought our troops home from Southeast Asia, debriefing was very minimal and medical screening was usually superficial. When disturbed young veterans tried to seek professional help after stress symptoms developed, they were denied treatment by physicians and other health care personnel who were not really familiar with combat-induced stress disorders. These include depression, panic attack, excessive use of drugs and alcohol, and behavioral disturbance. Many Vietnam veterans with posttraumatic stress disorder began to avoid medical facilities, particularly those of the Veterans' Administration. Some even withdrew or sought relief in isolation with drugs and alcohol.

Thus, the earliest opportunities to detect, examine, study, and treat PTSD were all but lost. Any knowledge about treatment of similar stress casualties from World Wars I and II and the Korean war seemed forgotten. Little attention was paid to stress disorders in our postgraduate educational programs and academic centers.

In 1979, the Vets Centers system was created and veterans were hired and trained very rapidly for these centers. During the past few years the Vietnam Veterans of America have worked to ensure that all these centers are properly staffed, including at least one clinician who has a formal clinical degree and specific training in the treatment of post-traumatic stress disorder. Two basic elements are needed if these Vets Centers are to achieve their goals: First, Vets Centers must be effectively administered by persons who have the clinical skills to help Vietnam veterans or any veterans recover from PTSD; and second, each center must foster an atmosphere of trust between the Readjustment Counseling Service [RCS] personnel at every level, and between the center and the local community.

Many Vietnam veterans returned home to hostility. They considered themselves as outcasts. The only place they could turn was to fellow veterans, and especially to those involved with the Vets Centers. So the issue of trust is vital to the success of these centers. Many outreach counselors have left the centers for a variety of reasons. Mr. President, my legislation would assure that counselors in Vets Centers have the ability to counsel, screen, and test Vietnam veterans and any other veterans who may suffer from PTSD and provide them effective therapy, readjustment, and rehabilitation for their unique medical and psychosocial readjustment problems. Costs of the legislation will be absorbed within existing VA appropriations.

It was not until the dedication of the Vietnam Veterans Memorial at Constitution Gardens in Washington, DC, that these veterans finally began to come home. I urge our distinguished colleagues to join with me in providing veterans yet another step forward in their long awaited return home.

By Mr. CHAFEE:

S. 2360. A bill to temporarily suspend the duty on 4-chloro-2,5-dimethoxyaniline; to the Committee on Finance.

S. 2361. A bill to temporarily suspend the duty on 3-nitro phenyl-4-beta-hydroxysulfone; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN TEXTILE CHEMICALS

● Mr. CHAFEE. Mr. President, today I am introducing 2 bills to suspend the duty on the importation of two chemicals that are precursors used in the production of printing ink and dyes for textiles. These particular chemicals are not produced in the United States. The suspension of the duty will act to lower the overall cost of producing textiles in this country.

As we are all aware, the textile industry has been hit especially hard by imports. I want to do all I can to keep this American industry on a fair competitive footing with its foreign competition. Because our foreign competitors can print and dye their textiles without the added costs that this duty imposes, that obviously means that this duty places our domestic industry at a competitive disadvantage.

Since there is no domestic production of these chemicals to be adversely affected by a suspension of this duty, it is senseless to continue it. My bills suspend the duties on these two chemicals, 3-nitro phenyl-4-beta-hydroxysulfone—(also known as nitro sufon B)—and 4-chloro-2,5-dimethoxyaniline)—also known as chlor amino base, through December 31, 1990. This will give us time to study the effect of the duty suspension on the chemical industry to determine if we should then repeal the duty outright or continue the suspension for another period.●

By Mr. GORE:

S. 2362. A bill to provide that Bell operating companies may provide information services and manufacture telecommunications equipment, subject to regulation by the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATIONS EQUITY ACT

● Mr. GORE. Mr. President, during the 27 months following the breakup of AT&T, we have witnessed widespread customer confusion, rate hikes, federally mandated consumer access charges, major inefficiencies created by court-ordered restrictions on the regional telephone companies—all producing a serious threat to our national commitment to affordable, universally available telephone service.

Today I am introducing legislation to address many of the problems created since divestiture, especially those which have placed rural telephone customers in jeopardy.

Theoretically, the Justice Department consent decree, through the modified final judgment [MFJ], and the Federal Communications Commission, are in a position to responsibly manage the transition from a national monopoly telephone system to one with many competitive players. Theoretically, all telephone customers would benefit from new competition from new technologies and the many new businesses created by divestiture.

Instead, we have a very few winners—the surviving competitors to AT&T and major corporations with extra cash to invest in new equipment to bypass local telephone companies—and many, many losers. Those include almost all rural telephone customers and the small companies who serve them, as well as small businesses and residential telephone users who make few long distance calls.

This shift in the burden of supporting telephone service from large users to local customers has taken the form of federally mandated customer access charges. The theory is that local customers, whether or not they make long distance calls, should pay an increasing share of the cost of providing long distance service access to the competing long distance companies.

The FCC access charges, now $1 per month for residential users, are scheduled to double, to $2 per month on June 1. The original FCC proposal pegged these charges at $4 per month, per line, increasing annually to $7 per month, so it is not unrealistic to expect further federally mandated telephone rate hikes in future years.

Business customers already pay a $4-$6 per-month per-line charge.

Supporters of these charges claim that local customers must pay a greater and greater share of providing long distance service in order that the threat of "bypass" can be reduced. Bypass of local telephone systems has been, legitimately, cited as the No. 1 threat to universal service, as large business users abandon traditional delivery systems for cheaper options.

However, there is no evidence that the federally mandated access charges have reduced bypass at all. In fact, large business users will continue to purchase equipment and services to reduce their telecommunications costs, and small businesses and residential customers will bear the burden.

Another justification for forcing local customers to pay these access charges was that long distance charges would drop dramatically, largely because they would be able to take advantage of competitive long distance services. The problem with that view is that most rural customers do not have direct access to these competitive services. The FCC access charges are simply adding insult to injury.

My bill, the Telecommunications Equity Act of 1986, would overturn these unjustified access charges, and return the cost of providing long distance service to those who use it. The bill requires the FCC to study the effectiveness of access charges in preventing bypass and report to Congress and receive approval before imposing any further charges.

The restrictions which preclude the regional telephone companies from engaging in competitive manufacturing and information services have kept significant revenues from flowing into the local rate base, thus keeping local telephone rates artifically high. Moreover, these court-ordered restrictions have created inefficiencies which prevent customers from receiving lowest cost services which could be easily added to the local system. In addition, the regional companies have been unable to participate in efforts to reduce the growing deficit we suffer in telecommunications equipment trade.

My bill would remove those restrictions, while preserving reasonable protections against cross-subsidies and ensuring that companies competing with the regional companies will be given fair and reasonable access to the local networks to offer their services.

Rural telephone service has been hardest hit by divestitures. To preserve universal service in these areas, three important practices have been in effect—first, the averaging of all long-distance tolls; second, the pooling of common carrier contributions to local service for "non-traffic sensitive" [NTS] costs; and third, a universal service fund to ensure that small, rural telephone companies are able to recover enough of their costs to stay in business. While the FCC and AT&T have claimed that they "have no plans" to seek the dismantling of toll-rate averaging, testimony at recent hearings has indicated that toll-rate averaging could be abandoned to "meet market place demands." Of more immediate concern, several regional telephone companies have filed proposed plans with the FCC to effectively withdraw from the common carrier line pool agreements. And, with the possibility of movement away from averaged charges nationwide, the universal service fund now in place would be in jeopardy.

My bill preserves these three efficient, fair systems—toll rate averaging, common carrier line pooling, and a strong universal service fund for small, rural companies—all vital to preserving affordable rural telephone service.

This bill will not significantly reverse the national trend toward deregulation of our expanding telecommunications economy. The bill eases regulations that are mostly counterproductive, while restoring some strength to our commitment to universal telephone service for all customers, especially those in rural areas.

This legislation has the strong support of the National Telephone Cooperative Association. I encourage my colleages to cosponsor this effort to correct many of the problems that face our constituents since the breakup of AT&T.

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

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

S. 2362

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 "Telecommunications Equity Act of 1986".

FINDINGS

SEC. 2. The Congress finds that—

(1) the public interest is served by a national telecommunications system which provides efficient, affordable local telephone service and emerging telecommunications opportunities for all residential and business users;

(2) the transition from a monopoly telephone system to a fully competitive environment has produced customer confusion, fears about rapidly increasing telephone rates, and uncertainty for all sectors of the telephone industry;

(3) the continued availability of affordable universal telephone service requires that all exchange carriers be viable businesses in order to fulfill the commitment to such service;

(4) such economic viability is threatened by Federal policies and other restrictions which place Bell operating companies and small and rural carriers at a disadvantage in providing customers with affordable telephone services and new telecommunications technologies;

(5) economic growth and international competitiveness of the United States telecommunications industry are important and vital to—

(A) the long-term research and development projects and programs of the United States telecommunications industry;

(B) the rapid development and introduction into the marketplace of new and innovative telecommunications equipment and services for United States residential and business telecommunications users;

(C) the development of efficient, reliable, and state-of-the-art telecommunications networks to serve the needs of United States telecommunications consumers; and

(D) the maximizing of employment opportunities for United States workers in the telecommunications industry.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "Bell operating companies" has the same meaning as such term has in the Modification Final Judgment entered August 24, 1982, the United States v. Western Electric, Civil Action No. 82-0192 (United States District Court, District of Columbia), except that such term does not include any centralized organization for the provision of engineering, research, and administrative services, the cost of which are shared by such operating companies or the affiliates of such companies;

(2) the term "information services" has the same meaning as such term has in such Modification;

(3) the term "electronic publishing" has the same meaning as such term has in such Modification;

(4) the term "telecommunications equipment" has the same meaning as such term has in such Modification, except that such term includes customer premises equipment (as defined in such Modification); and

(5) the term "Commission" means the Federal Communications Commission.

AUTHORITY TO PROVIDE INFORMATION SERVICES AND TO MANUFACTURE TELECOMMUNICATIONS EQUIPMENT

SEC. 4. A Bell operating company may engage in the provision of information services or in the manufacture of telecommunications equipment, or both, in accordance with the provisions of this Act.

AUTHORITY TO REGULATE

SEC. 5. (a)(1) No later than ninety days after the date of enactment of this Act, the Commission shall promulgate such rules and regulations with regard to charges, practices, and classifications of information services and the manufacture of telecommunications equipment as the Commission determines necessary.

(2) For the purposes of this subsection the term "information services" shall not include electronic publishing.

(b) Rules and regulations promulgated under subsection (a) shall apply to a Bell operating company only after the Commission determines, after consultation with the Secretary of Commerce and the United States Attorney General, that there is not a substantial possibility that any Bell operating company could impede competition in the information services or telecommunications equipment manufacturing business.

(c) A Bell operating company may engage in the provision of information services pursuant to the authority granted in section 4, if the Commission determines, after notice to and opportunity for comment by interested parties, that the provision of the infor-

mation service in question shall not harm competition and is required by the public interest. In determining whether a Bell operating company application for the provision of an information service should be granted, the Commission shall consider—

(1) the impact on competition;

(2) the appropriate safeguards to prevent competitive injury;

(3) the conduct of the applicant in providing equal access and reasonably requested interconnection to other providers of telecommunications services;

(4) the interests of monopoly ratepayers and competitors in preventing the cross subsidization of the proposed information services; and

(5) the benefits that would result from provision by the applicant of such information service.

REPORT ON EMPLOYMENT IMPACT

SEC. 6. (a) The Commission shall annually assess the impact of this Act on employment in the telecommunications equipment manufacturing and information services industries. The Commission shall include in its annual report to Congress pursuant to section 5(g) of the Communications Act of 1934 (47 U.S.C. 155(g) a summary of the results of the assessment which shall contain—

(1) a description of negotiations and other actions taken by the Bell operating companies to—

(A) increase employment in the United States within the telecommunications industry as a result of this act;

(B) reduce direct and indirect adverse effects on employment in the telecommunications industry that may result from engaging in new business operations as a result of this Act; and

(2) an estimate, developed in consultation with the Department of Labor, of net changes in employment as a result of this Act, together with a breakdown of the data used in developing such estimate.

(b) The Commission shall, in conducting the assessment required by subsection (a), provide interested persons the opportunity to present written and oral comment on matters to be included in the report required by such subsection.

ACCESS CHARGES

SEC. 7. (a) The Commission shall suspend the order on subscriber line charges No. 97-F.C.C. 2d 834 (1984) until—

(1) the Commission reports to Congress regarding consumer benefits derived from existing end-user allocations; and

(2) Congress approves such order by joint resolution. (b) Such report shall include—

the degree to which bypass of local exchange carrier services is caused by the allocation of nontraffic sensitive costs of connecting interexchange carriers to local exchange customers;

the economic harm caused to local exchange carrier operations as a result of such bypass;

the degree to which interexchange carriers have reduced and can be expected to further reduce customer long distance charges as a result of current and proposed end-user charges;

the effectiveness of existing and proposed charges in assisting exchange carriers reduce economically harmful instances of bypass by preserving primary use of the local exchange by large-volume business customers;

net benefits derived from current and proposed end-user charges for residential and business customers—

(A) served by both dominant and other competing interexchange carrier; and

(B) served only by a dominant interexchange carrier; and

(C) which make few or no interexchange toll calls; and

(6) the potential reduction in the aggregate number of local telephone customers resulting from federally-mandated end-user charges and any other charges occuring because of Federal end-user charges.

PROHIBITION ON TOLL RATE DE-AVERAGING

SEC. 8. The Commission may not approve any tariff or petition, issue any ruling or promulgate any regulation which directly or indirectly results in de-averaging of interexchange tolls.

BYPASS

SEC. 9. The Commission may not approve any tariff request or other petition, issue any ruling, or promulgate any regulation which increases the bypass of local exchange services by any user, unless—

(1) the Commission documents that such bypass results in net benefits for all customers; and

(2) no local rate increases will occur.

CARRIER COMMON LINE POOLING

SEC. 10. The Commission may not approve any plan which permits any exchange carrier to withdraw from—

(1) the carrier common line pooling agreement administered by the National Exchange Carrier Association; or

(2) any other carrier common line pooling agreement in effect on the date of enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 11. The federal access charge plan should include adequate support for small, rural telephone systems through a universal service fund which is targeted to ensure that rural telephone rates remain reasonable and affordable.

ALTERNATIVE INTEREXCHANGE SERVICES

SEC. 12. (a) No later than one hundred and eighty days after the date of enactment of this Act, the Commission shall report to Congress on the economic benefits of permitting local exchange carriers to provide interexchange service in areas where equal access has been provided in accordance with the modified final judgment cited in section 3(1).

(b) Such study shall include the —

(1) effect on competition and economic viability of dominant and other interexchange carriers; and

(2) potential benefits for local customers not served by other interexchange carriers.●

ADDITIONAL COSPONSORS

S. 2108

At the request of Mr. KASTEN, the names of the Senator from Virginia [Mr. TRIBLE], the Senator from Florida [Mrs. HAWKINS], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 2108, a bill to provide that Federal tax reform legislation shall not take effect before January 1, 1987.

S. 2152

At the request of Mr. DIXON, the names of the Senator from Delaware [Mr. ROTH], the Senator from Illinois [Mr. SIMON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Iowa [Mr. HARKIN], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 2152, a bill to amend title 10, United States Code, to require the Department of Defense to exclude from consideration for contracts those firms in which a hostile foreign government or a covered foreign national owns or controls a significant interest.

S. 2284

At the request of Mr. NICKLES, the name of the Senator from Missouri [Mr. EAGLETON] was added as a cosponsor of 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.

S. 2350

At the request of Mr. ABDNOR, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 2350, a bill to extend the period for filing a claim for credit or refund of Federal income taxes with respect to certain changes made by the Consolidated Omnibus Reconciliation Act of 1985 with respect to insolvent farmers.

SENATE JOINT RESOLUTION 274

At the request of Mr. GRASSLEY, the names of the Senator from Iowa [Mr. HARKIN], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 274, a joint resolution to designate the weekend of August 1, 1986, through August 3, 1986, as "National Family Reunion Weekend."

SENATE JOINT RESOLUTION 300

At the request of Mr. ZORINSKY, his name was added as a cosponsor of Senate Joint Resolution 300, a joint resolution to recognize and honor 350 years of service of the National Guard.

SENATE JOINT RESOLUTON 310

At the request of Mr. HELMS, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of Senate Joint Resolution 310, a joint resolution to proclaim June 15, 1986, through June 21, 1986, as "National Agricultural Export Week."

SENATE CONCURRENT RESOLUTION 125

At the request of Mr. HEINZ, the names of the Senator from North Dakota [Mr. ANDREWS], the Senator from Wisconsin [Mr. KASTEN], the Senator from North Carolina [Mr. HELMS], the Senator from Virginia [Mr. TRIBLE], the Senator from Texas [Mr. GRAMM], the Senator from Montana [Mr. BAUCUS], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Dakota [Mr. ABDNOR], the Senator from Wyoming

[Mr. SIMPSON], the Senator from Idaho [Mr. MCCLURE], the Senator from Missouri [Mr. DANFORTH], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Oklahoma [Mr. BOREN], the Senator from Texas [Mr. BENTSEN], and the Senator from Alaska [Mr. STEVENS], were added as cosponsors of Senate Concurrent Resolution 125, a concurrent resolution recognizing the achievements of the Ireland Fund and its founder, Dr. Anthony J.F. O'Reilly.

SENATE RESOLUTION 364

At the request of Mr. BUMPERS, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of Senate Resolution 364, a resolution to express the sense of the Senate relating to taxation of the small businesses of the Nation.

SENATE RESOLUTION 374

At the request of Mr. FORD, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Resolution 374, a resolution limiting the amount that may be expended by Senators for mass mailings during the remainder of fiscal year 1986.

SENATE RESOLUTION 387—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. DOMENICI (for Mr. DOLE, for himself and Mr. BYRD and Mr. ABDONR) submitted the following resolution; which was considered and agreed to:

S. RES. 387

Whereas, a Fedeal grand jury in the United States District Court for the District of Columbia is currently investigating possible violations of 18 U.S.C. § 1001;

Whereas, counsel for the United States has served a subpoena for the taking of testimony upon David F. Zorensky, a member of the staff of the Committee on Commerce, Science, and Transportation;

Whereas, pursuant to sections 703(a) and 704(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a) (1982), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena or order relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Seante, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of employees of the Senate concerning information acquired in the course of their official duties is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent David F. Zorensky in connection with his testimony in *In Re Possible Violations of 18 U.S.C. § 1001*.

SEC. 2. That David F. Zorensky is authorized to testify before the grand jury and in any subsequent proceedings in *In Re Possible Violations of 18 U.S.C. § 1001* (D.D.C.), except concerning matters for which a privilege from testifying should be asserted.

AMENDMENTS SUBMITTED

FIRST CONCURRENT RESOLUTION ON THE BUDGET

DOMENICI (AND CHILES) AMENDMENT NO. 1797

Mr. DOMENICI (for himself and Mr. CHILES) proposed an amendment, which was subsequently modified, to the concurrent resolution (S. Con. Res. 120) setting forth the congressional budget for the U.S. Government for the fiscal years 1987, 1988, and 1989; as follows:

On page 2, decrease the amount on line 3 by $4,063,000,000.

On page 2, decrease the amount on line 4 by $6,242,000,000.

On page 2, decrease the amount on line 5 by $8,408,000,000.

On page 2, decrease the amount on line 8 by $4,063,000,000.

On page 2, decrease the amount on line 9 by $6,242,000,000.

On page 2, decrease the amount on line 10 by $8,408,000,000.

On page 2, decrease the amount on line 19 by $4,455,000,000.

On page 2, decrease the amount on line 20 by $8,299,000,000.

On page 2, decrease the amount on line 21 by $10,904,000,000.

On page 2, decrease the amount on line 24 by $4,063,000,000.

On page 2, decrease the amount on line 25 by $6,242,000,000.

On page 3, decrease the amount on line 1 by $8,408,000,000.

On page 5, decrease the amount on line 5 by $4,063,000,000.

On page 5, decrease the amount on line 6 by $6,242,000,000.

On page 5, decrease the amount on line 7 by $8,408,000,000.

On page 5, decrease the amount on line 10 by $4,455,000,000.

On page 5, decrease the amount on line 11 by $8,299,000,000.

On page 5, decrease the amount on line 12 by $10,904,000,000.

On page 5, decrease the amount on line 15 by $4,063,000,000.

On page 5, decrease the amount on line 16 by $6,242,000,000.

On page 5, decrease the amount on line 17 by $8,408,000,000.

On page 7, increase the amount on line 12 by $729,000,000.

On page 7, increase the amount on line 13 by $140,000,000.

On page 7, increase the amount on line 21 by $586,000,000.

On page 7, increase the amount on line 22 by $223,000,000.

On page 8, increase the amount on line 6 by $121,000,000.

On page 8, increase the amount on line 7 by $268,000,000.

On page 8, decrease the amount on line 16 by $80,000,000.

On page 8, decrease the amount on line 17 by $80,000,000.

On page 8, decrease the amount on line 24 by $80,000,000.

On page 8, decrease the amount on line 25 by $80,00,000.

On page 9, decrease the amount on line 7 by $80,000,000.

On page 9, decrease the amount on line 8 by $80,000,000.

On page 9, decrease the amount on line 16 by $369,000,000.

On page 9, decrease the amount on line 17 by $300,000,000.

On page 9, decrease the amount on line 25 by $653,000,000.

On page 10, decrease the amount on line 1 by $635,000,000.

On page 10, decrease the amount on line 9 by $1,002,000,000.

On page 10, decrease the amount on line 10 by $1,004,000,000.

On page 10, decrease the amount on line 19 by $847,000,000.

On page 10, decrease the amount on line 20 by $140,000,000.

On page 11, decrease the amount on line 4 by $1,447,000,000.

On page 11, decrease the amount on line 5 by $246,000,000.

On page 11, decrease the amount on line 13 by $2,047,000,000.

On page 11, decrease the amount on line 14 by $603,000,000.

On page 11, decrease the amount on line 23 by $368,000,000.

On page 11, decrease the amount on line 24 by $321,000,000.

On page 12, decrease the amount on line 8 by $510,000,000.

On page 12, decrease the amount on line 9 by $540,000,000.

On page 12, decrease the amount on line 17 by $605,000,000.

On page 12, decrease the amount on line 18 by $666,000,000.

On page 13, decrease the amount on line 2 by $347,000,000.

On page 13, decrease the amount on line 3 by $1,851,000,000.

On page 13, decrease the amount on line 11 by $2,465,000,000.

On page 13, decrease the amount on line 12 by $2,645,000,000.

On page 13, decrease the amount on line 20 by $3,056,000,000.

On page 13, decrease the amount on line 21 by $3,214,000,000.

On page 14, decrease the amount on line 5 by $915,000,000.

On page 14, decrease the amount on line 6 by $708,000,000.

On page 14, decrease the amount on line 14 by $977,000,000.

On page 14, decrease the amount on line 15 by $758,000,000.

On page 14, decrease the amount on line 23 by $1,077,000,000.

On page 14, decrease the amount on line 24 by $930,000,000.

On page 15, decrease the amount on line 9 by $961,000,000.

On page 15, decrease the amount on line 10 by $85,000,000.

On page 15, decrease the amount on line 18 by $725,000,000.

On page 15, decrease the amount on line 19 by $174,000,000.

On page 16, decrease the amount on line 2 by $1,075,000,000.

On page 16, decrease the amount on line 3 by $633,000,000.

On page 16, decrease the amount on line 13 by $815,000,000.

On page 16, decrease the amount on line 14 by $396,000,000.

On page 16, decrease the amount on line 22 by $819,000,000.

On page 16, decrease the amount on line 23 by $856,000,000.

On page 17, decrease the amount on line 6 by $819,000,000.

On page 17, decrease the amount on line 7 by $932,000,000.

On page 17, decrease the amount on line 16 by $177,000,000.

On page 17, decrease the amount on line 17 by $180,000,000.

On page 17, decrease the amount on line 24 by $117,000,000.

On page 17, decrease the amount on line 25 by $136,000,000.

On page 18, decrease the amount on line 7 by $117,000,000.

On page 18, decrease the amount on line 8 by $137,000,000.

On page 19, decrease the amount on line 18 by $789,000,000.

On page 19, decrease the amount on line 19 by $103,000,000.

On page 20, decrease the amount on line 3 by $819,000,000.

On page 20, decrease the amount on line 4 by $119,000,000.

On page 20, decrease the amount on line 13 by $839,000,000.

On page 20, decrease the amount on line 14 by $167,000,000.

On page 23, decrease the amount on line 2 by $413,000,000.

On page 23, decrease the amount on line 3 by $352,000,000.

On page 23, decrease the amount on line 10 by $411,000,000.

On page 23, decrease the amount on line 11 by $414,000,000.

On page 23, decrease the amount on line 18 by $409,000,000.

On page 23, decrease the amount on line 19 by $411,000,000.

On page 24, decrease the amount on line 2 by $20,000,000.

On page 24, decrease the amount on line 3 by $20,000,000.

On page 26, increase the amount on line 3 by $163,000,000.

On page 26, increase the amount on line 4 by $163,000,000.

On page 26, increase the amount on line 12 by $138,000,000.

On page 26, increase the amount on line 13 by $138,000,000.

On page 26, increase the amount on line 21 by $101,000,000.

On page 26, increase the amount on line 22 by $101,000,000.

On page 29, increase the amount on line 24 by $252,000,000.

On page 29, increase the amount on line 25 by $252,000,000.

On page 29, increase the first amount on line 26 by $275,000,000.

On page 29, increase the second amount on line 26 by $275,000,000.

On page 30, increase the amount on line 1 by $280,000,000.

On page 30, increase the amount on line 2 by $280,000,000.

On page 33, decrease the amount on line 13 by $4,063,000,000.

On page 33, decrease the first amount on line 14 by $6,242,000,000.

On page 33, decrease the second amount on line 14 by $8,408,000,000.

On page 35, increase the amount on line 11 by $159,000,000.

On page 35, increase the amount on line 12 by $46,000,000.

On page 35, decrease the first amount on line 13 by $501,000,000.

On page 35, decrease the second amount on line 13 by $566,000,000.

On page 35, decrease the amount on line 14 by $1,025,000,000.

On page 35, decrease the amount on line 15 by $1,171,000,000.

On page 36, increase the amount on line 20 by $252,000,000.

On page 36, increase the amount on line 21 by $252,000,000.

On page 36, increase the first amount on line 22 by $275,000,000.

On page 36, increase the second amount on line 22 by $275,000,000.

On page 36, increase the amount on line 23 by $280,000,000.

On page 36, increase the amount on line 24 by $280,000,000.

On page 42, increase the amount on line 15 by $159,000,000.

On page 42, increase the amount on line 16 by $46,000,000.

On page 42, decrease the first amount on line 17 by $501,000,000.

On page 42, decrease the second amount on line 17 by $566,000,000.

On page 42, decrease the amount on line 18 by $1,025,000,000.

On page 42, decrease the amount on line 19 by $1,171,000,000.

On page 44, decrease the amount on line 6 by $4,063,000,000.

On page 44, decrease the first amount on line 7 by $6,242,000,000.

On page 44, decrease the second amount on line 7 by $8,408,000,000.

On page 44, after line 21, insert the following:

SENSE OF THE CONGRESS

SEC. 4. It is the sense of the Congress that $4,343,000,000 of the spending (outlay) reductions, in fiscal year 1987 assumed in this concurrent resolution should be achieved through program terminations and significant program reductions, as proposed by the President's budget request for fiscal year 1987, affecting the following programs: Export-Import Bank direct loans; OPIC insurance programs; advanced communications technology satellite; Rural Electrification Administration subsidies; weatherization assistance programs; EPA sewage treatment grants; soil conservation programs; LANDSAT; sea grant and coastal zone management; Department of Agriculture extension service; temporary emergency food and shelter; Federal crop insurance program; trade adjustment assistance to firms; U.S. Travel and Tourism Administration; postal subsidy; rural housing loans; Small Business Administration; Section 202 housing; Amtrak; Interstate Commerce Commission; Washington Metro; Maritime Cargo Preference Expansion; Appalachian Regional Commisison; Economic Development Administration; Urban Development Action Grants; rental housing development grants (HODAG-RRG); Section 312 rehabilitation loan fund; Section 108 loan guarantee program; Rural development program; SBA disaster loans; Community service block grant; Impact aid (Part B); Library programs; Small higher education programs; State student incentive grants; College housing loans; Public health service (health profession subsidies); FEMA supplemental food and shelter; Section 8 moderate rehabilitation; Rural housing grants; Legal Services Corporation; Justice grants; Public debt reimbursement to Federal Reserve Banks.

SENSE OF THE CONGRESS

SEC. 4. TERMINATION AND REDUCTION OF PROGRAMS.—It is the sense of the Congress that $4,343,000,000 of the spending (outlay) reductions in fiscal year 1987 assumed in this concurrent resolution should be achieved through program terminations and significant program reductions in 43 areas, as proposed by the President's budget request for fiscal year 1987, affecting the following programs: Export-Import Bank direct loans; OPIC insurance programs; advanced communications technology satellite; Rural Electrification Administration subsidies; weatherization assistance programs; EPA sewage treatment grants; soil conservation programs; LANDSAT; sea grant and coastal zone management; Department of Agriculture extension service; temporary emergency food and shelter; Federal crop insurance program; trade adjustment assistance to firms; U.S. Travel and Tourism Administration; postal subsidy; rural housing loans; Small Business Administration; Section 202 housing; Amtrak; Interstate Commerce Commission; Washington Metro; Maritime Cargo Preference Expansion; Appalachian Regional Commission; Economic Development Administration; Urban Development Action Grants; rental housing development grants (HODAG-RRG); Section 312 rehabilitation loan fund; Section 108 loan guarantee program; Rural development program; SBA disaster loans; Community service block grant; Impact aid (Part B); Library programs; Small higher education programs; State student incentive grants; College housing loans; Public health service (health profession subsidies); FEMA supplemental food and shelter; Section 8 moderate rehabilitation; Rural housing grants; Legal Services Corporation; Justice grants; Public debt reimbursement to Federal Reserve Banks.

ANDREWS (AND OTHERS) AMENDMENT NO. 1798

Mr. ANDREWS (for himself, Mr. HOLLINGS, Mr. STAFFORD, Mr. LAUTENBERG, Mr. WEICKER, Mr. BRADLEY, Mr. D'AMATO, Mr. DODD, Mr. SPECTER, Mr. MOYNIHAN, Mr. PRESSLER, Mr. PELL, Mr. MATHIAS, Mr. MELCHER, Mr. DANFORTH, Mr. KERRY, Mr. MITCHELL, Mr. SIMON, Mr. MATSUNAGA, Mr. BURDICK, Mr. LEVIN, Mr. KENNEDY, Mr. LEAHY, Mr. SARBANES, Mr. ROCKEFELLER, Mr. FORD, Mr. METZENBAUM, Mr. INOUYE, Mr. BOREN, Mr. BINGAMAN, Mr. DURENBERGER, Mr. RIEGLE, Mr. BUMPERS, Mr. PRYOR, Mr. BYRD and Mr. ABDONR) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 120, supra; as follows:

On page 2, increase the amount on line 3 by $300,000,000.

On page 2, increase the amount on line 4 by $1,100,000,000.

On page 2, increase the amount on line 5 by $1,500,000,000.

On page 2, increase the amount on line 8 by $300,000,000.

On page 2, increase the amount on line 9 by $1,100,000,000.

On page 2, increase the amount on line 10 by $1,500,000,000.

On page 2, increase the amount on line 19 by $1,200,000,000.

On page 2, increase the amount on line 20 by $1,500,000,000.

On page 2, increase the amount on line 21 by $1,500,000,000.

On page 2, increase the amount on line 24 by $300,000,000.

On page 2, increase the amount on line 25 by $1,100,000,000.

On page 3, increase the amount on line 1 by $1,500,000,000.

On page 5, increase the amount on line 5 by $300,000,000.

On page 5, increase the amount on line 6 by $1,100,000,000.

On page 5, increase the amount on line 7 by $1,500,000,000.

On page 5, increase the amount on line 10 by $1,200,000,000.

On page 5, increase the amount on line 11 by $1,500,000,000.

On page 5, increase the amount on line 12 by $1,500,000,000.

On page 5, increase the amount on line 15 by $300,000,000.

On page 5, increase the amount on line 16 by $1,100,000,000.

On page 5, increase the amount on line 17 by $1,500,000,000.

On page 16, increase the amount on line 13 by $1,200,000,000.

On page 16, increase the amount on line 14 by $300,000,000.

On page 16, increase the amount on line 22 by $1,500,000,000.

On page 16, increase the amount on line 23 by $1,100,000,000.

On page 17, increase the amount on line 6 by $1,500,000,000.

On page 17, increase the amount on line 7 by $1,500,000,000.

On page 33, increase the amount on line 13 by $300,000,000.

On page 33, increase the first amount on line 14 by $1,100,000,000.

On page 33, increase the second amount on line 14 by $1,500,000,000.

On page 44, increase the amount on line 6 by $300,000,000.

On page 44, increase the first amount on line 7 by $1,100,000,000.

On page 44, increase the second amount on line 7 by $1,500,000,000.

RECOGNITION OF THE VITAL ROLE OF THE NATIONAL GUARD AND THE RESERVE

WILSON (AND GOLDWATER) AMENDMENT NO. 1799

Mr. WILSON (for himself and Mr. GOLDWATER) proposed an amendment to the joint resolution (H.J. Res. 220) to reaffirm Congress' support and recognition of the vital role played by members of the National Guard and Reserve in the national defense; as follows:

At the end of the joint resolution, add the following new section:

"SEC. 2. Extension of Deadline Relating to Obligation of Funds from Military Personnel Accounts of the Department of Defense

"Notwithstanding any other provision of law, until, but not after, June 1, 1986, obligations from the Department of Defense military personnel accounts may exceed a rate in excess of the rate required to limit total obligations to the obligation ceilings established by law for such accounts for fiscal year 1986.".

FIRST CONCURRENT RESOLUTION ON THE BUDGET

MOYNIHAN (AND OTHERS) AMENDMENT NO. 1800

Mr. MOYNIHAN (for himself, Mr. SASSER, Mr. BYRD, Mr. HEINZ, Mr. SPECTER, Mr. RIEGLE, Mr. JOHNSTON, Mr. PRYOR, Mr. LAUTENBERG, Mr. MELCHER, Mr. METZENBAUM, Mr. FORD, Mr. HART, Mr. GORE, Mr. KERRY, Mr. ANDREWS, Mr. DIXON, Mr. ROCKEFELLER, Mr. SARBANES, Mr. HEFLIN, Mr. INOUYE, Mrs. HAWKINS, Mr. BURDICK, and Mr. DECONCINI) proposed and amendment to the concurrent resolution, Senate Concurrent Resolution 120, supra; as follows:

On page 44, strike out line 9 through line 21 and insert in lieu thereof the following:

GENERAL REVENUE SHARING

SEC. 3. Upon the enactment of—

(1) legislation authorizing budget authority of up to $4,600,000,000 annually for the General Revenue Sharing program for any or all of the fiscal years 1987, 1988, and 1989, and

(2) legislation increasing revenues for any fiscal year for which outlays are to be made under such budget authority by an amount that is—

(A) not less than the amount of the outlays to be made for such fiscal year under such budget authority, and

(B) in addition to the amounts of increased revenues required to be reported pursuant to section 2 of this concurrent resolution for such fiscal year,

the authorized amounts of budget authority and outlays for such program shall be allocated to the Senate Committees on Appropriations and Finance, as appropriate for such fiscal year, and such amounts shall be added to the total amounts of budget authority and outlays provided for in the applicable concurrent resolution.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee has rescheduled its hearing on the implementation of title XVIII of Public Law 99-272, the Reconciliation Act, for Monday, April 28, 1986. The hearing will commence at 11 a.m., and will be held in room 428A of the Russell Senate Office Building. For further information, please call Bob Wilson, chief counsel for the committee at 224-5175.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a hearing on the following bills:

On Wednesday, May 7, 1986, in Senate Dirksen 124, at 2 p.m., on S. 2260, to settle certain claims arising out of activities on the Pine Ridge Indian Reservation, and S. 2243, a bill to improve the health status of native Hawaiians, and for other purposes. Those wishing additional information on these bills should contact Patricia Zell of the committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, April 23, 1986, in order to conduct a hearing on the nomination on Frank H. Dunkle, to be Director, U.S. Fish and Wildlife Service.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, April 23, to hold a business meeting to consider the following: S. 1225, Price-Anderson Act amendments of 1985; the nominations of William F. Martin to be Deputy Secretary of Energy, and David B. Waller, to be Assistant Secretary of Energy for International Affairs and Energy Emergencies.

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

SUBCOMMITTEE ON MILITARY CONSTRUCTION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Military Construction of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 23, in executive session, to hold a business meeting to consider recommendations on homeplotting

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

SUBCOMMITTEE ON DEFENSE ACQUISITION POLICY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Defense Acquisition Policy, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Wednesday, April 23, 1986, in order to mark up the following bills, S. 2082, S. 2151, and S. 2196.

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

COMMITTEE ON THE JUDICIARY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 23, in order to receive testimony concerning the following nominations:

U.S. DISTRICT JUDGE

Andrew J. Kleinfeld, of Alaska, to be U.S. district judge for the district of Alaska.

ASSISTANT ATTORNEY GENERAL

Roger Milton Olsen, of Virginia, to be an Assistant Attorney General (Tax Division).

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. DOMENICI. 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 Wednesday, April 23, to conduct a hearing on the National Aeronautics and Space Administration reauthorization.

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 Wednesday, April 23, to conduct a hearing on the nomination of Dr. James C. Fletcher, to be Administrator of the National Aeronautics and Space Administration.

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

ADDITIONAL STATEMENTS

SDI DISCLOSURE

● Mr. JOHNSTON. Mr. President, on March 19, three other Senators and I wrote Senator DURENBERGER, chairman of the Select Committee on Intelligence, and asked him to investigate two reports concerning the Strategic Defense Initiative Organization. The first report, based on a statement by an SDI officer, was that the SDIO may have given the Soviet Union a classified briefing on the SDI program. The second report from the March 17 issue of Aviation Week and Space Technology was that the SDIO may have used Congress and the media as part of a disinformation campaign to provide the Soviets with false or misleading data about U.S. strategic defense research.

On April 9, Senators DURENBERGER and LEAHY, the chairman and vice chairman of the Select Committee on Intelligence, provided us a copy of General Abrahamson's answers to the questions we raised in our letter to the select committee. These answers coupled with General Abrahamson's remarks in a recent closed hearing afford what I think is a reasonable explanation of what happened in Geneva and satisfy me that there is no cause for concern about what was divulged to the Soviets about the SDI program. Moreover, General Abrahamson's unequivocal denial of SDI involvement in any deliberate disinformation program with respect to the Congress or the media satisfies my concerns in this regard.

Even the suspicion of such a disinformation program that misleads elected officials and the free press is a serious matter that deserves immediate investigation. The article in Aviation Week and Space Technology certainly calls the issue into question with respect to SDI and other programs as well. General Abrahamson's answers, because they are so forthright and unequivocal, have settled questions I had of an SDI disinformation program aimed at the Soviets via the Congress and the media. My colleagues should read General Abrahamson's responses and decide for themselves.

Mr. President, I ask that the letter of April 9, 1986, from Senator DURENBERGER and Senator LEAHY to me; a letter dated March 31, 1986, from Lieutenant General Abrahamson to Senator DURENBERGER; and a statement by General Abrahamson to the Select Committee on Intelligence including his responses to several questions all be included in the RECORD.

The material follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, April 9, 1986.

Hon. J. BENNETT JOHNSTON,
Committee on Appropriations,
U.S. Senate, Washington, DC.

DEAR BENNETT: We are pleased to forward to you a copy of General Abrahamson's responses to questions raised in your letters of March 19 and 24 on the subject of the Strategic Defense Initiative Organization. Please let us know if we can be of further help to you.

Sincerely,

DAVE DURENBERGER,
Chairman.
PATRICK LEAHY,
Vice Chairman.

DEPARTMENT OF DEFENSE, STRATEGIC DEFENSE INITIATIVE ORGANIZATION,
Washington, DC, March 31, 1986.

Hon. DAVE DURENBERGER,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letters of 20 and 26 March requesting a response to questions from the Senate Select Committee on Intelligence. I appreciate the opportunity to address the Committee's concerns for the record.

I would like to take the occasion of your request to respectfully respond to allegations that the Strategic Defense Initiative Organization (SDIO) has been involved in a disinformation campaign. I have enclosed for the Committee's record my formal statement to these charges. I would like to assure you and the members of your committee that I have never engaged in, nor has anyone in the Strategic Defense Initiative Organization engaged in, any purposeful attempt to misinform the U.S. Congress, the American people, or the news media.

Two years ago when the Strategic Defense Initiative Organization was formed, we made an organizational commitment to present the nation with a forthright assessment of the present strategic situation and the ability of the SDI program to affect a positive return to stability. We have kept our program open to close public scrutiny at home and abroad for the simple reason that we believe that the facts will make the case for strategic defense. My enclosed statement should leave you with little doubt that I fully intend to continue to present the SDI program as candidly as is appropriate within the constraints of security consideration.

Again, thank you for your letters and for the opportunity to respond to your requests.

Sincerely,

JAMES A. ABRAHAMSON,
Lieutenant General, USAF, Director, Strategic Defense Initiative Organization.

STATEMENT BY LT. GEN. JAMES A. ABRAHAMSON TO SELECT COMMITTEE ON INTELLIGENCE, U.S. SENATE

I would like to formally respond to allegations that SDIO is involved in a disinformation program. I must emphatically state that SDIO is not engaged in any program to misinform the U.S. Congress, the American public, or the U.S. news media. I would personally reject any suggestion to conduct such activity and I am deeply concerned that there have been allegations to the contrary.

As you well know, SDIO has various compartmented programs that have valid noncompartmented aspects and that are identified by those noncompartmented aspects. Accordingly, the full scope of these programs is not publicly disclosed. These security procedures serve to protect highly sensitive national security information. My reporting of these SDI activities, which require congressional oversight, has been conducted with all candor and accuracy. My public statements and statements to the news media have been made in the same spirit. I and my entire organization, as members of the U.S. Government, place the highest value on an open and free press—free from both control and manipulation by the Government. Although properly classified information is of course withheld from the public, we are scrupulous to ensure that the information which is released is entirely accurate and as complete as possible.

Question. Did SDIO officials in fact give Soviet officials a classified briefing on the Strategic Defense Initiative?

Answer. On June 27, 1985, the U.S. Defense and Space Negotiating Group held an official post-plenary meeting with their Soviet counterparts. At that meeting a technical overview of the SDI program, at an unclassified level, was formally presented. In attendance was Lt. General Abrahamson, Director, SDIO. His briefing was delivered by Rodney P. Liesveld, Major, USAF, who is both a member of the U.S. NST Delegation and a member of General Abrahamson's staff. General Abrahamson answered the Soviet negotiators' questions following the briefing. The briefing was officially sanctioned by the U.S. Government for this event and received interagency approval prior to its delivery. The USG places a high value on a frank and candid dialogue in these negotiations and seeks such reciprocity from the Soviet Union. It was in this spirit that the SDI briefing was given. A few days after the briefing the "Senate Observers Group" was in Geneva and were fully in-

formed of the briefing. Because the briefing was held during an official post-plenary meeting, the transcript of that proceeding was classified, as are all such official deliberations to ensure the US-USSR agreed rules of confidentiality.

The classification of the arms control proceedings is based upon an agreement of the parties that discussions will be kept secret to promote a frank and open exchange. Such classification is therefore derived from the setting, as opposed to the contents of information exchanged. Specifically, the classification is based upon a determination that public disclosure of the negotiating record contrary to our agreement with the Soviet Union would cause damage to the foreign relations of the United States as provided in Executive Order 12356. When removed from the context of the negotiating record, the same information may be entirely unclassified.

Question. Was this classified briefing the same one given to Members of Congress?

Answer. During many open hearings before Congress in 1984-1985, similar briefings were given by Lt. General Abrahamson. However, no SDI classified technical information that has been presented to Congressional closed hearings has ever been given to the Soviet Union.

Question. If classified information was given to the Soviets, what was the scope of that information and how much detail of SDI research was provided?

Answer. No SDI classified information was given to the Soviets.

Question. If this information was provided to the Soviets, why can't it be provided to the American people?

Answer. All SDI information provided to the Soviets has been, or is, available to the American people.

Question. If the classified briefing for the Soviets was the same one given to Congress, should the briefing given Congress have been answered in the first place.

Answer. No SDI classified information has been provided to the Soviets.

Question. On February 14, 1986, SDIO classified a report by the General Accounting Office on the Strategic Defense Initiative Organization, its financial structure, and its programs. The GAO report, however, was compiled entirely from unclassified sources. If the Soviets, in fact, have already received a classified briefing on the SDI program, was this GAO report improperly classified?

Answer. The GAO report has not been improperly classified. Those areas in the GAO report that are classified are not related to the information in the SDI briefing to the Soviet negotiators.

Question. Has Congress and the press served as a conduct for disinformation on SDI research? If so, what kind of false or misleading data have been provided to the Congress?

Answer.

(a) No!

(b) No false nor misleading data has been provided to the Congress. Furthermore, under no circumstances would the SDIO intentionally misinform the U.S. Congress, the American people, or the U.S. news media.

Question. Has Congress been misled on the true progress of SDI research as a result of attempts to mislead the Soviet Union? Have "channels on the Hill" been used, as the Aviation Week article indicates, to correct the disinformation? (Aviation Week, March 17, 1986)

Answer. Congress has not been misled, and the SDI briefing to the Soviet negotiations was not an attempt to mislead the Soviet Union? (See answer to Question #1.)

Question. Under what circumstances have the Soviets been given or would they be given valid classified information kept from the American people, particularly on the Strategic Defense Initiative?

Answer. SDIO has not provided valid classified information to the Soviet Union. Any decision as to the types and substance of information on the SDI which might be given to the Soviet Union is not my responsibility, and I have no authority to ever approve such activity.

Question. If such information is passed to the Soviets, is it thereafter declassified? If not, why not?

Answer. The decision on what SDI information can be openly released always depends on the impact on U.S. security. At this time it is impossible for me to know what the circumstances may be surrounding Soviet access to SDI data. If SDI classified information were to be provided to the Soviet Union, it would not automatically be declassified if it could be used by other inimical governments to the detriment of U.S. national security.●

THE SERVICE CONTRACT REFORM ACT OF 1986

● Mr. HUMPHREY. Mr. President, on March 27, 1986, I introduced the Service Contract Reform Act of 1986, along with my colleagues, Senators HECHT, THURMOND, and EAST. This reform bill, S. 2261, would correct many problems that currently plague the Service Contract Act. The purpose of the act, when it was adopted by Congress in 1965, was to prevent exploitation of workers by unscrupulous employers seeking Government service contracts. But unfortunately, over the years, the law was misapplied and misinterpreted. The calculations and paperwork it requires have become overwhelming. S. 2261 would create greater competition among service contract bidders, effect substantial cost savings in light of our current budget deficit, and let service employee wages reflect the true prevailing wages in the marketplace. I would urge my colleagues to join in sponsoring this measure which makes realistic reforms to the Service Contract Act.

The Chamber of Commerce of the United States of America has illustrated its great commitment to free enterprise and competition in the work place through its support of S. 2261. Last week, I received a letter from Mr. Richard L. Lesher, president of the chamber of commerce, fully endorsing the reform measures of S. 2261. I ask that the letter of support from Mr. Lesher be printed in the RECORD.

The letter follows:

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, April 11, 1986.

Hon. GORDON J. HUMPHREY,
U.S. Senate,
Washington, DC.

DEAR GORDON: I would like to commend you for introducing S. 2261, the "Service Contract Reform Act of 1986." Your leadership on this issue will focus attention on an area where significant cost savings can be achieved without sacrificing vital government programs or services.

The Service Contract Act, like the Davis-Bacon Act, requires employers providing services to the federal government to pay "prevailing wages." As you have noted so eloquently, this Act has proven to be both inefficient and inflationary. It restricts competitive bidding and small business participation, unduly increases costs to the federal government and taxpayers, and impedes the hiring of youth, minorities and women. Numerous public and private sector studies have urged the outright repeal of this antiquated statute.

Barring outright repeal of the Service Contract Act, the Chamber supports your efforts to make common sense modifications to the law, as are contained in S. 2261. Please know that you can count on our support with your legislation.

As you may know, our preference would be to repeal the Service Contract Act. Nevertheless, we strongly support S. 2261 as a reasonable compromise.

Sincerely,

RICHARD L. LESHER.●

TAIWAN'S INDIGENOUS DESIGN FIGHTER

● Mr. GOLDWATER. Mr. President, there is a rather encouraging report in the current issue of Aviation Week & Space Technology of plans for development by the Republic of China of an indigenous high performance fighter. I use the word "encouraging" because the self defense of Taiwan is so important to the deterrent capability of all non-Communist nations in Northeast Asia.

The report also indicates, however, that there is no U.S. Government involvement in the program and that administration officials continue their refusal to provide the ROC with aircraft more advanced than the F-5E.

Two days ago Peking voted in the United Nations for a resolution to condemn United States air strikes against terrorist related targets in Libya. Communist China would have labeled the United States as a terrorist nation. In gratitude for this typical show of hostility by Red China, the administration is pushing for an illusory strategic alliance with Peking founded on the supply of modern United States technology and weapons, the latest proposal being the sale of advanced avionics for installation in the F-8 fighter.

Mr. President, I cannot understand this kowtowing to Communist China. Why does the United States shun its true friends and turn to totalitarian societies who regularly condemn us, even to the point of condemning the

United States as a terrorist state. Instead of trying to build a defense alliance where no basis for one exists, it would be far more fitting for the United States to care for the safety and freedom of its friends, who have always proved ready to support us in every way possible.

The correct response to the dramatic increase of Soviet air and naval activities in the Pacific Ocean is for the United States to approve sales to the ROC of the F-20 and other modern equipment for the effective patrol and defense of the sealanes guarded by Taiwan. As retired Gen. T.R. Milton has observed:

It must be a continuing source of frustration for Soviet military planners to be reminded that Taiwan guards the U.S.S.R.'s route to Vietnam and beyond.

Surely our Government's strategists must recognize that the island, in Peking's hands, would almost certainly be off limits to United States forces. Even a neutral government on Taiwan would offer nightmares for United States military planners.

Yet our Government does not show an adequate understanding of Taiwan's military importance. Instead, we continue pursuing a will-of-the-wisp in the form of a military and strategic relationship with Red China. At least the 19 million free citizens of the Republic of China on Taiwan care for their own security and are doing something about it. I truly hope that their indigenous fighter program is successful, but it would seem better if the United States would also provide the ROC directly with first line replacements for its aging fleet of F-5E's and F-104's.

Mr. President, I ask that the news report may appear in the RECORD.

The article follows:

[From Aviation Week & Space Technology, Apr. 21, 1986]

TAIWAN STRESSES DEVELOPMENT OF NEW DOMESTIC FIGHTER

WASHINGTON.—Development of an indigenous-design high-performance fighter has been accorded a high priority by the Taiwanese government as a means of maintaining stability in the region and developing Taiwan's aeronautical industry.

Taiwanese engineers are applying conventional design and low-risk technologies in the single-seat fighter, which will have moderately swept wings, flaperons and long leading-edge strakes blending the wing and the elliptical fuselage. The aircraft will have a single vertical stabilizer and a fuselage-mounted all-moving horizontal tail plane.

Preliminary design is nearing completion, pending further wind tunnel tests in Taiwan and in the U.S.

Budget for the fighter program is not fixed, but is tightly controlled by the government.

High priority allows Taiwan's Aero Industry Development Center (AIDC) to obtain personnel resources, although finding experienced engineers and technicians remains a problem.

Use of forward canard or delta wing configurations for the new fighter was rejected because they would provide insufficient stability over the expected mission envelope.

Use of advanced composite materials will be considered after completion of full-scale development with metal components and assemblies.

Twin turbofan engines producing about 8,350 lb. thrust each with afterburner will allow the fighter to exceed Mach 1.2. Intakes will have fixed semicircular inlets.

Engine development is being conducted under a joint venture begun in 1982 by Garrett Corp. and the Aero Industry Development Center.

The new engine is based on the Garrett 3,500-lb.-thrust TFE731-2L originally licensed for export and coproduction in Taiwan and used in Taiwan's AT-3 two-place trainer.

Garrett and its Taiwanese counterparts have assembled and tested as many as four prototypes of a new version based on the TFE731-5 engine with dry thrust increased to over 5,000 lb.

Range and payload will be similar to those of the Northrop F-5E now in service with the Taiwanese air force.

The cockpit will be equipped with a head-up display and modern electronic displays and fight controls, reclined seat for high-g flight and a bubble canopy. Eventual production of a two-seat trainer version is planned.

Line-replaceable avionics units will be procured off the shelf in most cases, but a new radar system is being planned that will use off-the-shelf components wherever possible.

The new fighter will replace Taiwan's Lockheed F-104s in the air defense mission to deal with the threat posed by a new generation of advanced fighters flown by the People's Republic of China air force.

U.S. political conservatives and supporters of Taiwan have proposed that the Reagan Administration sell Taiwan advanced U.S. fighters, but Administration officials are unwilling to break commitments made to the PRC not to provide aircraft more advanced than the F-5E.

Administration officials underline the absence of any U.S. government involvement in the program.

U.S. CONTRACTS

Aero Industry Development Center, as the prime contractor, has contracted with a number of U.S. aerospace firms for consultation on aerodynamics, static structural testing and for the use of facilities including wind tunnels.

Program directors expect subcontract management will be the biggest factor affecting project managers' ability to meet the 1989 prototype first flight deadline and budget targets.

"The schedule will be tough to hold," an engineer familiar with the program said.●

BRING HOME THE HOSTAGES

● Mr. SIMON. Mr. President, last week we were again reminded of the Lebanon hostages. We join the families of Peter Kilburn, Leigh Douglas, and Philip Padfield in mourning their deaths.

Their murders are claimed to be in retaliation for the attack on Libya by the United States with the cooperation of Great Britain. We must condemn the Libyan faction responsible for their deaths.

The kidnapings were clearly in violation of international human rights law. Article 3 of the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights states that every person has the right to life, liberty, and security of the person. Clearly the hostages in Lebanon have been deprived of these basic human rights.

The families of the hostages have suffered greatly throughout the hostage crisis. We extend our deepest consolation and sympathy to the families although we recognize that consolation and sympathy cannot allay their grief and their pain.

What can we do?

We can stand by these families and support their courageous struggle to turn unbearable loss into bearable sorrow.

We can condemn violence and brutality against innocent civilians whether it is practiced by individuals or governments.

We can work together to develop productive common approaches to combat terrorism and isolate terrorists.

We can work for the cause of peace, and the day when, in the words of Isaiah, "One nation shall not raise the sword against another, nor shall they train for war again."

Most of all we can remember that there are still hostages being held in Lebanon. And we can redouble our efforts to secure their safe release.

Terry Waite's efforts continue. And he has urged the families to retain hope, despite the rising tensions in the region.

Let us renew our efforts. Let us each commit ourselves and our resources to securing the safe release of Father Lawrence Martin Jenco, Terry Anderson, David Jacobsen, Thomas Sutherland, and William Buckley.

I urge my colleagues to continue to denounce terrorism and to concentrate efforts toward the release of these men. Let us work toward the day when we can once again travel safely to foreign countries and establish peaceful relations with our foreign neighbors.

Mr. President, I am enclosing a copy of a guest editorial which appeared in today's USA Today. It is written by Eric Jacobsen, son of hostage David Jacobsen and discusses the tragedy of Peter Kilburn's death. I ask that it be inserted into the RECORD.

The article follows:

PETER KILBURN SHOULD NOT BE DEAD TODAY

(By Eric D. Jacobsen)

HUNTINGTON BEACH, CALIF.—Peter Kilburn is dead. We had 16 months to prevent his death, and we failed.

The families of the hostages held in Lebanon failed. The people of the USA failed. President Reagan failed. The men responsible for Peter's abduction and execution failed. But only Peter Kilburn pays the ultimate price for our failure.

At this very moment, somewhere in Lebanon, a similar threat of failure literally points a gun to the heads of Father Martin Jenco, Terry Anderson, David Jacobsen, Thomas Sutherland, and Alec Collett. Do we do what is necessary to prevent another tragedy of this magnitude, or do we turn our heads and put our fingers in our ears?

We had 16 months to save Peter's life. Longer than the time needed to bring home the hostages from Iran, TWA, and Achille Lauro combined.

My father wrote Nov. 8: "Quiet diplomacy has *not* resulted in the release of a single hostage in two years. William Buckley is presumed dead. He could and should be alive if there had been a reasonable effort made on his behalf."

Peter Kilburn and William Buckley were not just names on a list of hostages. None of the innocent men still held deserve to be treated as such. It's too easy to sacrifice a list of names. Imagine the roles reversed. It's the only way to get the proper perspective.

If President Reagan was chained to a wall in a small, windowless room, he would call for negotiations. If the captors became the captives, they would pray for immediate release. If any of us were seized and held hostage, we would all beg not to be forgotten. These men deserve nothing more than what any of us would expect to be done on our behalf.

All of us fear—justifiably—that we may become the next innocent victim of an act of terrorism. Now is the time to set the precedent that could save our lives should that happen. First save the present hostages, then save future hostages.

Otherwise, God forbid, should another of us fall victim to a fate similar to that of my father and the others, we will receive the same treatment they have received. Some of us will receive the same treatment Peter Kilburn received.

Raise your voice amongst yourselves and say, "Peter Kilburn and William Buckley should not be dead today!"

Raise your voice to President Reagan and say, "These men are our fellow Americans. Don't sacrifice them."

Raise your voice to the captors and say, "In the compassionate mercy of our God, release these innocent men!"

Raise your voice to God almighty and say, "Father, if it be your will, send these innocent men home safely to their families, friends, and country."●

AMERICAN AGRICULTURE AND THE EEC

● Mr. ABDNOR. Mr. President, in 1981 American agriculture exports climbed to a record level of $44 billion. Since that time the American farmer has been put through an economic wringer of high interest rates, an overvalued domestic currency, excess production, and falling land values. According to current USDA estimates, this year's farm exports are projected to total no more than $28 billion, and falling. Mismanaged American foreign policies, most particularly the grain embargo, combined with European agricultural subsidies have resulted in the loss of some of our farm export markets, both in Europe and within the developing world.

For the last 10 years American agricultural policy has revolved around maintaining high commodity prices and reducing acreage production. And while we have been providing our competitors with a de facto price umbrella, the European Community has responded by subsidizing their exports and attempting to displace our goods in foreign markets. Because of the dramatic decline in farm exports, the Food and Security Act of 1985 was written with the intent of changing the course of the Government's farm policies. Better financing, export subsidies, and lower loan rates were all measures designed to improve the competitive position of American agricultural products in world markets. In response to the anticipated effectiveness of these policies, the Europeans have already had to raise their value added tax, supplementing their export war chest by an additional billion dollars.

The European Community has used since the signing of the Treaty of Rome a combination of farm support policies which included high domestic prices, export subsidies and import tariffs in order to keep a significant portion of their population on the land. While we have attempted to implement responsible policies, the Europeans have consistently bowed to domestic politics, sometimes at the expense of undercutting our export markets. I am convinced, Mr. President, that the high debt-to-asset rations, falling land values and low incomes that plague the American farmer can be directly traced to the unfair trade practices of the European Economic Community. And compounding the problem, the entry of Portugal and Spain into the Community threatens to deny the American farmer yet an additional billion dollars in farm export sales.

I have not come here today to engage in what has become the popular practice of ally bashing, nor did I come here today to threaten Europe with trade wars. In many I am a little envious of the support European politicians give to their rural communities. However, I would like to remind the members of the Community that they cannot continue to have it both ways. They cannot continue to protect domestic markets yet expanded through direct subsidies their export markets. This double standard can only in the long run be harmful to both their agricultural community and to ours.●

HIGHER EDUCATION

● Mr. SIMON. Mr. President, we will soon consider a bill reauthorizing the Higher Education Act of 1965. This bill—reported by the Committee on Labor and Human Resources—has been the subject of extensive hearings by the Subcommittee on Education, Arts and Humanities and subjected to intense review during both the subcommittee and full committee markups. I am especially pleased to serve on the committee with my colleagues, the distinguished senior Senators from Vermont, Mr. STAFFORD, and from Rhode Island, Mr. PELL. Together, during the past 17 years, they have shared the chairmanship of the Senate Education Subcommittee. They have also shared the mantel of Senate leadership in the field of higher education.

S. 1965, the Higher Education Act Amendments of 1985, represents a strong, bipartisan attempt to address some of higher education's basic problems, while continuing the Federal Government's commitment to access, choice, and equal opportunity in higher education. The bill addresses the following issues:

REFOCUSING STUDENT AID ON THE NEEDY

New requirements affecting the Supplemental Educational Opportunity Grant program will require that SEOG's be awarded to "exceptionally needy" students and that priority in awarding those grants be given to Pell grant recipients. Pell grants will be limited to families with incomes of $30,000 or less.

ENHANCING QUALITY

The bill retains the "ability to benefit" provision for students without a high school diploma or GED certificate, but strengthens the current "satisfactory academic progress" requirement by mandating that any student receiving title IV assistance be making progress toward a degree or certificate, and that he or she obtain at least a C average or a grade-point level consistent with the institution's own requirements for graduation. The bill also contains new provisions to assist colleges and universities improve their libraries, rehabilitate and construct new academic facilities, and acquire new instrumentation for research and instruction.

ESTABLISHING A MORE EQUITABLE BALANCE BETWEEN LOAN AND GRANT ASSISTANCE

The bill places a renewed emphasis on making grant assistance available to low- and middle-income students by increasing the maximum Pell grant award to $2,400—or 60 percent of the cost of attendance—and increasing that amount by $200 each year. The maximum SEOG would also be increased from the current $2,000 to $3,000. College work study funding would emphasize career relevant and community service work opportunities.

IMPROVING THE APPLICATION AND AWARD OF TITLE IV AID

The master calendar, recommended by the National Commission on Student Financial Assistance, is included in S. 1965, along with a statutory "need analysis" for Pell grants. A second need analysis for the campus-

base programs and the Guaranteed Student Loan Program would be established by the Secretary of Education, working with a National Advisory Committee on Student Financial Assistance, within statutory parameters included in the bill. The bill also permits families with income of $15,000 and less to use a short form, with five data elements, to apply for title IV assistance.

While our access mission is within reach, and we have made progress toward achieving some measure of choice—our equal opportunity objective has eluded our grasp. The fourth annual status report on "Minorities in Higher Education" by the American Council on Education's Office of Minority Concerns provides adequate evidence of how far we have come, and how far we must still go to establish equity and full equality of opportunity in American higher education.

Some have questioned our resolve in pursuing the goal of bringing minorities and women into higher education, at all levels, including the professorate. An article in the Philadelphia Inquirer on November 12, 1985, makes clear the critical nature of the problem we face.

I am pleased that two institutions of higher education in my State have led the way in providing access to careers in the health area, including medical doctors, and in engineering. The University of Illinois at Chicago and the Illinois Institute of Technology have been pioneers in expanding opportunities for minorities in the health professions and in engineering.

I hope my colleagues will take the time to familiarize themselves with the quality, program effectiveness, and financing issues which permeate this reauthorization. It is also my sincere hope that each of you will also concern yourself with fulfilling our mutual commitment to equal opportunity in higher education.

Mr. President, I ask that the November 12, 1985, article be printed in the RECORD.

The article follows:

[From the Philadelphia Inquirer, Nov. 12, 1985]

FOR SOME, COLLEGE DREAM ENDED

(By H. Patrick Swygert)

The report on the declining number of black students in medical schools across the nation is one more piece of evidence that the tide is going out on the important gains made by blacks in higher education over the last decade.

According to the U.S. Census Bureau, the proportion of black high school graduates enrolling in colleges and universities has dropped from 34 percent in 1976 to 27 percent in 1983—even while the percentage of college-age blacks has been at an all-time high.

Translated into raw numbers, the statistics mean that 8,000 fewer blacks were enrolled in colleges in 1983, although there were a half-million more black high school graduates that year than in 1976.

At the graduate level, the situation is even grimmer. In 1983, the 325 institutions that award doctorates in the United States granted a total of 31,190 doctorates, but only 1,000 of these advanced degrees—less than 3 percent—went to black students. This discouraging statistic should be viewed against the stark backdrop of a precipitous 10 percent drop in the number of blacks receiving doctorate degrees in the three-year period from 1981 to 1983.

The reasons for these gloomy trends in higher education are not difficult to identify. Many colleges have cut back recruitment and remediation programs. The cost of attending colleges and graduate and professional schools has increased much more than the general rate of inflation, and government funds for financial aid have not kept pace.

At the same time, Washington continues to threaten less, not more, financial aid. Only five years ago, Temple University was able to meet almost 100 percent of the demonstrated need of all its students through a mix of federal and state funds and Temple grants. This year, only 56 percent of that need can be met, even though Temple has substantially increased its grants.

Although the financial aid problem affects all disadvantaged students, it falls more heavily on the black population because of the large gap between average black and white family incomes.

The decline in black access to higher learning could not come at a worse time. The nation's economy is being transformed rapidly. Almost all economic growth is in the service and high-tech areas. The number of jobs available to those without a college education—no matter how motivated—shrinks each year. The American dream is quickly becoming beyond the reach of most young people who do not graduate from college or receive some form of specialized training beyond high school.

That is the bad news. Closer to home, there are a few rays of hope.

Some local colleges and universities are trying to reverse the decline. At Temple, for example, we launched a program that turned around the steady decline in the number of blacks attending our medical school. Because the School of Medicine has always had an effective recuitment program, the number of qualified blacks accepted by the school has remained high. However, the number of blacks actually enrolling in the medical school has steadily declined, due in large measure to the lack of financial resources.

The medical school responded by offering, on a racially nondiscriminatory basis, scholarships to the 25 most needy students accepted for admission. This program helped financially disadvantaged students of all races, but it also helped make possible an entering class this year with the most black students in a decade.

The commonwealth instituted a similar program following suggestions made by Temple in 1983. On the initiative of the state's secretary of education, the legislature this year is providing $360,000 in scholarship funds for graduates of Lincoln and Cheyney Universities who attend graduate or professional school at Temple, the University of Pittsburgh or Pennsylvania State University. This money serves the dual purpose of enhancing Lincoln and Cheyney and assisting qualified graduates in pursuing professional and graduate education.

These praiseworthy efforts are unfortunately too few in number. Twenty years ago, the Kerner Commission warned that we could become two nations, "one black and one white, separate and unequal." Despite the enormous advances of the last two decades much remains to be done if our country is to avoid that ill-fated destiny.

The demography of higher education—particularly graduate and professional education—demands our attention now. Scholars receiving doctorate degrees in the near future will form the college faculties of the 1990s and into the 21st century. As a nation, we must move forcefuly and fairly to ensure that America's great dream of educational opportunity will not be extinguished.

ADVANCE NOTIFICATION PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Committee on Foreign Relations.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. I ask that the official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD-423.

The material follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, April 22, 1986.

[In reply refer to: I-01866/86ct]

Dr. M. GRAEME BANNERMAN,
Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b)(1) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country for major defense equipment tentatively estimated to cost $14 million or more.

Sincerely,

PHILIP C. GAST,
Director.●

BILINGUAL EDUCATION ESSAY AWARDS

● Mr. SIMON. Mr. President, I would like to bring three award winning essays to the attention of my colleagues. The essays were written by young people who have all participated in bilingual education programs. The winning essays were announced at the annual convention of the National Association for Bilingual Education [NABE] in Chicago on April 3, 1986. The three young students all wrote on the topic "Being Bilingual in America: What Will the Future Hold for Me?" Each essay is an eloquent testament to the pride of the bilingual student, both in their native language and culture, and in their ability to communicate and live in an English-speaking culture. They represent the successes of bilingual education, successes of intercultural understanding, and are hopeful representatives of the dreams we all hold for the next generation. They are young people to be proud of, and they are proud of themselves, their heritage and their country—our country.

I ask that the three NABE essays be included in the RECORD at this point.

The essays follow:

SONIA A. ZELEDON, GRADE 5, DUVAL ELEMENTARY SCHOOL, GAINESVILLE, FL

I came to the U.S.A. with my family in search of a new life. For me the most important thing so far has been to learn English, the language of the country where I now live.

My first day of school was very exciting. I didn't know any English but I was ready to learn. One year later, I can talk and write English and Spanish. I have a lot of American friends.

For me speaking, reading and writing two languages is like I was two people at the same time. Now I can call and write to my country in Spanish and also I can talk and write to my friends in America in English. I feel proud of myself and for my good luck.

In the future as a bilingual I would like to be a lawyer, study hard to get a good job and with the learning of the two languages help the English and the Spanish speaking people with their problems and help make America a better country for all. I think the future will be very good for me in America as a bilingual person.

NELLY VALVERDE, GRADE 6, INTERMEDIATE SCHOOL 151, BRONX, NY

I have great expectations for what the future holds for me and for my generation as a bilingual human being.

The Bilingual Program is helping me to widen my knowledge to gain the necessary skills to live comfortably in the future. Learning two languages and two cultures is helping me to better understand my family, my teachers, my peers and my Spanish culture as well as the American culture around me.

Being bilingual is like being two different people sharing one body and one soul at the same time. Knowing more than one language and one culture makes me more sensitive and unique. I can feel, talk, love, laugh, understand and react to two different cultures and languages as well. It makes me feel good and happy about myself.

The knowledge of two languages cushions my steps from one culture to the other. It helps soften my growing pains. I wish that all the children could have the same opportunity as I have. To be able to talk, to read and write in two different languages is a wounderful experience. I also wish that they learn as many languages as they can. To see, feel, love and understand other cultures with the eyes of a child is a great experience.

I am grateful to my bilingual teachers and the government for giving me the opportunity to keep and observe my language and culture while learning a second language and culture as well. This is my best inheritance. Living in a multilingual and multicultural city like New York provides me with greater opportunities to advance in the future.

I am eleven years old now. By the year 2000 I will be 25. I wish to be a decent member of our society. I want to be a bilingual teacher. I expect to get a good job and to be able to help the next generation as I have been helped. I have faith in the intelligent judgment of our government. I pray to God that there will always be bilingual programs.

DEBORAH REED, GRADE 10, OAKS MISSION SCHOOL, OAKS, OKLAHOMA

Being able to speak in my native tongue is an important part of my heritage, but being able to speak English is just as important.

An Indian lives in two worlds. In school, work, and sometimes play, an Indian is in a white world. At home and with relatives an Indian is in his own world. A world of a different language, different ideas, and often different beliefs.

The Indian people should not shun ideas just because they were thought of by a white person. Neither should a white person shut out an Indian's thoughts. They are two different people; therefore, they are supposed to have different thoughts.

My mother once told me that she had spoken Cherokee all her life until she went to school. There, she was forced to learn a new language. My mother is not bilingual. She is not sorry that she had to learn English; in fact, she is glad she had to. It makes me sad to learn that today, my mother also thinks in English, to me it is something she has lost.

As time passes, it seems that there are fewer and fewer people speaking their native language. Children are now taught English first; a native language is taught in schools as a second language instead of being taught at home as it used to be. We are losing something. Many do not see it because it is happening gradually from generation to generation.

I do not know what the future holds for me or for the generations to come, but I will try my hardest not to lose this gift of knowing my Indian language.

There are other people at my school who speak their native language. Some might look down on them, but I feel a deep respect for their parents. Parents who know the value of pride in oneself, have pride in themselves. This will help them many times in the future. Pride is an important thing to have, not only in yourself, but in your parents and lineage. Indians have a fierce pride in themselves. Their forefathers were the true Americans. They are the ones who truly belong in America, but they welcomed people to their land. Now they are losing it.

We will always be unsure of the future, but we do know one thing; no matter who you are the future does have something in store for you. Not always good, but rarely terrible. Hold onto what you have; you may gain more tomorrow.●

NAUM AND INNA MEIMAN: ISOLATED IN MOSCOW

● Mr. SIMON. Mr. President, Naum and Inna Meiman are a lovely couple who want desperately to leave their native Soviet Union. Naum applied to emigrate over 10 years ago and has been harassed ever since. He married Inna in 1981. Together, they have bravely lived under troubling conditions.

Inna is critically ill with cancer. Naum is getting older. He is 74. The Meimans have little time left to enjoy the land of their ancestors but they must be given the chance to breathe the air of Israel. Inna must be given the basic right to the best and most modern medical treatment available. Since the Soviet doctors have told her there is nothing further that they can do, it is time to allow doctors in the West who have the technology to treat her.

I strongly encourage the Soviet authorities to grant permission to the Meimans to emigrate to Israel.●

ORDERS FOR TOMORROW

RECESS UNTIL 10 A.M.

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the majority leader, that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

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

RECOGNITION OF CERTAIN SENATORS

Mr. DOMENICI. Mr. President, 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: HAWKINS, CRANSTON, PROXMIRE, and MOYNIHAN.

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

ROUTINE MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that, following the special orders, there be a period for the transaction of routine morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

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

PROGRAM

Mr. DOMENICI. Following routine morning business, the Senate will return to consideration of Senate Resolution 120, the budget resolution.

There will be votes on Thursday. It will be the intention of the majority leader to ask that the Senate not be in on Friday this week if an agreement can be reached to reduce the statutory time limitation alloted to the budget resolution by 12 hours.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The hour of 4 p.m. having arrived, it will take unanimous consent to continue.

Mr. BYRD. Mr. President, I ask unanimous consent that we proceed for 30 seconds.

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

Mr. BYRD. Mr. President, I say to the distinguished acting majority leader that I hope we can reach an agreement with respect to Friday. I doubt that we can reach an agreement with respect to 12 hours, however. I certainly want to help if I can in making an arrangement. I doubt that, if no agreement is entered into, the Senate would be on this subject for 12 hours on Friday. Whatever a reasonable amount of hours may be, I hope we can reach an agreement on that by tomorrow.

Mr. DOMENICI. I thank the distinguished minority leader. Certainly the majority leader will take his statements into account and I shall remind him, having been here when it was stated.

RECESS UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 10 a.m. tomorrow.

Thereupon, at 4:01 p.m., the Senate recessed until Thursday, April 24, 1986, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 23, 1986:

THE JUDICIARY

Kenneth L. Ryskamp, of Florida, to be U.S. district judge for the southern district of Florida.

DEPARTMENT OF JUSTICE

Joe D. Whitley, of Georgia to be U.S. attorney for the middle district of Georgia for the term of 4 years.

FOREIGN SERVICE

Foreign Service nominations beginning Marshall D. Brown, and ending Robert A. Riccio, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 12, 1986.

EXTENSIONS OF REMARKS

CONGRESSIONAL SALUTE TO THE 1986 HIGH SCHOOL STUDENT RECIPIENTS, CERTIFICATES OF EXCELLENCE IN LEADERSHIP AWARDS, RORY SPARROW FOUNDATION, INC., OF PATERSON, NJ

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. ROE. Mr. Speaker, on Saturday, April 26, the people of the city of Paterson, my congressional district and State of New Jersey will assemble at a highly unique "Salute to Leaders" convention in testimony to an outstanding group of high school students who have completed their internship in the "Tomorrow's Leaders Development Program" of the Rory Sparrow Foundation, Inc., of Paterson, NJ. I know that you and our colleagues here in the Congress will want to join with me in saluting these young people, as follows:

Nelton Barrett, Bernadette Bracey, Eric Bryant, Sherane Bunting, Andrew Cameron, Coretta Capers, A. Bryant Crockett, Rodney Crowell, Jody Farr, and Winifred Henry.

Felicia Martin, Jeannie Moore, Navlette Morgan, Winsome Owens, Monique Reed, Katrina Smith, Carol Thompson, Tammy Williams, and Antoinette Young.

Mr. Speaker, these students include juniors and seniors of Passaic High School, John F. Kennedy High School, Eastside High School, Ridgewood High School and Mary Help of Christian Academy. They all share one basic common element of quality in life's beginning with Rory D. Sparrow, the most esteemed basketball star now with the New York Knicks, who founded the educational development training and service youth program for leadership encompassed in the establishment of the Rory Sparrow Foundation: They are all from the inner city.

Mr. Speaker, on Saturday, we will honor the graduates of this program as well as the educational concept and learning experience provided by the Rory Sparrow Foundation. When you reflect upon the fact that the cultural, historical, and economic achievements—even the basic health, well being, and longevity of a State and Nation—depend in large measure upon how well we educate each generation charged with the trust of carrying out its responsibilities and traditions, we can indeed be proud of the Rory Sparrow Foundation's outstanding contribution to the quality of life and way of life for all of our people.

With you permission, Mr. Speaker, I would like to insert at this point in our historic Journal of Congress a biographical essay on Rory Sparrow and his foundation as furnished me by the distinguished coordinator of Tomorrow's Leaders Development Program, William D. Croix of Rory Sparrow Foundation, Inc., which most eloquently portrays the goals and purposes of this most prestigious organization as follows:

PROFILE OF RORY SPARROW FOUNDATION, INC.

INTRODUCTION

The Rory Sparrow Foundation Inc. is a non-profit, charitable organization serving the Greater Metropolitan New Jersey/New York area. The Foundation was formed in 1984 by Rory D. Sparrow, a star basketball player for the New York Knickerbockers (The Knicks) and is based in Paterson, New Jersey, Rory's home town.

The purpose of the Foundation is to develop positive self-esteem, positive self-motivation and positive self-awareness in a segment of our youth which has a severe shortage of these necessary catalysts to personal success. It is the philosophy of the Foundation that if a person is endowed with a strong, well-developed sense of positive self-esteem, awareness and motivation, he or she can realize their highest potential.

To accomplish its goal, the Foundation provides service programs in the areas of education, health, sports and recreation and economic development. Special emphasis is placed on educational support services. A permanent education, recreation and administration facility is being planned to house these programs. By reinforcing self-confidence through these services, area youngsters will get a second chance to develop the positive self-esteem, self-motivation and self-awareness they need to be competitive and productive in our society.

RORY D. SPARROW

There is no doubt that Rory D. Sparrow has become a success in life. He is now a starting guard for the New York Knicks. His arrival to success, however, was not easy nor are all his goals in life completed. Rory was born June 12, 1958 in Suffolk, Virginia, the second of five children born to John and Claudia Sparrow. In 1962, the Sparrow family moved to Paterson, New Jersey, which has become their home.

Rory grew up in the Alexander Hamilton Projects, a housing development for low-income families, where the problems of crime, drugs and unemployment cast a heavy shadow on daily life. Rory was aware of these problems at an early age and was determined to avoid these pitfalls of life and do more than the expected. He was very fortunate during his youth to have the love and support of his family, as well as the support of community leaders and teachers, all of whom stressed the importance of a good education. Rory attended public school in Paterson where he earned excellent grades, played basketball and participated in student government. Basketball taught him the importance of good health and teamwork, while his participation in student government taught him good organizational skills.

Rory's excellent grades and ability to play basketball were the key to his early success. In 1976, he was awarded a scholarship to attend Villanova University in Pennsylvania, where he maintained high academic standards while further developing his basketball skills. In 1980, Rory's hard work paid off with two achievements: He graduated from Villanova University with a degree in electrical engineering, the first black to do so, and then was drafted by the New Jersey Nets Basketball Team.

With his successes in hand, Rory returned home to Paterson, New Jersey, and became very active in community programs geared towards youth. This involvement made Rory acutely aware of the lack of self-worth and motivation portrayed by so many young people in the area. It prompted him to formulate programs that could positively impact youth in this area. Positive role models and images were what was needed to reinforce self-esteem and self-awareness.

In 1981, Rory was traded to the Atlanta Hawks, participated in the community activities in Atlanta and was traded again to the New York Knicks in 1982. He chose to return to Paterson to live and continue his community involvement.

Rory views himself as someone who beat the odds with the positive influence of people who care and, thus, feels that the ideal of providing community service should not be lost. Rory has spent countless hours donating his time and energy to youth programs. Not only does he see the need for grassroot community programs, but he finds great pleasure and a sense of accomplishment in becoming personally involved. With this commitment in mind, he formed the Rory Sparrow Foundation Inc.

Despite all of the awards and honors he has received, Rory cherishes the opportunity to help young people become productive citizens in their communities. These ideals are reflected in the motto Rory has selected for the Foundation, "Growing Together in a Community Effort."

FOUNDATION COMPONENTS

Tutorial service

The Foundation is using innovative approaches in tutorial services. Working with the Boards of Education in Paterson, Newark and New York City, the service will help in the areas of mathematics and reading in very small classes and one-to-one environments. Both education professionals and college seniors majoring in education are tutors in this program.

Leadership development

An extracurricular program designed to expose the excelling high school student to the workings of government and the corporate system. The program runs the entire school year and students will meet government and corporate leaders, attend council meetings, board meetings and work sites as they become introduced to the workings and interrelationships of our American system and the greater world economic order.

Student exchange

Selected students will visit other parts of America and other nations to study and experience other cultures. This experience will broaden a young person's perspective on sharing and understanding other viewpoints as we all attempt to live together on this planet.

Motivational and instructional videotape library

A library of videotapes designed to instruct young people on career choices and health issues will be produced. Also, a series designed to motivate and guide youngsters by using professional athletes as role models will be developed. Both series will be distributed to libraries, schools and youth organizations.

Computer school

Teach uses and applications of the computer. Attention given to the exceptional student as well as the student needing extra help to grasp computer concepts.

Education information bank

The bank will have information on all types of schools, majors, scholarships and grants to help match objectives of inquiring students with desired study areas and financial aid possibilities.

Health program

Health fairs, seminars and special programs designed to make young people aware of health needs, nutrition requirements, sex related information and personal grooming.

Summer athletic leagues

Summer leagues established in basketball, tennis, golf and soccer. Each league will feature clinics and appearances by professionals from each sport.

VOLUNTEER COMMITTEES

Professionals in residence

Professionals from every industry and profession plan and implement career workshops and seminars for schools and youth organizations. A major annual Career Fair is planned to bring together all of the resources of the volunteers, i.e., corporate sponsors and employers.

Athletes in residence

Professional athletes from all sports areas join the Rory Sparrow Foundation and donate time and resources to sponsor various programs and events of the Foundation.

To house these programs it is a further objective of the Foundation to build a permanent education, recreation and administration center. The center will include classrooms, a gymnasium, swimming pool, offices and recreation facilities.

Through the components of the Foundation, the result of developing enlightened young adults will be accomplished. Impacted youth will develop positive self-esteem, motivation and awareness. With these tools firmly imbedded, these young people will possess competitive skills and become capable, productive individuals who will be an asset to their families, communities and society as a whole.

Mr. Speaker, I appreciate the opportunity to present some of the highlights of this splendid youth service program for tomorrow's leaders and call your attention to this year's recipient of their student certificates of excellence in leadership awards. I know you will want to join with me in extending our heartiest congratulations and best wishes tc Rory Sparrow, William Croix, the student interns, their families, the administrators and faculty of the Rory Sparrow Foundation, Inc., of Paterson, NJ.

SATELLITE DISH OWNERS PROTECTION ACT

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. DORGAN of North Dakota. Mr. Speaker, an informed electorate is vital to democracy. And to keep people informed, they must have access to as much information as possible.

I'm sure you'll agree that the information explosion we've experienced in the United States in the past decade has been important to our free society.

But I am disturbed at what is becoming a serious problem in rural America. Many people have bought home satellite dishes so they can receive television signals they wouldn't otherwise have access to in rural areas of the country.

Now they are faced with losing access to those channels. Many channels have already begun scrambling their signals and others plan to start scrambling in the near future.

There are thousands of satellite dish owners in my State of North Dakota. They're not asking for a free ride. They are willing to pay a fair price for the signals they receive, but they are threatened with being denied those signals unless Congress acts.

Congress has an opportunity to put some sanity into this chaos.

That's why I am urging other Members of Congress to join me in cosponsoring the Rural Satellite Dish Owners Protection Act, H.R. 3989. The legislation, introduced by Congressman MAC SWEENEY of Texas, is a sensible approach.

The legislation would place a moratorium on the scrambling of the signals until several important protections are available to satellite dish owners.

First, the Federal Communications Commission would set uniform standards before any signals could be scrambled.

This means a single type of decoder would have to be available to descramble all programs. This would ensure that satellite dish owners are not forced to buy 3, 4 or even 10 decorders to receive all the programs they want.

Asking the FCC to set technical standards so that a dish owner would only have to buy one type of decoder is the fair approach.

Back in the 1960's, the FCC was faced with a similar task. It set standards for television sets, for example, so that consumers didn't have to buy two television sets to receive all broadcast programs.

Second, a decoder must be available for sale or lease to any person within 60 days of an order. This will prevent dish owners from waiting months and months for decoders.

Third, decoders should be reasonably priced in relation to the cost of manufacture and distribution. This is an attempt to prevent price gouging.

Fourth, this legislation aims at providing a fair marketing approach to allow dish owners to buy program subscriptions at reasonable prices. There are modifications being proposed to this legislation so cable companies would not have a monopoly on marketing programs to dish owners.

Right now, satellite dish owners are faced with confusing choices. The rules of the game are being changed. They are being told that more and more channels will soon be scrambled and will be faced with buying several decoders—which cost hundreds of dollars each—to unscramble signals.

At this point, we can't depend on the marketplace to straighten out this mess.

I urge other Members of the House to cosponsor this legislation.

AMBASSADORS TO THE SOVIET UNION

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. CHAPPELL. Mr. Speaker, I rise today to acknowledge with pride the accomplishments of the Seabreeze High School Band of Ormond Beach, FL.

The 100 members of the band and 24 chaperones recently spent 11 days in the Soviet Union, visiting cities such as Leningrad, Tallinn, and Moscow on a good will tour. During their stay, the band performed admirably and represented both their school and their country with great distinction.

Mr. Speaker, the enthusiasm and individual effort of these students illustrates to us all what can be accomplished when people try to understand each other. I applaud these young ambassadors of good will.

1986 CONGRESSIONAL CALL TO CONSCIENCE VIGIL

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. DORNAN of California. Mr. Speaker, I rise today to take advantage of an opportunity arranged by my colleague, Congressman KINDNESS, to express my continuing support and concern about the courageous Jewish community in the Soviet Union. I want to point out that as the preeminent moral force in the world today, the United States is obligated to vocally support Soviet Jews—a community confronted by rampant anti-Semitism and subjected to mass humiliation.

The fact that pressure has been successfully brought to bear on the Soviets in an effort to gain the freedom of Russian Jews, tells us that the U.S.S.R. is not impervious to international opinion. It is precisely for this reason that we must not let up on our rhetorical, diplomatic, and economic support at this time. We can be certain that the Soviet authorities would love to have our support die a quiet death by effectively ignoring the issue. However, to do this would be to condemn Soviet Jewry to a future of immobilizing despair and would encourage the KGB to continue completely undeterred in their objectives of cultural genocide. Mr. Speaker, we cannot allow

this to happen. If we do not continue to remember these individuals, fight for them and rally for them, who will?

With this in mind I would like to mention the plight of three prominent refusniks whose plight should be made know to the American public.

Josif Berenshtein—applied for permission to emigrate to Israel because he is Jewish but has been repeatedly harassed and intimidated by the KGB authorities. In fact Josif's family was warned that his family may face criminal charges if they continue their efforts to emigrate. More recently Mr. Berenshtein was arrested and sentenced to 4 years in prison. His eye has been damaged in the process and now faces the loss of his eyesight if he does not get proper treatment.

Yuli Edelstein—a Hebrew teacher was arrested in 1985 for supposedly using narcotics as part of a Jewish religious ritual. (A totally trumped up charge by the Soviet authorities.) While in prison Yuli was subjected to severe beatings. To protest this situation he has undertaken a hunger strike. I do not know his condition at present but fear that the situation is not hopeful.

Kim Fridman—arrested several times for teaching Hebrew and leading Jewish cultural seminars. Mr. Fridman now wishes to emigrate so that he can freely practice his religion—a crime in the Soviet Union.

Mr. Speaker, I submit these names, which are not at all inclusive in their nature, for public attention and scrutiny in hopes that all advocates of human rights in this country will become more active in helping to relieve the Soviet Jewish community of the insidious, systematic abuse by the authorities of the Soviet police state.

THE COLORADO RIVER BASIN SALINITY CONTROL ACT OF 1974

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. DYMALLY. Mr. Speaker, in recognition of the critical importance of the problem of salinity in the Colorado River, Congress enacted the Colorado River Basin Salinity Control Act of 1974 (Public Law 93-320), which calls for a cooperative effort between the basin States and the Federal Government to control Colorado River salinity. In 1984, Congress amended this law by enacting Public Law 98-569, which authorized additional salinity control activities for the Departments of the Interior and Agriculture. Among the provisions of the 1984 amendment is a cooperative onfarm salinity control program that requires a combined State and local cost share of 51 percent. The continued technical support of the Department of Agriculture is vital to achieving the goals of this program.

The administration's 1987 budget proposal for funding of the Department of the Interior's program of construction and planning for Colorado River salinity control is not at a level sufficient to maintain the planned implementation schedule. Recognizing, however, that Federal funding priorities have been established to assist in reducing the budget deficit, the seven basin States have agreed to support these lower funding levels and accept some program delays. The agreement was with the understanding that sufficient funding for Agriculture's portion of the program would be forthcoming.

Unfortunately, the administration's budget for 1987 eliminates all Department of Agriculture funding for the Colorado River Salinity Control Program. Of particular concern is the lack of funding for the onfarm program authorized by Public Law 98-569. In past years, many elements of this program have been carried out under the Agricultural Conservation Program [ACP], and it has been demonstrated that such onfarm efforts are a very effective way to implement salinity control measures. The Administration is not only declining to fund the Public Law 98-569 program, which would consolidate the efforts carried out previously under ACP, but is also eliminating all funding of the ACP as well. The onfarm programs should be continued as intended by Congress in Public Law 98-569. The funding required for 1987 is $4 million for the Federal cost share, plus $2 million for technical and program support.

Other congressional mandated obligations to be carried out jointly by the States and Federal Government are contained in the Clean Water Act. Much progress has been made toward achieving the purposes of the Clean Water Act as they affect the Colorado River. Delays in meeting the implementation schedules of the salinity control programs, due to insufficient funding for the Federal commitments will only result in failure to meet the water quality goals. This will likely mean further degradation of the quality of the Colorado River.

Congressional support is necessary for adequate funding for the Department of Agriculture in the 1987 budget to permit the continued progress of the Colorado River Salinity Control Program. Reduction of damages from excessive salinity will have benefits not only for California, but for the Nation as a whole.

ALABAMA SCHOOLS RECOGNIZED FOR EXCELLENCE

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. ERDREICH. Mr. Speaker, for the past 3 years, the U.S. Department of Education has conducted a Secondary School Recognition Program to focus national attention on schools that are doing an exceptional job of educating their students. This year marks the first time, however, that the Department has established a recognition program for elementary schools. Some 509 elementary schools from across the country were nominated by chief State school officers in 49 States, the District of Columbia and the Department of Defense Overseas Dependents' Schools. With so many outstanding schools being considered for the overall educational program, you can understand if I take just a few moments to boast about the fact that not one, but three elementary schools from Alabama were selected for final consideration in the 1985-86 Elementary School Recognition Program. Valley Elementary School in Pelham, AL, and Cahaba Heights Community School and Vestavia Hills Elementary School-West, which both happen to be located in Jefferson County, AL, in my congressional district.

Both Cahaba Heights and Vestavia Hills have a number of special features which set them apart from many elementary schools and certainly more than qualify them to receive special recognition from the Department of Education. Cahaba Heights, for example, has strong participation by and interaction among its administrators, teachers, and parents. It has a strong and effective volunteer program, as well as a number of extracurricular activities for students, including its math teams, chess and computer clubs, olympics of the mind teams, school newspaper, "The Chatterbox," and its student-operated store.

The curriculum and staff at Vestavia Hills focuses its efforts on enhancing the self-concept and feelings of success of each child. In addition to its well-rounded staff and faculty, the school has teachers who are specially trained for various areas of exceptional children, including educably mentally retarded, multiple handicapped, speech therapy, and talented and gifted. It also has a dedicated parent-volunteer group, and ranked first in the State of Alabama in 1983 and second in 1984 and 1985 in overall performance in the Alabama State testing program.

I cannot stress enough the importance of providing our children, tomorrow's future leaders, with the educational skills they must possess if the United States is to retain its place among the world's technologically advanced nations. I commend Cahaba Heights Community School, Vestavia Hills Elementary School-West, and Valley Elementary School on being nationally recognized for their development of solid curriculums focusing on building basic skills, knowledge, character, values, and self-discipline for the students they serve. I wish them all the best as they now await final notification of those schools that will be invited to the Nation's Capital in the fall to participate in a national recognition ceremony and receive a specially designed flag symbolizing outstanding educational achievement.

KILDEE PAYS TRIBUTE TO MR. MARSHALL MOSSMAN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. KILDEE. Mr. Speaker, I would like to bring to the attention of my colleagues and the Nation a retirement ceremony that will be held Saturday, April 26, in Flint, MI, honoring Mr. Marshall L. Mossman. Mr. Mossman is retiring from teaching after 33 years of outstanding service to the community.

During his career, Mr. Mossman served in and around the Flint area, constantly developing his skills and increasing his teaching responsibilities. He has spent the last 11 years at Swartz Creek High School where his con-

scientious and dedicated efforts have earned him the profound respect of his students, peers, and superiors alike. Mr. Mossman's rich and varied career as a teacher has benefitted countless students in their preparation for life. His many years of hard work and perseverance have served as an inspiration and a fine example for young teachers to follow. Marshall Mossman has continually placed excellence in education above all other priorities. As a result, he has succeeded in elevating the quality of education to a plateau heretofore unattained. Through his benevolent actions and interests in his fellow man, Marshall Mossman has made this community a better place to live.

Mr. Speaker, Marshall Mossman's highly successful career as a teacher is in keeping with the highest traditions of community service. As a former teacher, I am honored to have had the opportunity to know this man who so greatly distinguished himself through helping others.

THE 50TH ANNIVERSARY OF THE MUHLENBERG DEMOCRATIC CLUB

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. YATRON. Mr. Speaker, on Friday, May 2, 1986, the Muhlenberg Democratic Club of Berks County will celebrate their 50th anniversary with a banquet and a dance. On this occasion, it is certainly fitting that we take time to pay tribute to the club's membership for their enormous contributions to the Berks County area.

The Muhlenberg Democratic Club had its origins in a small garage when a handful of ardent Democrats banded together to support the candidacy of Franklin D. Roosevelt in 1932. The club was not formally incorporated until October 5, 1936, and its bylaws and constitution were approved on February 11, 1937.

The club grew in size and popularity and eventually moved to the Goodwill Beneficial Association. The club, like any political organization, had its ups and downs, but through the dedicated efforts of its leadership, the club overcame adversity and was able to grow and flourish. The club continued to serve its important function as a forum and meeting place for Democrats in the area.

Under the present leadership of President Ed Cammarota, the club has been strengthened. The membership has grown and monthly meetings have been well attended. These meetings provide an excellent opportunity for the membership to discuss important issues facing the Nation and the Berks County area.

Mr. Speaker, the Muhlenberg Democratic Club of Berks County is a shining example of the many benefits of grassroots political action and organization. For 50 years, the club has served an invaluable function as a home base for Democrats in our area. I commend the membership on their 50th anniversary and I wish them continued success and good fortune in the future.

HONORING THE REVEREND CALVIN COOLIDGE BROWN

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. KOLTER. Mr. Speaker, I rise in the House of Representatives today to honor a man who has served God by touching countless lives in his ministry. The Reverend Calvin Coolidge Brown, pastor of the Tabernacle Baptish Church of Beaver Falls, has a long and illustrious record of service to the Greater Beaver Falls community.

Aside from his dutes as a pastor, he serves as a commissioner on the Housing Authority of Beaver County in the position of vice chairman. He is also the chaplain for the city of Beaver Falls and its city council, a member of the Beaver Falls Kiwanis Club and a board member of the U.S. Department of Agriculture Service Extension. In addition, he has worked with the Red Cross in Beaver County and won the Outstanding Achievement Award presented by the Beaver Valley Service Club in 1978. The Reverend Brown has also worked with the American Cancer Society and was president of the organization's local chapter.

But through all these activities, he has also helped his church and its beliefs grow and prosper. Since coming to Tabernacle Baptist in 1960, he has lead the church in constructing a new building, which recently has a new addition.

Coming from a humble background, born in Mintur City, MS, he grew up on a 20-acre farm with four brothers and three sisters. During World War II, he was drafted into the Air Force at age 18. After the war, he bacame a butcher and barber through Government training and moved to Cleveland, OH, to find work. In Cleveland, he attended the Open Door Baptist Church and met his future wife Eva M. Johnson through their work and service in every department of the church.

Today, he continues to serve God by his service to the Beaver Falls community, spreading the gospel. He has always been and continues to be available to help and listen to his congregation and the community at large. Ever since he had the call to preach in 1955 while in Ohio, he has shown himself to be a man with a commitment to God. He continues that commitment. For example, in May and June of 1984 he went overseas to bring the word of God to America's servicemen and servicewomen in Germany.

So I now stand before my colleagues in the House of Representatives and honor this man, the Reverend Calvin Collidge Brown. He has done much for the Beaver Falls community through his involvement in worthwhile and productive projects; he has served his country in the Armed Forces. But most of all, he has brought the word of God—the compassion and understanding of christianity—to his fellow human beings.

LOCAL HEALTH CARE FOR VETERANS

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. LEWIS of Florida. Mr. Speaker, I am introducing legislation to require the Veterans' Administration to enter into health care contracts with non-VA medical facilities where current VA hospitals and clinics are inadequate. My bill would amend existing law allowing the Administrator to enter into private contracts for veterans health care by specifying that contracts be initiated in areas of the United States where the number of veterans is substantially increasing.

In my home State of Florida, 15,000 veterans move in each year from other parts of the country. Forty-one percent of these veterans are over the age of 65. However, despite these numbers, Florida has only three VA hospitals. In Palm Beach County, where a fourth hospital to serve 160,000 veterans is scheduled for completion in 1993, veterans must make a round trip of nearly 200 miles to the nearest VA facility in Miami. The same situation also exists in more remote areas of the State.

My legislation gives immediate relief to veterans by providing them with accessible health care until a local VA facility is available. We must not forget that the United States would not be where it is today if it were not for our veterans. Enactment of this legislation will ensure that the special health care needs of our veterans are not ignored.

SAN JOSE MERCURY NEWS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. MINETA. Mr. Speaker, this has been a week to raise a toast in San Jose, my hometown, in celebration of the Pulitzer Prize awarded to the San Jose Mercury News for its masterful series investigating the surreptitious exodus of capital from the Philippines.

I don't believe the impact of this series could have been imagined when the editors of the Mercury News first conceived the idea, or even at the time the articles were published, in June 1985.

But the series "Hidden Billions" helped trigger the massive demonstrations in the Philippines, the recent elections in that nation, and, ultimately, one of the most exciting spectacles of the triumph of democracy in our memory.

The Mercury's decision to rigorously and professionally investigate the rumors of the siphoning of wealth out of the Philippines resulted not only in an outstanding piece of journalism; not only in factual, well-researched articles of service to the international community; but resulted, we can say without exaggeration, in changing the course of history.

This series was reprinted widely in the Philippines, and the reaction included a call for

the impeachment of President Marcos by some members of Parliament. Ultimately, Mr. Marcos called for new elections; we all are well aware of the outcome of these elections.

Mr. Speaker, I am certain my colleagues would join me in congratulating reporters Lewis M. Simons, Katherine Ellison, and Peter Carey, editor Jonathan Krim, and all the people of the Mercury News who proved their professionalism, dedication and, commitment in producing this award-winning series.

I am proud, but knowing of the excellent work and high standards of the Mercury News, I am not surprised. My congratulations to all involved.

TRIBUTE TO JOHN DRIGGS

HON. JOHN McCAIN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. McCAIN. Mr. Speaker, I rise to pay tribute to a fellow Arizonan, Mr. John Driggs, who today testified before the House Select Committee on Aging. Mr. Driggs' testimony concerned the tragic problem of hunger among our senior citizens. His eloquent and incisive remarks contributed to our understanding of the problem, and moved many members of the committee to greater efforts on behalf of senior citizens who go hungry.

Mr. Driggs' testimony was only the latest deed in a lifetime of public service. A graduate of North Phoenix High School, he earned an A.B. and an M.B.A. at Stanford University. He was mayor of Phoenix from 1970 until 1974, and a member of two Presidential Commissions, including the President's Task Force on Food Assistance. Mr. Driggs is currently the chairman of Western Savings and Loan in Phoenix. Not satisfied to rest on previous good works, he also serves as chairman of the board of Second Harvest Food Bank. Mr. Driggs has now begun a campaign to help end hunger by informing America's hungry of food stamp benefits.

While Mr. Driggs does not work for acclaim, his altruism has earned him numerous awards, including Phoenix Man of the Year. He is the best of Arizona: A beloved father and husband, a successful career man, a selfless citizen. We have not seen the last of John Driggs—his benevolence, thankfully, seems boundless.

A DAY TO RECOGNIZE ALL PUBLIC EMPLOYEES

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Ms. OAKAR. Mr. Speaker, today I am introducing a resolution which designates the week of May 5 to 11, 1986, as "Public Service Recognition Week."

Public employees at the local, State, and Federal levels provide invaluable services to all Americans. Public employees at the Federal level protect our borders, ensure that our Social Security checks are processed on a timely basis, deliver our mail, conduct essential medical research, and expand the frontiers of space. At the local and State levels, public employees teach our children, protect our neighborhoods, enforce building and safety codes, plan our roads and highways, and provide a clean and healthy environment.

Public employees have made immense contributions to this country in technological research, health care, education, crime prevention, fire protection, national defense, and conservation. These men and women have risked, and some have given, their lives while serving in their professional capacities.

Too often the importance of their public services and their contribution to the security and progress of our Nation is forgotten, taken for granted, or ignored. Rather than receiving the praise and appreciation they deserve, public workers are too often the victims of unfair criticism and harsh comments.

My resolution seeks to provide public workers and volunteers with the recognition they deserve. It is a simple "thank you" for the scarifices public employees have made and the dedication which millions of them have demonstrated in seeking to make our country a better place to live. The resolution also encourages our Governors and public officials to observe this week with appropriate ceremonies and activities.

I ask all my colleagues to join me in cosponsoring this resolution. Let us focus our praise and appreciation on public employees and volunteers whose dedication and commitment to their jobs has benefited every American.

Thank you.

ISSUE: POSSE COMITATUS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. RANGEL. Mr. Speaker, syndicated columnist William Safire wrote an essay which appeared in the New York Times of February 28, 1986, entitled, "Issue: Posse Comitatus," which draws attention to the serious threat drug trafficking poses to our country, particularly along our common border with Mexico.

In 1981, the posse comitatus law was amended to allow greater participation by the military in America's drug interdiction effort. The Secretary of Defense may, in accordance with other applicable law, make available any equipment, base, facility, or research facility of the Army, Navy, Air Force, or Marine Corps to any Federal, State, or local civilian law enforcement official for law enforcement purposes. The assistance rendered by the military must not detract from military readiness, and the military has the right to seek reimbursement for the services it provides. The Department of Defense Task Force on Drug Enforcement has an exemplary record of cooperating with civilian police agencies to curtail drug traffic. Nevertheless, the flow of narcotics to America from South America, Asia, and Mexico continues.

The Select Committee on Narcotics, which I have the privilege to chair, estimates that in 1986, 150 tons of cocaine, 12 tons of heroin, and 30,000 tons of marijuana will enter the United States. Approximately 30 percent of the cocaine, 33 percent of the heroin, and 33 percent of the marijuana consumed in the United States enter this country from Mexico. The Drug Enforcement Administration has just revealed the existence of a more deadly and cheaper form of heroin being consumed in America called black tar.This new form of heroin could greatly increase the annual number of heroin fatalities in America.

Commissioner of Customs William von Raab recently testified before the Select Committee on Narcotics, "Mr. Chairman, I can put more officers at our ports of entry, and I can put more pilots in the skies, but I cannot put men and women along our border in the number we need to make a difference. I would need to hire thousands and thousands of officers, just to police this heroin highway, this cocaine causeway, this marijuana mainstreet that our border with Mexico is beginning."

Mr. Speaker, the problem of narcotics trafficking is complex, and there is no one easy answer to the problem. All aspects of the problem must be attacked simultaneously. Because the profits from trafficking in drugs are so enormous, smugglers can afford to buy the most sophisticated equipment to facilitate and protect their operations. As the recent murder by a suspected Colombian hit squad of former cocaine smuggler turned Government informant Barry Seals indicates, professional drug smugglers will use any and all means including murder to protect their profits.

The American military can provide a unique counterforce to these drug traffickers. The military possesses fast aircraft and boats with state-of-the-art communications equipment which have already made a significant contribution in identifying and tracking suspected drug smugglers. But, as Mr. Safire's essay points out, the ease with which drug smugglers penetrate our southern border demonstrates how vulnerable our country is to a terrorist attack.

Drug traffickers and narcoterrorists cooperate with each other when it is in their mutual interest to do so. I would hope the military could find still more ways to be of assistance in curtailing drug smuggling and protecting our country against the potential of terrorist aggression.

Mr. Speaker, I ask that Mr. Safire's essay "Issue: Posse Comitatus," be inserted into the CONGRESSIONAL RECORD at this point for the information of Members and the public.

The article follows:

[From the New York Times, Feb. 28, 1986]

ISSUE: POSSE COMITATUS

(By William Safire)

WASHINGTON.—If you think the United States border is any barrier to the smuggling of drugs, you're blowing dope.

Every narcotics racketeer and cop knows the most efficient way to transport drugs, particularly cocaine, across our boundaries: fly it through the Windward Passage between Cuba and Haiti into the Bahamas and then by boat or plane into Florida. Or, if you really want to play it safe, fly it into Mexico and "trampoline"—take advantage of the many dry lake beds south of El Paso

that serve as landing fields for the world's most profitable air service.

Almost two-thirds of the cocaine snorted in the U.S. comes across that southwest border in small planes, according to Representative Glenn English, chairman of the House Operations subcommittee overseeing our flagging "war on drugs." On a single remote stretch, a recent three-day test surveillance spotted eight smuggler aircraft plying their trade; multiply that by a hundred other favored crossing points to get some idea of the undisturbed air armada doing its booming business.

The most glaring difficulty in our war on drugs is that we have all but abandoned the front line: the border is relatively undefeated. The classic bureaucratic battle between the Justice Department, which believes in tips by informants and criminal prosecutions, and the Customs Service of the Treasury Department, which tries to interdict drugs at our borders, has been won by Justice.

"We have decided essentially to stabilize the investment in Customs drug interdiction," Treasury's Richard Darman told Congress, which means that Customs will not be able to use new surveillance aircraft equipped with radar built for F-15 fighters to nail the trampolining smugglers. He knows better than to do battle with Attorney General Meese, who prefers to use the money to chase the drugs in the U.S.

The apparent helplessness of law enforcement in interdicting the flow of drugs across our borders raises the issue of posse comitatus. The phrase is Latin for "force of the county" and is familiar to fans of Western movies in which the sheriff deputizes a band to follow the men who went that away; in this context, it means the use of the nation's military forces for the purpose of law enforcement.

My libertarian knee jerks away from legislation, such as that passed in 1981, that permits the armed services to be employed in the search for international drug peddlers. The Department of Defense has properly resisted this "while you're at it" law, holding that it might distract the armed forces from their first mission; in addition, it is dangerous to turn an army into any sort of national police force. As a result, Defense lends a hand in drug interdiction only when it is part of other training and no shootouts are involved.

But the porous border is worrisome in a way that arrests my knee-jerk. Defense is in business to protect us from armed aggression, and will ultimately be able to detect and destroy incoming missiles. Greater than the possibility of a superpower first strike is the chance of a terrorist state smuggling a nuclear device into one of our cities.

The Defense Department, if it is not to find itself fighting the next war with the strategy of a war that may never be fought, must be prepared to defend the nation from a suitcase with a hydrogen warhead. Granting "Star Wars" a perfect execution of a defense against thousands of incoming Soviet missiles, it will still leave us naked to an attack from a Khomeini or Qaddafi unconcerned with launch-phase shootdowns or massive retaliation.

The day can easily be foreseen when one of our cities is held hostage by a terrorist group or a terrorist state; the stuff of novels can quickly become reality. At that point, we would be asking: how did they get the bomb into our country? Whose job was it to stop the incoming weapon at our border? Why have we spent trillions on defense when any maniac can fly in a bomb that can destroy a city?

We do have a Special Operations Force, run jointly by the Army and Air Force, putatively in charge of counterterrorism. When the drug smugglers' trampoline bounces a bomb or two with practiced ease across our southwest border, we can expect a blue-ribbon panel to be appointed to inquire into the lapse in our decision-making process that rendered interdiction impossible.

The fighter pilots of the Pentagon want no part of missions looking down for smugglers; the Customs Service doesn't have the money for gunships or juniors Awacs; the Justice Department derides interdiction but is thinking only of drugs, not bombs.

Who is there to organize a *posse comitatus* to defend our borders?

CONGRESSIONAL SALUTE TO THE HONORABLE EDWIN SKAWINSKI OF NEW JERSEY, 1986 RECIPIENT, MAN-BOY AWARD, BOYS CLUB OF GARFIELD

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. ROE. Mr. Speaker, on Saturday, April 26, the residents of the cities of Clifton and Garfield, my congressional district and State of New Jersey will join together in testimony to an outstanding community and business leader, distinguished citizen and good friend, the Honorable Edwin Skawinski of Clifton, NJ, whose standards of excellence thoughout his lifetime have earned him the highly coveted award of the Boys Club of Garfield, NJ—The Man-Boy Award. I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to him, his good wife Nina and their children: Catherine and Mark as we celebrate this milestone of achievement in their family endeavors.

The Boys Club of Garfield is one of our Nation's most prestigious affiliates of the Boys Club of America. We are all familiar with the noble traditions of the Boys Clubs of America and their outstanding public service to the people of our Nation in helping our young men to achieve leadership qualities of self-reliance, character building, sportsmanship, fair play, and eagerness to serve others. Their deeply committed endeavors in exercising measures to keep America beautiful, and attain greater communion and understanding in friendship and goodwill among all mankind are a significant investment in the enrichment and excellence of the quality of our way of life here in America.

Edwin Skawinski has by his example and lifetime of dedication to these same true American ideals personified exemplary leadership in his outstanding responsible service to our people which has truly enriched our community, State, and Nation.

There is much that can be said of our honoree, "Skeets," as Edwin Skawinski is affectionately nicknamed, and his lifetime of achievements in service to people. He resides with his family in Clifton, NJ, and is an esteemed businessman in Garfield, NJ, the community of his earlier years where he attended elementary and secondary schools. He has served both communities and our country with distinction. He is a veteran of the U.S. Navy having served on the destroyer, USS Allen M. Sumner DD692, and received his honorable discharge in 1958.

The pleasure of great personal dedication and always working to the peak of one's ability with sincerity of purpose and determination to fulfill a life's dream—that's the success of the opportunity of America—and the mark of distinction in our society of "the selfmade man." Mr. Skawinski is the owner of Garfield Paint Co. and we are especially proud of his compassion, dedication, and untiring efforts on behalf of our young people. Under the Garfield Paint Co.'s insignia he sponsors a Little League baseball team who are presently the citywide Little League champions. The Boys Club of Garfield is honoring him in tribute to the unusual dedicated service he has rendered to the Boys Club over a considerable length of time. He is a longstanding active participant and strong supporter of the activities of the Boys Club of Garfield and is strong supporter of the activities of the Boys Club of Garfield and is currently a member of the Boys Club's Board of Directors.

Some of his additional affiliations with professional and civic organizations and in public service to our people include: The Holy Rosary Young Men's Club, Passaic's St. Al's Club, Rosol-Dul Memorial Post No. 359 of the American Legion, and the Clifton Hockey Parents Association. He is an honorary member of the New Jersey State Pulaski Association of Police and Firemen of New Jersey and New York and the Garfield PBA Local No. 46. He is an active member of St. Stan's Pulaski parade committee and General Pulaski Memorial parade committee of New York. Among the many citations and awards he has received, we point with pride to his appointment as 1974 Grand Marshal to the Pulaski Day parade in New York, 1975 New Jersey State Pulaski Association's "Outstanding Citizen Award," and 1976 Garfield PBA's highest award, Lifetime Silver Membership Card.

The fulfillment of the purpose, goals and aims of the Boy's Clubs of America could not be achieved without the leadership of people like Skeets Skawinski and the strong team effort of volunteer and professional leaders of our communities who participate unselfishly and willingly of their busy schedules in passing these sterling traditions along to our youth of America.

It is indeed appropriate that we reflect upon the deeds and achievements of our people who have contributed to the quality of our way of life here in America. Skeets has truly inspired and enriched the lives of many of our citizens in his service to our young people. We do indeed salute a good friend and great American—1986 recipient of the Man-Boy Award of the Boys Club of Garfield: the Honorable Edwin Skawinski of New Jersey.

HANDS ACROSS AMERICA

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. RUSSO. Mr. Speaker, we have all seen the gaunt face of starvation from East Africa. We know that millions of people are being displaced from their homes as a result of violent upheavals from the Middle East to Central America. It was these images that encouraged Ken Kragan to establish USA for Africa. In its yearlong effort, his organization has raised and disbursed millions of dollars toward relieving the suffering in Ethiopia.

Several months ago, USA for Africa turned its attention toward America. They found that millions of our fellow citizens, especially children, go hungry sometime each month. A Harvard study estimates that up to 2.5 million Americans are homeless and the number is climbing, particularly in families with children. As a result, Hands Across America was born.

Hands Across America will take place on May 25, when Americans from Los Angeles to Chicago to New York will link hands in a collective demonstration of fellowship aimed at solving the chronic problems of hunger and homelessness in our Nation. The historic line will come through the Third District of Illinois and my family and I, along with a number of my constituents, will be a part of it.

In addition to lending a hand, I have pledged the proceeds of my next honorarium to Hands Across America. I urge my colleagues to follow suit.

This 4,000-mile, coast-to-coast human chain will be the result of the efforts of so many people. I would like to take this opportunity to thank at least one of them. Mr. Robert Prosky, a fine actor, has, along with his fellow performers, brought this project to America's attention.

Let's all join hands and make May 25 the beginning of the end for hunger and homelessness for our fellow Americans.

SEVENTY-FIVE YEARS OF AIDING THE ILL AND SUFFERING

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. SCHUETTE. Mr. Speaker, on May 17, Mercy Hospital in Grayling, MI, will celebrate its 75th year of service to the people of Grayling and the surrounding communities.

Those 75 years have been a remarkable time for the hospital. When the hospital first opened its doors, it had 14 beds. Today, it is the community's largest employer. Seventy-five years after the hospital first began to serve the people of Michigan, it offers the community a whole range of health care services: internal medicine, ophthalmology, orthopedic surgery, obstetrics, neurology, and many others.

But those 75 years have witnessed something even more important than the hospital's physical growth and expansion. They have witnessed the ongoing commitment and dedication by the Sisters of Mercy to serve the sick and ailing throughout the community. All of us familiar with their work in running Mercy Hospital are at once proud and humbled by their selfless dedication to alleviating the pain and suffering of others.

Mr. Speaker, it is my privilege to recommend to the attention of my colleagues in Congress and to the American people Mercy Hospital's 75 years of service, and the inspiring example of the Sisters of Mercy whose selflessness have made those 75 years of service possible.

CONGRESSIONAL AWARDS CEREMONY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. SKELTON. Mr. Speaker, this past Sunday I had the pleasure of addressing the first Fourth Congressional District Congressional Award ceremony in Sedalia, MO. Being honored were two Gold Award recipients: Tom McMullin of LaMonte, MO, and Norman Dexter of Blue Springs, MO, both of whom had received their medals previously in Washington, DC; five Silver Award recipients: Sarah Elsea of Buckner, MO, Dianne Peelen of Hume, MO, Page Skelton of Lexington, MO, Bruce Rasa of Higginsville, MO, and Rose Mary McMullin of LaMonte, MO; and four Bronze Award recipients: John Garton of Nevada, MO, Randy Thurman of Rockville, MO, Stacey Werths of Concordia, MO, and Stephanie Wilks of Rich Hill, MO. Each of these recipients complied with the requirements of voluntary public service, personal development, and physical fitness. With young people such as these, our future is in capable hands.

Also, I wish to commend the members of the Congressional Award Council, which is chaired by Dr. Gale Bartow of Blue Springs. Each member of the council has devoted untold hours toward this program and is helping to make it a tradition in our district.

I take this opportunity to include herewith my remarks to the recipients, which is entitled, "Doing Your Best":

CONGRESSIONAL AWARD SPEECH; DOING YOUR BEST

First, I would like to tell you how pleased I am to have the opportunity to speak to you this afternoon, and I would like to congratulate those of you who are being honored today. Your achievements are outstanding, and I commend you for them.

I look around at all of you, the hope of America's future, and I also see the loving families and friends who have come to share this special occasion with you. As your speaker, I find myself torn in two directions: On one hand, I want to give some lasting words of advice to you, but, on the other hand, as a member of Congress, I know what lengthy speeches can be like. Thus, my one and one-half hour speech . . . will be delivered in less than 15 minutes!

Adults will always tell you how those special times of their youth "seem like yesterday," and I am no exception. For instance, I can picture clearly almost every moment of my high school graduation. My commencement speaker delivered profound words of wisdom, and I think it worthwhile to tell you everything that I remember from his speech to us, and I quote . . . End quote. Well, perhaps it wasn't so memorable after all.

Those of you who are being honored this afternoon do not face an easy future. There is an ancient Chinese curse that has come true for your world with a vengeance—"May you live in interesting times." You could not ask to live in a more challenging or more difficult era. Those of you whose achievements we are here to acknowledge will be confronting a complex world that will continually test your mettle, asking you to prove your worth as a man or woman. This will be true no matter what future road you choose to follow.

As I considered this difficult path you face, I had to ask myself a tough question: What clear and simple words could I share with you that might cling to your hearts and minds as you reach this important crossroad in your life's pilgrimage? The answer came when I remembered the saying that Harry Truman kept above his desk—"He done his damndest." Without endorsing the grammar or the profanity, I certainly commend the sentiment.

This saying came from an epitaph Truman once saw in Tombstone, Arizona, that commemorated one Jack Williams. Truman said he hoped people would remember him that same way.

This idea of doing your "damndest" takes my thoughts back to the classmates who graduated with me in May 1949. I think of them and all they have done during the 37 years since that day. We had a congenial group of 63—not particularly outstanding. At best, you could have called us average. When we were compared with the class that followed ours, we didn't even fare that well: Their class was called the cream of the crop; my class was just a bunch of nice kids.

Yet time has been kinder to my class. Many success stories have been written from that script of average kids: Successfull marriages and families, successful military careers, successful leaders in agriculture and business. Our class produced church leaders, a major insurance executive, a bank president, county office holders and a doctor. How could a not-so-successful beginning produce such a prosperous end?

We were a group who gave it our all, and the best was all that we knew. The word "second-rate" was not a part of our vocabulary, just as it apparently isn't in yours: None of you would be here today if you were willing to settle for less than the best.

In the end, perhaps that bit of wisdom—doing the best you can with your God-given talents—is the most useful advice anyone can give or receive. James Russel Lowell, an American poet, wrote this:

Life is a leaf of paper white
Whereon each one of us may write
His word or two, and then comes night.
Greatly begin! Though thou have time
But for a line, be that sublime,—
Not failure, but low aim, is crime.

To do the best you can with what you have, and to leave the rest to God. That is the essence of my message to you today, for I believe it is the ultimate wisdom I can teach you.

I am by no means the originator of this idea. You can hear the same sentiment

echoed from the childhood motto of the Cub Scouts—"Do your best."—to the sophisticated insight of high religion. Sometimes the simplest thoughts truly can be the best.

In the Gospel of Matthew, Jesus told the Parable of the Talents to his followers who had gathered to listen. Since you are the talent of our nation's future, I thought it would be appropriate to retell it today:

In this parable, a man distributes talents among his servants—five to one, two to another, and one to the last—to each according to his own ability. When these servants came back to see their master, the first two had managed to double their talents, while the man with one talent had hidden his in the ground. The master took that one talent from the servant and gave it to the man who had doubled his lot.

So it is in life: We all receive the gift of life in equal measure, but our talents and abilities vary. Life is the process of discovering and developing the special gifts that are uniquely your own, for the best lies not in what you are given, but in what you *do* with what you are given. Your attitude is what will shape the future, not your gifts alone. It was your determination and perseverence that brought you here today to receive this award. Be true to your own highest convictions!

Isn't it strange
That princes and kings,
And clowns that caper
In sawdust rings,
And common people
Like you and me
Are builders for eternity?
Each is given a bag of tools,
A shapeless mass,
A book of rules;
And each must make,
Ere life is flown,
A stumbling-block
Or a stepping-stone.

Your job is to take the award you receive today and make it a stepping-stone, not a stumbling block. Look to that strength within and do your best by your own lights.

As I thought about what I would tell you today, I faced the most difficult question of all: I could talk to you about doing your best, but how could I light that fire that burns within each of you? How could I help you turn the embers into a flame?

In truth, I know it cannot be me who does this. It is only you yourselves who can find the joy in doing your best. The most I can hope for is that my talk today will be a match that helps to light your fire.

I realize, too, that sometimes the problem is knowing when you are doing the best and making the most of your abilities, yet not losing sight of your human limitations.

Part of the solution lies in looking to the traditions of the past. We dare not cut ourselves loose from the heritage of ideals and beliefs that have shaped our lives because we can use the best of yesterday to answer the questions of today.

The author Lewis Mumford has said that the world changed as much between 1930 and 1940 as it had in a thousand years of medieval history. Think of the staggering changes in today's world—in technology and scientific enterprise alone. Each day we hear of new advances made in the field of medicine.

Yet some things do *not* change: The values and ideals on which we base our lives; the aspirations of our people and our nation; the faith that sustains and enriches our lives with truth, hope, and charity. These things do not change, and it is through these foundations that we must examine ourselves to unearth the fears, the old habits, the dusty routines, that may be holding us back. The story known as "A Message to Garcia" most clearly illustrates a man who has broken through these self-made barriers.

During the early days of the Spanish-American War, it became necessary for President McKinley to communicate with General Garcia, the insurgent guerilla in Cuba, to enlist his aid against the Spaniards. Getting a message to Garcia was a difficult, nearly impossible task. How were they to do it?

The Chief of the Bureau of Military Intelligence suggested the name of one Lieutenant Andrew Rowan, and the President asked Rowan to deliver the message to the insurgent general. The Lieutenant took the letter from President McKinley without comment and went straight to his task. He didn't ask: "How do I find him?" or "Can someone else do it better?" or "Isn't this a dangerous mission?"

Rowan went alone and unguarded, landing on the island of Cuba in secret. Despite obstacles, he made his way through the jungle and delivered the message to General Garcia. Sheer courage and indomitable spirit were at the heart of Rowan's mission. Upon his successful return to Washington, the young lieutenant was decorated by the commander of the United States Army, who termed his achievement as "one of the most hazardous and herioc deeds in military warfare." How did Lieutenant Andrew Rowan accomplish this arduous task?

Will, I can tell you for certain that it wasn't by doing a second-rate job. Rowan possessed a positive spirit and a willingness to try. He stopped at nothing short of the best, and he was rewarded for his efforts.

Some of us here today may need to tear down the obstacles we've built, to clear away our own self-doubters—those dusty cobwebs that are holding *us* back from delivering a message to Garcia. Confidence and determination are the keys; the pride of knowing you've done your best is the goal. That is precisely the spirit of the saying Mr. Truman admired so much—"He done his damndest."

In life we have the opportunity to do our best, no one can ask or expect anything more. And, come what may, we can enjoy a sense of achievement, of self-respect, and of happiness. The challenge that I present to you this day is to fulfill your potential, to be the very best person you can be. For there will always be a need for someone to carry a message to Garcia. I hope that each of you will be such a person who will follow the advice of Winston Churchill:

Never give in,
Never give in,
Never, never, never, never,
In nothing,
great or small,
large or petty,
Never give in,
Except to convictions
of honor and good sense.

This challenge I have set before you—to never give in and to always do your best—is a difficult one, yet it is not impossible. A poem written by the American poet Edgar A. Guest best expresses the attitude you need to achieve this goal, so let me leave you today with his words:

Somebody said that it couldn't be done,
but he with a chuckle replied
that maybe, it couldn't but he would be one
who wouldn't say so til he tried.
So he buckled right in with the trace of a grin
on his face. If he worried he hid it.
He started to sing as he tackled the thing
that couldn't be done, and he did it.

REPEAL OF THE WINDFALL PROFIT TAX: THE TIME IS RIGHT

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. BARTON of Texas. Mr. Speaker, today President Reagan endorsed the repeal of the windfall profit tax, a tax that has imposed a severe and unfair burden on the American energy industry and oil producer States such as Texas.

This action is very timely, and will go a long way toward establishing a firm foundation for the American energy industry. The windfall profit tax is a burden that contributed to the slump that is now affecting the economies of the oil patch States. I am happy that President Reagan took this action, and will be glad to see this abusive tax go the way of the dinosaur: extinction.

The President has demonstrated that he is aware of the problems that the OPEC oil price war is causing in States such as Texas. I am confident that he will continue to monitor these problems and consider other solutions.

The experience of the past 6 years indicates that the windfall profit tax has been a failure. The anticipated $222.7 billion in tax revenues will turn out to be closer to $44.8 billion, about 20 percent of the tax revenue target. Much of this decline is due to the depressed economic conditions in the energy industry, which were partially caused by the windfall profit tax.

The President's action will certainly be welcome news in my home State of Texas. My constituents realize that President Reagan cares about them and the problems that OPEC is inflicting on the oil patch. His action today is proof that he is prepared to take firm action to maintain American energy security.

EFFECTS OF TAX REFORM ON TRADE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. DORGAN of North Dakota. Mr. Speaker, I want to call to the attention of my colleagues the recent findings of the U.S. International Trade Commission on the effects of tax reform on the international competitiveness of American industry.

The short answer is that the tax reform bill (H.R. 3838) passed by this House last December will have practically no net effect on U.S. trade.

As part of the ongoing debate on tax reform, representatives of several industries have charged that tax reform would seriously

damage their position in international trade. I know that many Members of Congress are concerned about the international competitiveness of our manufacturing firms and have been receptive to the argument.

Because of these concerns, the Senate Finance Committee asked the International Trade Commission to study this issue.

The Commission approached the problem by first estimating the impact of tax changes including reduced corporate rates, repeal of the investment tax credit, and new rules for depreciation on output prices and then calculating the effects on trade flows for each industry. The results indicate that no industry could expect an increase in net imports—that is, a worsening of their position in world trade—of as much as 1 percent of domestic output. Some industries could expect a modest decrease of net imports—that is, an improvement in their trade position.

I am led to conclude that some members of the business community are using the international competitiveness issue as a smoke screen to cover up their opposition to paying their fair share of the Nation's tax burden.

The executive summary of the Commission's study follows along with the key table showing the industry-by-industry effect of the House bill on international trade. The full study is entitled "Effects of Proposed Tax Reforms on the International Competitiveness of U.S. Industries" and is available from the Commission.

EXECUTIVE SUMMARY

The Senate Finance Committee asked the International Trade Commission to determine the effects that tax reform proposals made by the President and the House Ways and Means Committee would have on the international competitiveness of U.S. industries. This is the first time in nearly a decade that the Commission has been asked to study the trade impact of major domestic legislation.

In response to the Committee's request, this study estimates how the proposed tax changes would affect the imports and exports of U.S. industries. The study also estimates the effects of these proposals on the cost of capital and on relative prices (but not the overall level of domestic prices). The estimates cover all major sectors of the U.S. economy. The sectors are those of the Commerce Department's small input-output table.

EFFECTS OF TAX REFORM ON TRADE

When looking at individual industries, the estimated trade effects of either reform proposal are small relative to domestic output.

This is true even though our estimating methods tend to overstate the trade effects. Two major determinants of the importance of the trade effects in an industry are the price sensitivity of imports and exports, and the importance of imports and exports relative to domestic output.

Our best estimates show that, for either the President's or the House propsal, none of the adverse trade effects would be as great as 1 percent of U.S. output.

The industries that would be affected most adversely by the President's proposal would be Office computing and accounting machines, and Motor vehicles and equipment. The increase in net imports in these sectors is 0.6 percent and 0.7 percent of domestic production, respectively. No other industries would be adversely affected by as much as 0.5 percent of domestic production.

Under the House proposal, the industry most adversely affected would be Chemical and fertilizer mineral mining. Net imports in the industry would increase by as much as 0.9 percent of domestic production; no other industry would be adversely affected by as much as 0.5 percent of domestic production.

Under both proposals, the industry benefiting the most would be Footwear and other leather products.

The decrease in net imports for this industry would be from 1.7 to 2.4 percent of domestic output under the President's proposal and from 3.0 to 4.4 percent under the House proposal.

Other industries that would benefit under the President's proposal include Other agricultural products, with a decrease in net imports of from 0.7 to 0.8 percent of domestic output; Leather tanning and finishing, 1.1 to 1.3 percent; and Miscellaneous manufacturing, 1.1 to 1.8 percent.

Other industries that would benefit under the House proposal include Apparel, with a decrease in net imports of from 0.6 to 0.9 percent of domestic output; Household furniture, 0.3 to 0.6 percent; Leather tanning and finishing, 0.5 to 0.9 percent; Office, computing, and accounting machines, 0.3 to 1.1 percent; Radio, TV, and communication equipment, 0.4 to 0.7 percent; Aircraft and parts, 0.8 to 1.3 percent; and Miscellaneous manufacturing, 0.4 to 1.7 percent.

EFFECTS ON THE COST OF CAPITAL

The effect on the cost of capital would vary significantly among different types of assets. Most short-lived assets would be adversely affected by both proposed reforms, whereas very long-lived assets would be favorably affected.

After accounting for the asset mix used by each industry, it was found that the changes in corporate taxes in the President's proposal would reduce the average cost of capital for most industries, whereas the changes in the House Ways and Means Committee proposal would increase the cost of capital for every industry except Real estate and rental. The two proposals would raise average corporate taxes by similar amounts. However, the two proposals differ markedly in the rate at which returns from new investment are taxed, and it is this rate that determines the effect on the cost of capital.

A characteristic of the House bill is that it would provide more uniform tax rates among different industries. The marginal effective corporate tax rate (the tax rate on the last, or "marginal," unit of corporate investment) generally would vary more among different industries under the President's proposal than Under the House bill.

Under the President's proposal, the largest reductions in the cost of capital among traded-goods industries would occur in Apparel, Miscellaneous textile goods, Leather tanning and finishing, and Footwear and other leather products. These declines were between 7 and 8 percent. Under the House proposal, the largest increases in the cost of capital among traded-goods industries would occur in Iron and ferroalloy mining, Nonferrous metal mining, Paper and allied products, Paperboard containers, and Motor vehicles and equipment. These increases would range from 9 to 10 percent.

EFFECTS ON PRICES

Even if all of the changes in the cost of capital were completely passed through by each industry at each stage of production, the changes in prices in the traded goods industries would still be quite small.

Under the President's proposal, these price changes (mostly price reductions) would all be less than 3 percent. Under the House proposal, these price changes (mostly price increases) would all be less than 4 percent. Under both proposals, the largest price increase would occur in Communications, except radio and TV. Under the House proposal, the second largest price increase would be electric, gas, water and sanitary services. Under the President's proposal, the second largest price increase would be in Transportation and warehousing.

SCOPE AND LIMITATIONS OF THE COMMISSION'S STUDY

The focus of the study is on the effects of the proposed tax changes on international trade of individual U.S. industries, and these are not the same as the effects on total domestic output of these industries.

The effects of tax changes on domestic output are likely to exceed the effects on trade. For example, even in an industry with no international trade, domestic producers would probably still experience some loss in sales if a tax increase raised their output price.

Without its own macroeconomical model, the Commission was unable to make estimates of the aggregate trade-balance of either tax-reform proposal.

However, the Commission made estimates of what the trade effects would be for each industry if the aggregate trade balance changed in accordance with the predictions of various macroeconomic models,[1] and if it did not change at all. Estimates of the industry trade effects were also made as though the value of the dollar were fixed.

For any industry, tax reform directly affects the cost of doing business, but it also affects the environment in which the industry must operate. For example, the 1981–1982 investment tax incentives lowered the cost of capital to U.S. firms, but by reducing tax revenues they added to the large increase in the Federal budget deficit, which caused large capital inflows and contributed to a stronger U.S. dollar. The stronger dollar resulted in an unprecedented increase in U.S. imports and stagnating exports.

There are other possible macroeconomic considerations that should be mentioned. For example, if tax reform is revenue neutral but slows down economic activity, it would also tend to cause a decline in imports. In such a case, U.S. industries would be harmed by tax reform even while the trade balance is improving.

The above examples illustrate that the effects of tax reform on international trade might be different from what one would expect. In particular, the effects of tax reform on international competitiveness cannot be addressed by looking only at the direct effects of tax reform on the cost of capital. It is also necessary to account for macroeconomic considerations, such as the effects on international capital flows.

In evaluating the effects of the two tax reform proposals on industry trade bal-

[1] For the House proposal, these were the predictions from Wharton Econometric Forecasting Associates, Inc., Jan. 29, 1986, and Lawrence H. Meyers and Associates, Nov. 25, 1985. For the President's proposal, these were the predictions from Wharton Econometric Forecasting Associates, Inc., Oct. 16, 1985. All of these models predicted fairly small effects on the aggregate trade balance.

ances, the Commission considered only the tax changes that would cause a predictable change in business costs. Other changes, such as the treatment of personal income earned overseas, are only discussed qualitatively.

It would have been impossible to take into account the effect of every proposed change, even if more than four months were allowed to complete the study. Included in the analysis were the effects of the changes in depreciation schedules, the elimination of the Investment Tax Credit, the reductions in the statutory corporate tax rates, and the introduction of a deduction for dividends paid. These changes in the tax code account for most of the predictable change in the relative international competitiveness of U.S. industries.

METHODOLOGY

To estimate the trade effects of the proposed tax changes, the first step was to determine the effects on the cost of capital by industry. We overstated these cost changes by calculating the cost changes as though no firm would reduce its costs by changing its manufacturing techniques or accounting methods in response to the tax changes. The second step was to calculate the change in the cost of inputs for each of the industries. To do this the prices of each industry were treated as though the entire change in its tax bill were completely passed on to its customers. Again, no substitution by its customers was allowed for, thus this technique also overstates the cost change for each industry. The final step was to take these upper bound estimates of price change and to translate them into changes in exports and imports by industry. In this last step, three cases were considered. In the first case, an exchange rate adjustment was included that caused the industry trade effects to sum to the aggregate trade balance effect predicted by one of the macroeconomic models. In the second case, the exchange rate adjustment was included that caused the industry trade effects to sum to zero. (The results from the first and second cases were very similar, and are viewed as the "best" estimates.) In the third case, no exchange rate adjustment was included.

Impact of the House tax proposal on trade under flexible exchange rates

[Change in trade balance as a share of domestic output] [1]

Sector description:	*Percent*
Livestock and livestock products	0.0
Other agricultural products	0.0
Forestry and fishery products	−0.2
Agricultural, forestry, and fishery services	.....
Iron and ferroalloy ores mining	−0.3
Nonferrous metal ores mining	−0.0
Coal mining	−0.2
Crude petroleum and natural gas	0.0
Stone and clay mining and quarrying	−0.2
Chemical and fertilizer mineral mining	−0.8
New construction	.....
Maintenance and repair construction	.....
Ordnance and accessories	0.1
Food and kindred products	−0.0
Tobacco manufactures	0.0
Broad and narrow fabrics, yarn and thread mills	0.0
Miscellaneous textile goods and floor coverings	−0.1
Apparel	0.9
Miscellaneous fabricated textile products	0.1
Lumber and wood products, except containers	−0.2
Wood containers	0.0
Household furniture	0.6
Other furniture and fixtures	0.2
Paper and allied products, except containers	−0.2
Paperboard containers and boxes	.....
Printing and publishing	−0.0
Chemicals and selected chemical products	−0.3
Plastics and synthetic materials	−0.1
Drugs, cleaning and toilet preparation	−0.2
Paints and allied products	−0.0
Petroleum refining and related industries	0.1
Rubber and miscellaneous plastic products	−0.1
Leather tanning and finishing	0.9
Footwear and other leather products	4.4
Glass and glass products	−0.0
Stone and clay products	−0.2
Primary iron and steel manufacturing	0.1
Primary nonferrous metals manufacturing	−0.0
Metal containers	−0.0
Heating, plumbing, and structural metal products	0.0
Screw machine products and stampings	0.0
Other fabricated metal products	−0.1
Engines and turbines	0.0
Farm and garden machinery	0.0
Construction and mining machinery	0.1
Materials handling machinery and equipment	0.1
Metalworking machinery and equipment	0.2
Special industry machinery and equipment	0.1
General machinery and equipment	0.0
Miscellaneous machinery, except electrical	0.1
Office, computing, and accounting machines	1.1
Service industries machines	0.0
Electric industrial equipment and apparatus	0.1
Household appliances	−0.0
Electric lighting and wiring equipment	−0.0
Radio, TV, and communication equipment	0.7
Electronic components and accessories	0.3
Misc. electrical machinery and supplies	0.3
Motor vehicles and equipment	0.0
Aircraft and parts	1.3
Other transportation equipment	0.3
Scientific and controlling instruments	0.2
Optical, ophthalmic, and photographic equipment	−0.1
Miscellaneous manufacturing	1.7
Services	0.0
Total	.....

[1] Based on domestic output levels in 1984.

Source: Calculated by the staff of the U.S. International Trade Commission.

THE NATION'S LIBRARIES AT RISK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. TOWNS. Mr. Speaker, the American Library Association sponsored a legislative day last week to bring to the attention of national lawmakers the plight of a nation's libraries. In a city like New York, the public library system has often been the door to education and learning for the poor as well as the rich. Because of massive cutbacks in support for the nation's libraries, excellent libraries like the Brooklyn Public Library will have to drastically reduce staff and services to the general public.

Mr. Speaker, too often we have viewed libraries as an afterthought. Their contribution to the education level of American society is rarely acknowledged at a time when illiteracy is recognized as a growing problem; and at a time when the high school dropout rates for black and Hispanic youngsters in New York City is often as high as 60 percent. We cannot afford to diminish financial support for an institution that has contributed and continues to contribute to general education in this society. As a graduate from North Carolina A&T University, a college with one of the finest libraries in the Southeastern United States, I understand how valuable libraries are to not only colleges and universities but to our public and private school systems as well.

I want to join my colleague from Brooklyn, Congressman MAJOR OWENS, in urging a reexamination of our funding priorities for libraries. As Members of Congress, we have often relied on the Library of Congress without a second thought. Yet reductions in services have drastically cut back braille materials and other special services to the handicapped. Moreover, the Congressional Research Service has not been immune from the reductions under Gramm-Rudman. The budgetary impact of this resolution on the Nation's libraries is yet another example of the fallacy of budget-cutting by computer.

Hopefully, our Nation's libraries will be able to weather the immediate storm of these cutbacks. I am hopeful that we, as lawmakers, will act more responsively in the future toward one of our greatest educational resources, the libraries of this Nation.

HONORING FATHER FRANKO ON 36 YEARS OF SERVICE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. TRAFICANT. Mr. Speaker, it is my distinct pleasure to honor Father George M. Franko on the celebration of his 36 years in the priesthood, 30 of those years in ministry to the Holy Name of Jesus Parish of Youngstown, OH.

Born of Joseph Franko and Suzanne Ferencak of Youngstown, OH, on December 8, 1924, Father Franko attended Saintes Cyril and Methodius Parochial School, Ursuline High School, Sacred Heart Seminary of Detroit and St. Mary's Seminary of Cleveland. Ordained on April 29, 1950, at St. Columba Cathedral in Youngstown, Father Franko is now celebrating his ordination anniversary at Holy Name Parish in Youngstown this Sunday.

Father Franko has during his 36 years of service to the parish of Holy Name of Jesus, provided leadership, inspiration and responsible guidance to individuals and groups of the church. It is indeed an honor for me to commemorate this important milestone in the life of a truly loved and respected priest, Father Franko. May Father Franko have many more years of service to those members of the Holy Name of Jesus Parish who deem him their favorite priest.

COLORADO RESEARCHER, THOMAS CECH, SEEKS THE ORIGINS OF LIFE

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. WIRTH. Mr. Speaker, in 1982, a young scientist at the University of Colorado in Boulder, Thomas Cech, published a revolutionary paper which changed forever what we know about the origins of life on this planet.

Cech's research on the nucleic acid, RNA, has given scientists insight into the chain of life—how human life may have formed from the very beginning. His discovery, that the earliest genes may have been able to replicate themselves, represents a contribution which will have far-reaching effects in the fields of biochemistry and medicine. It sheds light on the proliferation of cancer cells and in the treatment of certain diseases in which the body's defenses turn against itself.

Thomas Cech and his dedicated and able assistants, Art Zaug and Paula Grabowski, deserve to be recognized and lauded for their outstanding contributions to our understanding of the possible origins of life.

Empire, the Sunday magazine published by the Denver Post, recently named Thomas Cech the 1986 Westerner of the Year. I commend the following article to my colleagues in the House.

WESTERNER OF THE YEAR—THOMAS CECH FITS ANOTHER PIECE INTO THE PUZZLE OF LIFE

(By John Aloysius Farrell)

(If proteins were needed in order for nucleic acids (DNA and RNA) to do anything, and if nucleic acids were needed to code for proteins, which came first, the protein or the nucleic acid? The chicken or the egg? This is a question biochemists have had since Francis Crick and James Watson deciphered the genetic code locked in the double helix of DNA in 1953. University of Colorado scientist Thomas Cech offers a reasonable answer.)

This was Nobel Prize territory, and here were some lanky pups—an untenured professor and a handful of grad students—about to tell the world that one of the basic tenets of biochemistry, an axiom of all the textbooks, was irrefutably, undeniably, flat-out Wrong.

In the third-floor laboratory at the Boulder campus of the University of Colorado, they remember how they'd mention their work at conferences and conventions and how the Giants of Science would walk away chuckling at this hot-shot young biochemist with a yearning for professional immolation.

"We didn't want to be wrong," says the hot shot, Thomas Cech. "It had better be right, or, when we published, someone was going to say, 'Hey, wait a minute! It doesn't work the way you said.' "

So Cech took it slowly. But he didn't give up—despite the smirks, despite the conventional scientific wisdom. And when the last experiments were finished, and the final evidence was in, and all the results were Ceched and double-Ceched, he popped a champagne cork and gathered his associates around.

They were about to rock the world of biochemistry—no mean feat in a field grown almost jaded by a continual string of startling discoveries.

Using the genes of a hairy protozoan called Tetrahymena thermophila, Cech and his colleagues had discovered a way that life may have evolved from the organic molecules, clays, and salts that formed the primordial earth. In doing so, they found a solution to one of science's most remarkable riddles—how the earliest genes may have formed and replicated. Along the way, they brashly rewrote the rules and axioms and scuttled the conventional wisdom.

And life for Tom Cech has not been the same since.

There's a handwritten sign on the door to his laboratory: "Boulder Home for the Bewildered (Enter at Your Own Risk)."

Inside, the floor is filthy and the tables crammed with bottles and tubing. An ice chest bears the label "Leaks (Slowly)." Shelves in the carrels are lined with the junk of university life: softball mitts, a Van Gogh print, job notices, a shattered clock that only runs backwards.

There's a sleeping bag and a pillow for the mysterious grad student who lost his apartment and moved into the lab. Ten-speed bicycles clog the hallways. A worn dart board, and a pattern of holes in the surrounding wall, hint at deep thoughts and bad aim. The students here call themselves nerds—proudly—and answer the phone, "Cech lab."

This is the realm of research at a major American university, invariably disappointing to the visitor who expects streamlined work stations jammed with clean-cut technicians and high-tech geegaws.

There's only one bubbling beaker here, and it's stuck in the corner, an afterthought, amid bottles of stuff like phenylmethyl sulfonyl fluoride. A set of Mickey Mouse ears sits atop the computer, the lapels of the lab coats sport New Wave buttons.

It's a system based on freedom, where the nonconformist is prized for the originality of his or her ideas—not for the ability to fit into a corporate structure.

And here is Cech. Shaggy hair, Crew-necked sweater. Wire-rimmed glasses. Bright and confident, somewhat sardonic. No white-frocked scientist lifting a test tube to the sky, like the illustrations in fourth-grade science books and GE ads. More like Donald Sutherland, portraying the anarchist Hawkeye Pierce in the motion picture M*A*S*H.

Like most scientists , Cech is consumed by the complex challenge of his quest. Unlike many, he has a sense of humor, and the patience and ability to explain what he does and why it's significant.

He declines to carry the burden of self-importance and takes great pains to give credit to Art Zaug, a research associate, and Paula Grabowski, a former graduate student, and the rest of his staff of more than a dozen fledgling scientists.

"I think the thing that is uniformly ignored is that these things are a team effort," Cech says. "People always focus on me. But that's really not the way science is done. I'm directing a lab that has a lot of really good independent workers who make their own observations that led to these discoveries."

Not surprisingly, his associates return the compliment. Cech's a man you want to work for, says Zaug, because he trusts you, and because you can go to him with a particularly sticky problem: "I'm allowed to go out on my own. Rarely does he tell me what to do. But when you just don't know which way to go, he's very helpful to talk to."

It was at just this sort of juncture that Zaug came to Cech, in 1981, with what the professor would later call the "screwy and bizarre" results of an otherwise routine experiment.

Cech was spending more time in the lab then. His daughter Allison had not been born. And he and his wife, a biochemist who also works at CU, were not expecting their second child. Nor was he burdened with the politics and paper work of success. So he analyzed the findings, weighed their significance, risked ridicule and the loss of his funding, and made the decision to chase a glimmer of a gleam, an ephemeral possibility.

He decided to tackle issues that have, for centuries, confounded and inspired: What is the nature of life? How did it begin?

In trying to understand his work and its significance, it's necessary to back up a bit, to unravel the prevailing scientific theory for the beginning of our universe. We think it began with a Big Bang, 10 billion years ago—a primeval fireball flowing from the instant of creation.

After three minutes, temperatures cooled enough for the first atomic particles to form. After a million years, clumps of matter were seized by gravity and spun into stars. After a billion years, some of these stars exploded as supernovas, casting gas and dust through the universe. After 4 billion years, the scattered ashes of these distant novas collected to form our solar system. Our earth and all its creatures are, as they sang in Woodstock, stardust.

Now a world was formed, with water collecting in oceans and lakes and pools. The water was chock-full with chemicals, and some of those compounds were organic bits of billion-year-old carbon. Simple molecules were tossed and tumbled; lightning struck the surface, and particles of matter began to cling to one another, forming a chain.

These chains were the primordial ancestors of life on earth. They may have been made of nucleic acids like DNA or RNA—which carry the genetic program through succeeding generations—or they may have been made of proteins, which take the genetic information and put it to use, acting as the building blocks of cells.

In modern cells, the nucleic acids act like computer software. They form an information bank that tells the machine how to run a program, over and over through the ages. The proteins are like computer hardware.

They free the information stored on nucleic software and go to work.

And there lies the enigma. Without the software, the machine is useless. Without the machine, the software sits unused.

And so scientists, in the early 1980s, were stymied. Which came first, the hardware or the software?

"It's the chicken and the egg," says Leslie Orgel, whose work at the Salk Institute for Biological Studies has made him one of the world's leading experts on the origin of life. "Without nucleic acids you can't make proteins. And without proteins you can't get nucleic acid to replicate. So how do you get started?"

Thomas Cech found one possibility.

In 1982 CECH published a revolutionary paper: "Self-Splicing RNA: Autoexcision and Autocyclization of the Ribosomal RNA Intervening Sequence of Tetrahymena," in the November issue of Cell magazine.

Forget the title, it's all very simple, Cech says.

"Genes are made of DNA, and DNA contains the code which specifies how all the proteins in the cell are going to be made. The DNA is the storehouse of the information."

But DNA is a rather dumb acid. It does the thing for which it is known—strands, the famous double helix—very well, and not much else.

"That is what it is supposed to be," says Cech. "For stable storage of information you don't want it doing interesting things, because then it would be mutating its genes."

Before anything can get started, DNA must be copied into something more flexible; freed from the double helix. And so, in the cell, there is RNA.

Chemically, DNA is quite similar to DNA, but it plays a different role. The genetic information is copied from DNA onto a single-stranded RNA molecule (a process called transcription), which conveys the data to the cell and teaches it to create proteins that go on to become eyes or feet or flippers or fur.

There was only one catch. In Tetrahymena, and in higher organisms like frogs and human beings, the RNA copies of DNA also contain a set of haywire sequences—bits of garbled software, if you will—called introns, or intervening sequences.

Cech came to work in the CU chemistry building in 1978 after graduating from Iowa's Grinnell College and the University of California at Berkeley and working at the Massachusetts Institute of Technology in Cambridge. He had developed an interest in biochemistry "because of the way my mind works," he says.

In 1978 no one really knew what introns did. "The higher purpose of introns is still in dispute," Cech says. "They may, in the long term, serve some positive function. Or they may be a negative thing. But what is absolutely clear is that they have to be got rid of. In the short term, RNA is interrupted. The message, which has this nice set of information on it, is interrupted by blocks of nonsense. The excess baggage has to be removed."

There's only one way to remove the introns and debug the software: snip the RNA molecule at both ends of the offending sequence, then splice it back together.

Until Cech made his discovery, it was widely believed that the only substance that could act like a catalyst and snip and splice was a protein. But proteins couldn't be made unless RNA unlocked the information in DNA . . . and RNA couldn't make proteins without being spliced, so . . . .

"If proteins were needed in order for nucleic acids to do anything," Cech says, "and if nucleic acids were needed to code for proteins, which came first, the protein or the nucleic acid? The function or the information? The chicken or the egg."

Within a few months, fate smiled on Thomas Cech. He and his colleagues were working on the bug Tetrahymena because, as a one-celled protozoan, it offers a simple system of genetic expression. In examining the tiny creature, they discovered it was full of DNA molecules with introns. "There were 10,000 copies of this gene in Tetrahymena," Cech says. "That's a lot. A lot of genes are only present in one copy per cell.

"So we said, 'Oh wow, 10,000 genes! And they all have this intron! That must mean there is a huge amount of splicing going on.' "

The fortunate make their own luck, of course. It takes a certain amount of confidence for a young assistant professor to devote the energies of an entire lab and almost $300,000 in federal grants to a study of Tetrahymena on the basis of "Oh wow, 10,000 genes!"

Before his research was over, the National Institutes of Health would give Cech more than $1.3 million, and the American Cancer Institute another $240,000. He would win a National Cancer Institute Career Development Award of $30,000 a year for five years and a Guggenheim fellowship of $20,000.

The gamble paid off—all because of a screwy result in Zaug's test tubes.

After winning money from NIH, Cech and his team had gone to work in the lab searching for the protein that (conventional wisdom told them) must be sniping the introns from RNA and splicing the molecule back together.

The experiments weren't too tricky: isolating a strand of RNA and adding various proteins until one acted as a catalyst and began the splicing process. One test tube was reserved as a "control," without any proteins at all—just RNA in a benign solution.

Things were proceeding uneventfully until the day Zaug checked the control solution and found, with some exasperation, that the RNA was spliced. The test tube must have been contaminated, he thought, and vowed to be more careful the next time around.

"I kept saying, 'This is ridiculous. How did it happen?' " Zaug says. "I thought I was screwing up."

Then it occurred again. And again. And again. And it happened in Paula Grabowski's test tubes, too. The RNA in Tetrahymena appeared to be splicing itself.

"I don't know that accident is the right word," Cech says. "Certainly it was a totally unexpected finding. We were thinking we were going to find some proteins involved and, instead, we found that all you needed was RNA. We were very skeptical."

For a year, Cech says, he searched the literature and ran test after test to try and find the flaw in their procedure. The concept of self-splicing RNA was so radical, so revolutionary, that he and his team didn't trust their own results. They had found an answer which contradicted the textbooks and the long-standing axiom that, in biology, only proteins act as catalysts.

"There was a period of about a year when we kept pushing the view that there was a contaminating protein in the RNA preparation. The problem was that, for a long time, all we had was circumstantial evidence. You can do things like boil the RNA containing the hypothetical protein. Usually when you boil proteins they're inactivated. Well, we boiled it, and it worked.

"Then we told ourselves that it's well known that proteins are deactivated by detergent. So we said, let's add detergent. Well, it worked at least as well in detergent as it did without, and in some respects even better.

"So then we boiled it in detergent. And it still worked. But all of that was still circumstantial evidence. So what we finally did was use genetic engineering."

Cech and his team stole the genes from Tetrahymena and inserted them in the common bacterium E. coli, the workhorse of bioengineering. There they grew the Tetrahymena gene in a cell where RNA splicing did not normally take place.

Once the genes blossomed, the CU researchers extracted them from E. coli and added purified chemicals to initiate the transcription process. The RNA that formed was now completely removed from Tetrahymena and its proteins.

Then they held their breath.

"It still had the self-splicing activity," Cech says. "We were ready to announce to the world."

Science magazine said Cech's work "revolutionize ideas on biological catalysts and early evolution." Prominent scentists like Harry Noller, from the University of California at Santa Cruz, called it "one of the most exciting discoveries of the decade."

Zaug added to the excitement in 1985 when he discovered that the intron sequence snipped from RNA went on to organize short strings of nucleic acid into longer chains of RNA. It was another momentous discovery. The possibility that RNA could reproduce itself no longer could be ignored.

"The reproduction of information is the most essential component in having life start," Cech says. "And this is something we have only come to grips with recently in Art's discovery. The RNA could replicate itself. It could reproduce.

"Instead of just being able to cut and rejoin, it can actually string little pieces together to make a big chain of RNA. And so it looks like RNA can not only be the information, but can actually catalyze the reproduction process. Like a software program that directs the machine to reproduce itself."

In Tetrahymena, Cech found a model of how life may have started. The first strand of RNA forms through what Nobel laureate Francis Crick (who, with James Watson, deciphered the genetic code in 1953) calls "a happy accident"; it splices itself and goes on to teach proteins how to build a cell; the newly freed intron goes on to create more RNA, and only later does DNA evolve as a storehouse for genetic information.

"I think it is extremely reasonable that life didn't happen in just one little pocket," Cech says. "There's a famous experiment where scientists took some of the chemicals presumed to be on earth 4 billion years ago and put them in a vat and had an electrical discharge go off. And it turns out that the molecules that are formed during that process are exactly the most common ones that you find in human beings today.

"And so that says to me that the basic precursors, the little molecules that make proteins and nucleic acids, are not improbable. Then the question is: Once you have these very small biological molecules, how did they get strung together to get nucleic acids and proteins?

"And I think that from our work I can see very clearly, only in the last year actually, how RNA might be able to direct the stringing together to make a large RNA molecule and to possibly even replicate itself."

The discoveries in Cech's lab could someday pay off in the battle against cancer and in the treatment of certain diseases in which the body's defenses turn the body against itself. Cech's work could result in a new set of chemical tools for genetic engineers who work with RNA as well.

"It turns out there are many tools for genetic engineering that are enzymes that work on DNA—specifically cut and rejoin DNA so you can manipulate genes.

"There are many fewer such enzymes around that can be used to manipulate RNA in the test tube. So there's a great interest in having an equal set of tools for genetic engineers to use at the RNA level," Cech says.

Thomas Cech's life is moving faster now—with invitations to lecture in Canada, Europe, and Japan, and at Harvard, Yale, MIT, and Stanford. But he has come to grips with the awards and the acclaim. His team helps maintain his perspective. Everywhere in the lab are signs of irrelevant affection directed at the boss.

Did Cech win a Guggenhiem fellowship? Here's a photo of his head pasted on the body of a lady weightlifter.

Did Esquire honor him along with Jessica Lange, Garry Trudeau, and Bruce Springsteen, as a member of "America's New Leadership Class: Men and Women Under Forty Who Are Changing the Nation?" Here's a sloppy shelf filled with old scientific journals and a sign: "The T.R. Cech Esquire Library."

Does Orgel hail Cech's work as "A major discovery?" Here's a tattered "Bloom County" cartoon, in which a wired and scruffy professor informs his class: "Original ideas? There are no truly original ideas in science."

What Thomas Cech hasn't come to grips with are the repeated efforts of others to interpret his work as a neat solution to the origin of life. He is a scientist, after all, and modern science frowns on those who stray from the strict protocol and objective proof of the laboratory.

Science should be precise, Cech says, so each published finding can serve as a verifiable block in a tower of knowledge. He's uncomfortable with those who interpret the significance of his work in cosmic terms: "It seems to be a sort of pseudo-science. I like to be able to go into a lab and do an experiment to test an idea, and, if you're talking about things that happened 4 billion years ago, it's impossible to test."

But the 38-year-old professor—so much more at home in the realm of snurps and introns, codons and polypeptides—knows such talk is inevitable. The implications of his work are too significant to be ignored.

In many ways, Cech is an anarchist. His discoveries, like those of genetic engineers and high-energy physicists, undermine the religious beliefs that buttress Western society. His was once the territory of priests and mystics—the province of prophets, not Ph.D.s. Stirred by these questions, man constructed great religions, soaring cathedrals, fine art, tender fugues.

Cech works with more mundane tools. There is art in his lab, but little magic. Here the sacred is stripped from the secret of life. The discoveries made in laboratories, like his reinforce the theory that life began as a chemical fluke, not by Divine design.

"I have a very strong personal view of life and how people should live," Cech offers, "but I don't believe in a higher being—I don't believe in a personal God.

"A modern scientist, if he is perceptive enough, often has the strange feeling that he must be living in another culture," says Francis Crick of the scientist's role in a period of history when bits of the old world, of the popular religions, are collapsing.

Cech faces the scientist's dilemma squarely. Trained to research, not popularize, he nonetheless takes on the responsibility of explaining his work and integrating its meaning into a cosmology mankind can carry into the next century.

He finds he must walk the line between sensationalizing his findings and ignoring the public altogether. He declines to appear at speculative "origin of life conferences," but, as a man who sees the similarity in a well-planned experiment and the work of his favorite authors, John Irving and Herman Hesse, he dedicates part of his time to lecture and write about his findings.

"I don't find the origin of life to be something that I particularly enjoy thinking about," he says "It's something we've been forced to think about because everybody else thinks our work is so related to evolution. And we better put it in context before they do.

"We aren't attempting to say that we understand what happened in early evolution. We are not saying, 'This is the way it happened.'

"We are saying that it is plausible that things could have started out with just RNA. But it's very hard to prove.

"You can draw out a scheme for the origin of life on paper, and you can do experiments in the lab to say that different steps can be reproduced today. But that doesn't prove that's the way it happened. That just proves that it's chemically reasonable to happen.

"In the end, belief in any particular scenario for the origin of life still requires an element of faith."

HYMAN BOOKBINDER

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. YATES. Mr. Speaker, earlier this month the able Washington representative of the American Jewish Committee, Mr. Hyman Bookbinder was honored at the third annual leadership luncheon of the Washington Jewish Week. Those of us who were there that afternoon heard an inspiring and timely speech and I ask that Mr. Bookbinder's remarks be printed at this point in the RECORD.

HYMAN BOOKBINDER HONORED

I learned the value of brevity a few years ago when *Who's Who* invited me to add to my biographical summary a statement on "Thoughts on My Life . . . those principles, goals, ideals and values that have been guidelines for success and high standards." And then they directed that such statement be included in "the space provided below"—a space one by six inches! This is what I submitted and appears in the present edition: "Born into a world that soon exposed me to depression, war, and the holocaust, I fast acquired an almost compulsive interest in public affairs. It has been my good fortune to be able to combine career development with opportunities to help shape public policy. Government's principal purpose must indeed be to implement the great promise of America—the securing of life, liberty and the pursuit of happiness. The Hebrew sage, Rabbi Hillel, has provided the guideline for my life's work: 'If I am not for myself, who will be for me? But if I am only for myself, what am I?' "

That was it. What else was there to say? If I were smart, I would now say: "That's it. Thank you very much." But I'm not that smart. So I'll say more—but not too much more.

Yes, I have indeed been fortunate—all my life—in being able to do professionally things in which I believe passionately. And for the past 19 years, my association with the American Jewish Committee has been particularly gratifying. If I did not at first fully appreciate why it would be so gratifying, my recent years with the Holocaust Memorial Council has made it quite clear. Let me explain.

Recent years have seen an explosion of articles and books about the failure of American Jews to do enough to save some of the six million victims of Hitler's genocide. I sometimes think this exercise is excessively accusatory and guilt-ridden. But perhaps not. Let the examination continue. But for me the primary lesson of that period has always been clear. It is that, with all the good intentions and all the anguish felt and expressed by American Jews in the Thirties and the Forties, the Jewish community had not yet developed the political know-how, the political clout, the political effectiveness that we have today. It boggles the mind—and it pains the heart—to ask this simple question: If in the late Thirties and early Forties we had developed the lobbying effectiveness and the coalitional supports that we have today—the ability to muster 70 or 80 Senators, 300 or 400 Congressmen, sometimes in a single day or week, to express their collective anguish and their collective demands when Israel is threatened or when Soviet Jewry needs special support—if we had had that kind of community capability, for example, to press Roosevelt and his White House associates to spare a single plane to bomb the railroad tracks to Auschwitz—or to open our doors to more refugees—yes, it is painful to ask, how many of those six million might have been spared?

That number—six million—keeps repeating itself in my mind over and over again. Not only because among those six million were the 80 of my own blood relatives in Poland—but because that also is the combined number today of Israeli Jews and Soviet Jews who demand our vigilant attention every day of our lives—And six million is also the number of Jews in our own beloved America—six million fortunate enough to live in this free land, but also fortunate to be in a position to take action on behalf of the other six million.

So I feel good about being a part of the Jewish effort to make our people secure in a world still so hostile to us. But I feel fortunate also about being able to do it here in the nation's capital I came to this "shtetl" for one year—and am now in my 37th! What years these have been! Not that every memory of these years is a happy one. Surely not the day of the Kennedy funeral. Nor the day that terrorists invaded the B'nai B'rith headquarters.

But today I choose to remember some glorious days in Washington and to express profound thanks for having responsibilities that made it possible to witness and even to

be a part of some of them. How can I ever forget the good fortune I had to obtain a precious pass to the Senate gallery that night in 1954 when Joe McCarthy was finally repudiated and censured by the Senate? Or that afternoon in 1963, stretched out tired on the grass at the Lincoln Memorial, and jumping to my feet when it was clear that Martin Luther King had started what was bound to be a historic speech about a dream, in his words, for "all of God's children."

Or that morning in 1971, when the Prime Minister of Israel, looking like everybody's grandmother right off the ship, stood next to the President of the United States on the South Lawn of the White House—surrounded by hundreds of American and Israel flags—and then, without warning or announcement, I heard the most magnificent rendition of Hatikvah being played, played by the U.S. Marine band. Yes, Marine band. There I was, a man in his Fifties, trying unsuccessfully to hold back tears.

And seven years later there was another White House meeting, this time on the North lawn. Again, an American President and an Israeli Prime Minister. But this time joined by an Egyptian President—signing the historic Camp David peace treaty.

And how can I not mention one more memorable White House gathering, this time in the East Room. At a Yom Hashoa ceremony, with the President and Cabinet members and Senators and Congressmen present—to hear a Cantor from Atlanta singing the Yiddish words of H. Leivik. Yiddish in the White House!

To remember such events is to feel reassured that there is no conflict between our great love for this blessed land of ours and our deep feelings for Israel and for our Jewishness—that not only are such feelings compatible, they are mutually reinforcing.

But, finally, there is one moment I consider perhaps the finest of all—and there is nothing explicitly Jewish about it. Nothing Jewish? In some ways, it's the most Jewish of all. It was way back in 1949, the year before I came to work and live here. I was an economist with the Amalgamated Clothing Workers. We were supporting an increase in the federal minimum wage to 75 cents an hour. Yes, 75 cents. We decided that in addition to so-called expert witnesses, we should bring to the Senate hearing what is known as a "victim" witness, someone for whom the 75 cents would have direct meaning. We located a woman aged about 30, a shirtmaker from Tennessee. She was to sit next to me, say a few words, and answer questions about her standard of living at the 40 or 50 cents an hour she was then earning. She was nervous, wasn't sure what she'd be able to say. I tried to calm her, kidded her about holding her hand under the witness table. And then she did her job. I have goosepimples whenever I recall one particular piece of her testimony. I have gone to the transcript so I can read to you the exact words:

(Ora Green): "My youngest girl, she's 9 now, goes straight to the piano when we go to a house where they have one. She does want to learn to play the piano so bad. I've thought that maybe I could save 50 cents or a dollar a week to buy a second-hand piano for her, no matter how old or battered it was. But try as hard as I can, and save and squeeze, I haven't found a way to do it yet."

By this time, the Senators had stopped shuffling papers before them. They had leaned forward and were looking directly at this woman from Tennessee. She went on: "Maybe I've been foolish to talk to you people about music for one of my children when the main question is getting enough to eat and wear, or blankets to put on the bed, or even a chair to sit on. But down in Tennessee we love music, and factory workers don't live by bread alone any more than any one else does."

I cherish that memory because it tells us so much . . . It tells us that in every human being there is indeed a spark of the divine; that even hard-nosed cynical Senators can be affected by a cry of anguish; and that with all its limitations, our American democracy makes it possible for such precious moments to occur. And, of course, it tells us how important it is never to stop caring about shirt workers in Tennessee or grape pickers in California or the 40 percent of Black youngsters unable to find jobs.

This luncheon today is sponsored by a Jewish newspaper. My work as a Jewish advocate is being recognized. I speak to you today as a proud Jew. What makes me particularly proud is that over the years we have defined our Jewishness, our Judaism, as a commitment to justice for all people, to peace for all people, to freedom for all people. Such a commitment to universal justice, I will always believe, does not shortchange our Jewish interest; it is, in fact, the only way to protect such interests.

I started by quoting Hillel's famous admonition. Everybody quotes it these days. It's become almost a bumper-sticker or T-shirt logo. But is it really understood? I said it was the guideline for my life's work. Yet I know how much I have failed fully to live up to my own standard.

But if it should indeed be true that in my lifetime I have helped even one Jew—or one Haitian or one Pole—escape persecution; if indeed I have helped even one ghetto youngster escape from poverty; if indeed I have helped one daughter of a Tennessee shirtmaker get to play on her own piano—if these things are true, then all that is left for me to say is that I thank God that I was given the opportunities to make some personal contribution, small as it might be, to making life a little bit easier, a little bit sweeter, a little bit more secure, for some fellow human beings.

And I thank each of you for coming here today to share with me that sense of appreciation.

KEN READ—YACHTSMAN OF THE YEAR

HON. JOHN H. CHAFEE

OF RHODE ISLAND

IN THE SENATE OF THE UNITED STATES

Wednesday, April 23, 1986

● Mr. CHAFEE. Mr. President, I rise today to honor a young man, who is one of the world's premier sailors. Ken Read of Newport, RI, was recently honored by Rolex Watch and the New York Yacht Club as the "Yachtsman of the Year." It should be noted that previous winners of this award included Ted Turner, Dennis Conner, and the skipper of *America II,* John Kolius.

Ken received this honor in part for winning the 1985 J/24 World Championship in Japan and the J/24 North American Championship for the second year in a row, and also because he has won dozens of regional and national events over the past few years. The J/24 is the most competitive class of sailing and at age 24, Ken is the best.

Ken has been sailing on Narragansett Bay since the age of six, and while in high school at Providence Country Day, he was a leading junior sailor. Ater being one of the most highly recruited high school sailors, he chose Boston University, where he was named All-American three times.

I join with all Rhode Islanders in congratulating Ken for this exciting honor and extending best wishes for success in his future endeavors.●

LEGISLATION TO AMEND THE PACKERS AND STOCKYARDS ACT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. GEKAS. Mr. Speaker, very shortly I will be introducing a measure to amend the Packers and Stockyards Act of 1921 to extend the existing jurisdiction of the U.S. Department of Agriculture's Packers and Stockyards Administration over the poultry and egg industries. The measure will be nearly identical to H.R. 2970, introduced by me earlier, except for some technical changes and the inclusion of egg producers under the provisions of the P&SA Act.

The following discussion provides background on the issue and my proposal.

Mergers, acquisitions and bankruptcies in the poultry—broiler—industry have created a decline in the number of firms that now produce more products with a higher per capita consumption than pork. Currently, the industry consists of approximately 200 slaughtering firms that operate 345 federally inspected plants. In addition, there are an estimated 50 nonslaughtering dealer operations that buy and sell live poultry and/or have contract growout operations. In the last 3 years, there have been 6 operations that have gone bankrupt, owing 1,983 growers approximately $14.3 million.

Currently, poultry growers are not afforded payment and trust protection that is comparable to that provided to livestock producers under the Packers and Stockyards Act [PSA] and fruit and vegetable growers under the Perishable Agricultural Commodities Act [PACA]. Poultry growers want and need the same protections that are afforded to producers in other agricultural markets. Concern has been expressed over the extent to which poultry integrators dictate payment terms, and the extent to which they are able to force growers to carry them financially by failing to pay in a timely manner. The current status of poultry growers in the event of a failure of the integrator is the same as that of unsecured creditors. My proposal will provide for the same prompt payment and trust protection to poultry growers and sellers that has been provided to livestock producers since 1976.

Under the present law, the Packers and Stockyards Administration lacks the authority to correct the serious problems in the poultry industry to the detriment of the poultry growers. PSA's jurisdiction under the act over poultry integrators as "live poultry dealers or handlers" is continuously being challenged in both government and private actions to the point where enforcement of the existing provisions has become frustration, expensive, and virtually ineffective. My bill would clarify the jurisdictional question by redefining the poultry industry as it is presently structured.

In the area of poultry, unlike red meat, administrative procedures are denied to PSA under the act. Enforcement actions against poultry firms must be sought through the Department of Justice and the U.S. courts, a very time consuming and costly venture for both parties. Moreover, in the area of unfair business practices, the regulatory nature of the actions that are sought could better be served through administrative channels than through the already overloaded U.S. district courts. The proposed legislation would provide administrative remedies over poultry firms, thus ensuring the same treatment for both red meat and poultry firms.

The poultry industry consistently questions the jurisdiction and investigative activities of the Packers and Stockyards Administration in poultry product marketing. The proposed legislation would resolve the issue of jurisdiction over the marketing of dressed poultry products and would ensure the same treatment for both red meat and poultry with regard to product marketing.

Statistics show a continuing trend toward the merging of the red meat and poultry industries. A large number of poultry firms and livestock slaughter-processors handle and/or market both products. Of the 50 largest slaughter-processors of red meat, 44 also hold grants of poultry inspection. Of the 50 largest poultry firms, 30 also process or distribute red meat. Exempting from regulation poultry transactions of combination poultry and red meat firms with respect to any function—slaughtering, processing, brokering, or wholesale distribution—would create an unfair and impractical enforcement situation for both the industry and the Packers and Stockyards Administration.

In recent years, poultry has become a growth leader in the meat industry in terms of per capita consumption. Per capita consumption of poultry, which already surpasses pork, is forecast to surpass beef in the late 1980's. In view of the fact the red meat and poultry firms continue to actively compete for a share of the consumer purchases, it is also impractical and inequitable that competing firms be subject to different regulatory rules.

The case against Marshall Durbin & Co., Inc., is illustrative of some of the problems that are experienced in seeking enforcement through the U.S. district courts. A complaint was filed through the Department of Justice in July 1984, alleging that the defendants' weighing procedures for live poultry constituted an unfair, unjustly discriminatory, and deceptive practice under the Packers and Stockyards Act. The case was not tried until May 1985. A final judgment was issued on October 1985; subsequently, the Government filed a motion seeking more specific relief against the defendants. An amended judgment was issued in January 1986. This judgment did not, however, provide the relief that was sought but rather ordered a 6-month period of operation under the October 1985, judgment, during which the Government can further evaluate the firms' weighing practices with regard to the allegation of discrimination. After a period of 20 months since the filing of the complaint, no final resolution has been reached in this matter in the U.S. district courts.

As stated, the bill that I will be introducing after gathering original cosponsors will amend the Packers and Stockyards Act of 1921 to provide the producers of broilers and table eggs with the same financial protection under the Packers & Stockyards Act as is provided the red meat industry. In addition to providing prompt payment and statutory—packer—trust for the poultry producer, the bill will also amend the act by extending the bonding, custodial account, solvency, temporary restraining order, and preparations and private action provisions to the poultry industry.

The enactment of this legislation should not increase the cost of poultry products to the consumer nor result in any increases in budget outlays for the Packers and Stockyards Administration. In fact, providing the PSA with administrative procedure authority in the poultry industry could save hundreds of thousands of dollars because they would not have to bring enforcement actions against poultry firms through the Department of Justice and the U.S. courts.

I hope that my colleagues will join me in cosponsoring my proposal. The text of the proposal follows.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182), is amended by striking out "and" at the end of paragraph (5), by redesignating paragraph (6) as paragraph (11), and by inserting after paragraph (5) the following new paragraphs:

"(6) the term 'poultry' means chickens, turkeys, ducks, geese, and other domestic fowl;

"(7) the term 'poultry product' means any product or by-product of the business of slaughtering poultry and processing poultry after slaughter;

"(8) the term 'poultry grower' means any person engaged in the business of raising and caring for live poultry for slaughter by another, whether the poultry is owned by such person or by another, but not an employee of the owner of such poultry;

"(9) the term 'poultry growing arrangement' means any growout contract, buy and sell agreement, marketing agreement, or other arrangement under which a poultry grower raises and cares for live poultry for delivery, in accord with another's instructions, for slaughter;

"(10) the term 'live poultry dealer' means any person, other than a packer or a poultry grower, engaged in the business of obtaining live poultry by purchase or poultry growing arrangement and selling it for slaughter by another, if poultry is obtained by such person in commerce, or if poultry obtained by such person is sold or shipped in commerce, or if poultry products from poultry obtained by such person are sold or shipped in commerce; and".

SEC. 2. Section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191), is amended—

(1) by inserting in subsection (a) "or obtaining, by purchase or poultry growing arrangement, live poultry for slaughter, if poultry is obtained by such person in commerce, or poultry products from poultry obtained by such person are sold or shipped in commerce," after "slaughter,";

(2) by inserting in subsection (b) "or poultry products" after "meat food products"; and

(3) by inserting in subsection (c) ", or poultry products," after "unmanufactured form".

SEC. 3. Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended in subsection (c) thereof by striking out "any such packers" and inserting in lieu thereof "any such persons".

SEC. 4. Sections 202, 203, 204, 205, 401, and 403 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 192, 193, 194, 195, 221, and 223), are amended by inserting "or live poultry dealer" after "packer" wherever it appears therein.

SEC. 5. The Packers and Stockyards Act, 1921, is amended by inserting after section 206 the following new section:

"SEC. 207. (a) It is hereby found that a burden on and obstruction to commerce in poultry is caused by financing arrangements under which packers, live poultry dealers, or both, encumber, give lenders security interest in, or place liens on, poultry obtained by such persons by purchase in cash sales or by poultry growing arrangements, or on inventories of or receivables or proceeds from such poultry or poultry products therefrom, when payment is not made for the poultry and that such arrangements are contrary to the public interest. This section is intended to remedy such burden on and obstruction to commerce in poultry and protect the public interest.

"(b) All poultry obtained by a live poultry dealer or packer, by purchase in cash sales or by poultry growing arrangement, and all inventories of, or receivables or proceeds from such poultry or poultry products derived therefrom, shall be held by such live poultry dealer or packer in trust for the benefit of all unpaid cash sellers or poultry growers of such poultry, until full payment has been received by such unpaid sellers or growers, unless such live poultry dealer does not have average annual sales of live poultry, or such packer does not have average annual value of live poultry obtained by purchase or by poultry growing arrangement, in excess of $100,000.

"(c) Payment shall not be considered to have been made if the seller or poultry grower receives a payment instrument which is dishonored.

"(d) The unpaid seller or poultry grower shall lose the benefit of such trust if, in the event that a payment instrument has not been received, within thirty days of the final date for making a payment under section 410, or within fifteen business days after the seller or poultry grower has received notice that the payment instrument promptly presented for payment has been dishonored, the seller or poultry grower has not preserved his trust under this section. The trust shall be preserved by giving written notice to the packer or live poultry dealer and by filing such notice with the Secretary.

"(e) For the purpose of this section, a cash sale means a sale in which the seller does not expressly extend credit to the buyer.".

SEC. 6. Section 308 of the Packers and Stockyards Act, 1921 (7 U.S.C. 209), is amended by inserting "or poultry, or in connection with any poultry growing arrangement," after "livestock".

SEC. 7. Section 408 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228a), is amended by inserting "or poultry or poultry products, or has failed to pay any poultry grower what is due on account of poultry obtained under a poultry growing arrangement," after "unmanufactured form,".

SEC. 8. The Packers and Stockyards Act, 1921, is amended by redesignating sections 410 and 411 as sections 411 and 412, respectively, and by inserting after section 409 the following new section:

"SEC. 410. (a) Each live poultry dealer or packer obtaining live poultry by purchase in a cash sale shall, before the close of the next business day following the purchase of poultry, and each live poultry dealer or packer obtaining live poultry by poultry growing arrangement shall, before the close of the seventh business day following the week in which the poultry is slaughtered, deliver, to the cash seller or poultry grower from whom such live poultry dealer or packer obtains the poultry, the full amount due to such cash seller or poultry grower on account of such poultry.

"(b) Notwithstanding the provisions of subsection (a) of this section, and subject to such terms and conditions as the Secretary may prescribe, the parties to the purchase and sale of poultry other than under a poultry growing arrangement may expressly agree in writing, before such purchase or sale, to effect payment in a manner other than that required in subsection (a). Any such agreement shall be disclosed in the records of, and on the accounts or other documents issued by, any live poultry dealer or packer which is a party to any such transaction, relating to the transaction.

"(c) Any delay or attempt to delay, by a live poultry dealer or packer which is a party to any such transaction, the collection of funds as herein provided, or otherwise for the purpose of or resulting in extending the normal period of payment for poultry obtained by poultry growing arrangement or purchased, shall be considered an 'unfair practice' in violation of this Act. Nothing in this section shall be deemed to limit the meaning of the term 'unfair practice' as used in this Act.".

SEC. 9. The last sentence of the paragraph beginning "Packers and Stockyards Act:" under the centerheading entitled "Marketing Service" within the first section of the Department of Agriculture Appropriation Act, 1944 (7 U.S.C. 204), is amended—

(1) by inserting ", poultry, or eggs" after "livestock" both places it appears therein; and

(2) by inserting "or egg purchaser" after "packer" both places it appears therein.

SEC. 10. Title V of the Packers and Stockyards Act, 1921 (7 U.S.C. 218, 218a, 218b, 218c, and 218d), is amended to read as follows:

"TITLE V—EGGS

"SEC. 501. When used in this Act—

"(1) The term 'eggs' means eggs produced by poultry, whether for human consumption or other purposes;

"(2) The term 'egg producer or supplier' means any person engaged in the business of caring for live poultry (whether or not owned by such person) for production of eggs for delivery to another by sale or egg production arrangement, or engaged in the business of non-retail sale of eggs, but not an employee;

"(3) The term 'egg production arrangement' means any arrangement, whether or not reflected in a written memorandum of agreement, in which an egg producer or supplier cares for live poultry for production of eggs for delivery to another otherwise than by sale; and

"(4) The term 'egg purchaser' means any person engaged in the business of obtaining eggs, from any others not employees of such person regardless of who owns the poultry producing such eggs, by purchase or egg production arrangement, for sale of eggs or products derived from eggs, for manufacture of products derived from eggs, or for hatching, if eggs are obtained by such person in commerce, or if eggs obtained by such person or products derived from such eggs are sold or shipped in commerce.

"SEC. 502. Sections 202, 203, 204, 205, 401, and 403 of this Act (7 U.S.C. 192, 193, 194, 195, 221, and 223) shall be applicable, with respect to eggs and products derived from eggs, to egg purchasers, officers, directors, employees and agents thereof, and transactions of, between, or among, such persons.

"SEC. 503. (a) It is hereby found that a burden on and obstruction to commerce in eggs is caused by financing arrangements under which egg purchasers encumber, give lenders security interest in, or place liens on, eggs obtained by such persons by purchase in cash sales or by egg production arrangement, or on inventories of or receivables or proceeds from such eggs or products therefrom, when payment is not made for the eggs and that such arrangements are contrary to the public interest. This section is intended to remedy such burden on and obstruction to commerce in eggs and protect the public interest.

"(b) All eggs obtained by an egg purchaser, by purchase in a cash sale or by egg production arrangement, and all inventories of, or receivables or proceeds from such eggs or products derived therefrom, shall be held by such egg purchaser in trust for the benefit of all unpaid egg producers or suppliers of such eggs until full payment has been received by such unpaid producers or suppliers, unless such egg purchaser does not have average annual value of eggs obtained in excess of $100,000.

"(c) Payment shall not be considered to have been made if the egg producer or supplier receives a payment instrument which is dishonored.

"(d) The unpaid egg producer or supplier shall lose the benefit of such trust if, in the event that a payment instrument has not been received, within thirty days of the final date for making a payment under section 507, or within fifteen business days after the producer or supplier has received notice that the payment instrument promptly presented for payment has been dishonored, the producer or supplier has not preserved his trust under this section. The trust shall be preserved by giving written notice to the egg purchaser and by filing such notice with the Secretary.

"(e) For the purpose of this section, a cash sale means a sale in which the seller does not expressly extend credit to the buyer.

"SEC. 504. Section 308 of this Act (7 U.S.C. 209) shall be applicable to egg purchasers with respect to transactions in eggs with egg producers or suppliers.

"SEC. 505. Section 406 of this Act (7 U.S.C. 227) shall be applicable with respect to eggs.

"SEC. 506. Section 308 of this Act (7 U.S.C. 228a) shall be applicable to egg purchasers and any transaction in which any egg producer or supplier.

"SEC. 507. (a) Each egg purchaser obtaining eggs from any egg producer or supplier shall, before the close of the seventh business day following transfer of possession of the eggs, deliver, to the egg producer or supplier from whom such egg purchaser obtains the eggs, the full amount due to such egg producer or supplier on account of such eggs.

"(b) Nothwithstanding the provisions of subsection (a) of this section, and subject to such terms and conditions as the Secretary may prescribe, the parties to a purchase and sale of eggs other than under an egg production arrangement may expressly agree in writing, before such purchase or sale, to effect payment in a manner other than that required in subsection (a). Any such agreement shall be disclosed in the records of, and on the accounts or other documents issued, by, any egg purchaser which is a party to any such transaction, relating to the transaction.

"(c) Any delay or attempt to delay, by an egg purchaser which is a party to any such transaction, the collection of funds as herein provided, or otherwise for the purpose of or resulting in extending the normal period of payment for eggs obtained by purchase or egg production arrangement, shall be considered an 'unfair practice' in violation of this Act. Nothing in this section shall be deemed to limit the meaning of the term 'unfair practice' as used in this Act.".

THE SESQUICENTENNIAL OF VERMONTVILLE, MI

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. WOLPE. Mr. Speaker, I want to pay special tribute today to the village of Vermontville, MI, on the occasion of its sesquicentennial celebration. It is a special town—its people are warm, good-natured, industrious people, and Vermontville itself has a charm all its own. I've had the privilege of representing Vermontville in Congress for several years now. I have many friends there, and it's always a pleasure going back.

Indeed, a visit to Vermontville is a sweet experience in more ways than one. This is because Vermontville is known widely for its maple syrup. The first settlers in the town learned about maple syrup production from the Pottawatomie Indians. Fortunately for the rest of us, Vermontville residents have been making maple syrup since. Anyone who has tasted pancakes with Vermontville syrup knows one of the exalted experiences in life that defy description. The citizens of Vermontville celebrate their town's best-known product every April, and rightly so. I would advise all the gourmets among my colleagues to settle for nothing less than Vermontville syrup on their waffles. No imitation can compare.

Vermontville has an interesting and, in an important respect, a distinctive history. The town got its name because its original residents were a band of sturdy settlers from Vermont. On March 27, 1836, while still in New

England, they adopted a constitution of the Union Colony and immigrated to Michigan later that year. This constitution was unique: No other town or territory in our history has ever been organized in quite the same way.

The move West was not an easy project. It began in 1835, when a congregational minister from east Poltney, VT, named Sylvester Cochrane traveled to Michigan looking for a site for a permanent community. In April 1836, a month after the constitution was adopted, Waite J. Squier, S.S. Church, and William G. Henry left Vermont with the Union Colony's funds to purchase land for the settlement. Their compatriots followed. Soon after the settlers' arrival, the Congregational Church was organized with Cochrane as pastor.

These early settlers attached great importance to the education of their children, which has become a traditional value of Vermontville. The town's first school, in a modest log schoolhouse, opened its doors in 1838. Another landmark of Vermontville's early days, nearly as significant, was the establishment of the first post office, with Dewey H. Robinson as postmaster.

Vermontville has been going strong for 150 years. There is much in the town's history to be proud of. But this is also a time to celebrate its present and future—the residents who work hard, raise their families, help their neighbors, and contribute to their community. I wish the townspeople, and their children and grandchildren, another 150 years of happiness and prosperity.

THE USTTA REMAINS A VITAL FORCE AGAINST TERRORISM

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. BONER of Tennessee. Mr. Speaker, as chairman of the Congressional Travel and Tourism Caucus, I have consistently urged that the United States Travel and Tourism Administration [USTTA] be adequately funded as our Nation's official tourism office overseas. USTTA promotes our country as a tourist destination to international visitors through exciting and innovative programs and by maintaining nine regional offices abroad.

Recently in response to terrorist attacks against Americans overseas, USTTA has taken on a new and added responsibility. The Under Secretary of Commerce for Travel and Tourism, Donna Tuttle, and her staff have quickly responded to an urgent need for the public to be informed about measures instituted by our Government to improve traveler security. USTTA received numerous requests for information about safety conditions abroad from the general public, travel agents and others in the travel industry.

Under Secretary Tuttle called for the establishment of an information clearinghouse to consolidate the various statistics and other material available from the Government, the press and the private sector. This information in turn could be used in discussions between the United States and foreign governments, and as a guide to reacting to further terrorist incidents.

Eric Friedheim, editor and publisher of the Travel Agent magazine, recently wrote an editorial which clearly spells out the crucial role USTTA may play as a liaison between the Government and the American traveler who is trying to determine the risks involved in foreign travel. I believe Mr. Friedheim's article is very timely considering that the administration has recommended eliminating USTTA at a time when it is being called on to perform yet another valuable function.

THE USTTA REMAINS A VITAL FORCE AGAINST TERROR

The latest terrorist incident proves once again why the survival of the U.S. Travel and Tourism Administration is so vital. With the travel industry predictably in shock over the tragedy high above Greece, a responsible and authoritative government voice is sorely needed. Only USTTA is in a position to respond realistically and intelligently to the concerns of the media, the industry and the international traveler.

Tourism Undersecretary Donna Tuttle and her staff have created an effective liaison between the public and private sectors. In fact, it is the only place individuals and organizations can turn to for reliable answers about the terrorism situation and other critical issues.

LOTS OF WATCHDOGS

A number of government bureaus deal with domestic and foreign travel; the Transportation Dept. oversees airlines; two maritime units monitor passenger shipping; passports are issued by the State Dept., and its missions abroad offer assistance to American tourists; Interior controls the national parks; Treasury and Immigration are deeply involved in tourism, keeping an eye on the millions who enter and leave this country each year.

Yet in times of crisis, such as this week's TWA bombing, only the State Dept. can issue travel advisories and offer reasonably valid appraisals and comments. Unfortunately these often are based on policy. The department's officials, while generally knowledgeable about a particular occurrence, often are too remote from the industry and news reporters. Even the White House too often is not the best place to seek information.

On the other hand, USTTA—while not always privy to intelligence available at higher policy levels—has dependable ways to find out what the industry and tourists need to know about a situation critical to tourism.

Nevertheless, the Reagan Administration is out to abolish the nation's official travel bureau and wants Congress to spend $4 million to dismantle it.

If USTTA goes, the industry will be hard-pressed to get its story across to a sympathetic ear in the nation's capital.

LOOK AT THE RECORD

On terrorism, for example, Tuttle has done much to establish the Travelers' Security Policy Council, an information clearinghouse.

In addition, foreign governments continually seek USTTA advice on how to improve and develop their tourism industries. Tuttle's policy has been to provide as much assistance as possible since the American travel business has substantial investments abroad and tourism is a two-way street.

On terrorism, she recently told the House Commerce subcommittee:

"I believe that foreign leaders must stand with the United States in its decision to impose economic sanctions against countries which harbor and abet terrorists.

"At the very least, they must reexamine their visa policies and tighten up on entry procedures . . .

"Another step governments should take is to ensure that their agencies charged with traveler safety make available information on travel conditions and security measures being taken.

"Consumers who are uninformed about conditions cannot be expected to make rational decisions about their travel plans. It is not the known that frightens people. It is the unknown."

Meanwhile, USTTA is further demonstrating the benefits of making tourism flow in both directions. The agency is becoming involved in the Caribbean to encourage local governments in building up their tourist trade. Ironically, this program is part of the president's own Caribbean Basin Initiative.

IN THE CARIBBEAN

Though the primary mission of USTTA is to develop inbound tourism. Tuttle notes that if the Caribbean countries improve their financial condition by exporting tourism to U.S. citizens, the American economy will accrue substantial benefits, boosted particularly in Florida and other Gulf states.

It is conceivable Congress will again realize the necessity of USTTA and refuse the president's plea to kill it. But the industry should take no chances. It is a matter of urgency that it resist this shortsighted proposal and mobilize quickly to save an agency so vital to its economic well being.

CALIFORNIA STATE UNIVERSITY AT DOMINGUEZ HILLS: TWENTY-FIVE YEARS OF DISTINGUISHED SERVICE TO CALIFORNIA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. DYMALLY. Mr. Speaker, the foundation stones of any great institution are leadership, stability, and vision. California State University at Dominguez Hills has been built on just such foundation stones. Today, in its 25th year of existence, it is among the sturdiest and most productive institutions in the California State College and University System. During the whole of this year the university and its many, many supporters are celebrating those first 25 years and looking forward with relish to the challenges of the next 25.

The astounding growth of the university owes in large part to the three exceptional presidents who have led the university through its first quarter century. Leo Cain, Donald Gerth, and Richard Butwell have each made solid and lasting contributions to the university's development.

Perhaps the most uncertain years for the university were its first ones. Gov. Pat Brown signed the legislation authorizing the new campus in 1960. Money was appropriated to purchase the site in 1962. And in 1962 Dr. Cain was appointed president of the college. With great skill, Leo Cain maneuvered the university through the politically treacherous process of site selection, oversaw the actual

building of the university, and helped to pack up the university and move it from temporary site to temporary site until it found its permanent home on 346 acres of the Dominguez and Carson Estate. That day in June 1967 when William Hart, Pamela Striplin, Othilie Moritz, and Sharon Chambers made up the whole of the first graduating class was a proud day for Leo. His labors had borne their first fruit. Now, more than 18,000 productive citizens of California and the Nation owe their higher education to California State University at Dominguez Hills. Leo Cain's 13 years in the presidency at Dominguez Hills gave the institution the steady, reliable, and wise leadership that was essential to its healthy initial development. Dr. Cain's own professional training was in the field of school psychology. Dominguez Hills' Educational Resources Center is named the Leo F. Cain Educational Resources Center. It is a fitting tribute because Leo's University has become an important educational resource for the State and the Nation.

The steady progress of Dominguez Hills is evidenced by the fact that in 1977, just 2 years after Dr. Donald Gerth assumed the presidency, Dominguez Hills was awarded "State University" status. In California higher education circles, Donald Gerth is regarded as an educational genius. His vision, his sense of what the educational needs of the future will be, and, more importantly, his ability to implement precisely the changes that will meet the needs of the future, have earned him the highest respect among his colleagues. One indication of that vision is the effort Donald made to establish a working relationship between industry and the university. The partnerships he helped establish have benefited Dominguez Hills in readily visible ways. Dominguez Hills, for example, was the recipient of a $3,000,000 gift from the Southland Corp. to build the 7-Eleven Olympic Velodrome on the campus for the 1984 Olympics. The Velodrome was the first of the new facilities built in preparation for the Olympics. A Federal grant won during the same period built the university's swimming pool. A special sensitivity Dr. Gerth brought to the university was a deep understanding of cultural and sociological factors affecting the education of Americans of Asian descent. He is both formally trained in Asian studies and has lived and worked extensively in Southeast Asia. Southern California is a primary settlement area for immigrants of Asian descent, and thanks to Dr. Gerth, Dominguez Hills has been especially well suited to the educational needs of students from the spectrum of Asian backgrounds.

It is fortunate for these students that Dr. Gerth's departure in 1984, after 9 years of exceptional service, to assume the presidency of California State University at Sacramento did not diminish the commitment of Dominguez Hills to its culturally diverse student body. Dr. Richard Butwell, who assumed the presidency in August 1984, is, like Dr. Gerth, a political scientist with special expertise in Asian and Pacific affairs. Given that future trade growth for the United States will concentrate on Pacific rim nations, and given that California is in the best of positions geographically to benefit from such trade, Dominguez Hills' choice of presidents is propitious. I wish Dr. Butwell a long and fruitful tenure as president of Dominguez Hills. His assumption of the presidency coincides with the appointment of W. Ann Reynolds to the chancellorship of the State College and University System. The dynamism these two leaders bring to the university and to the entire system is infectious and bodes well for all higher education in California. The past quarter century has seen California State University at Dominguez Hills grow from idea to healthy reality. Dr. Butwell will lead the university confidently toward the half century milestone. The university has had a glowing history of progress. But to paraphrase our former Governor, President Reagan, If you think the last 25 years were something, well then, stand back because you ain't seen nothin' yet!

NINTH SPECIAL SESSION OF THE UNITED NATIONS COMMISSION ON NARCOTIC DRUGS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. GILMAN. Mr. Speaker, the Ninth Special Session of the United Nations Commission on Narcotic Drugs [CND] was held in Vienna, Austria, February 10–14, 1986. Prior commitments prevented me from attending this important session, but a copy of my remarks was distributed to those participating. The U.S. delegation was led by Jon R. Thomas, Assistant Secretary of State for International Narcotics Matters [INM], who has recently resigned his post after a year and half of outstanding service in the global fight against drug trafficking and drug abuse.

The other members of the U.S. delegation were: Jerold Mark Dion, Deputy Assistant Secretary of INM; Carlton E. Turner, Special Assistant to the President for Drug Abuse Policy; Advisors Bruce K. Chapman, U.S. Representative to International Organizations, Vienna; James R. Cooper, M.D. Associate Director, National Institute of Drug Abuse; James Ferrer, Deputy U.S. Representative to the U.N. Economic and Social Council; Dianne Graham, INM; Gene R. Haislip, Deputy Assistant Administrator Drug Enforcement Administrative; F. Gray Handley, Jr., Office of Health and Transportation Programs, Bureau of International Organization Affairs, Department of State; Louis Kahn, U.S. Mission to International Organizations, Vienna; Stuart L. Nightingale, M.D. Associate Commissioner for Health Affairs, Food and Drug Administration; Charles Saphos, Criminal Division, Department of Justice; James Shaver, Assistant Commissioner, U.S. Customs Service; and Ray A. Meyer, Office of the Legal Adviser, Department of State.

This year the special session took on added significance. At the request of the U.N. General Assembly in 1985, the special session was charged with the task of acting as the first preparatory conference for the world conference on drug abuse and drug trafficking to be held in Vienna in 1987. This preparatory activity took place during the week of February 17–21.

Two major issues were discussed by the 40-member Commission during the first week: a new convention on drug trafficking and the scheduling of 17 substances into the 1971 Convention on Psychotropic Substances. In regard to the new drug trafficking convention, the Commission adopted a resolution requesting the U.N. Secretary-General to prepare a preliminary draft of such a convention which would include such key elements as the seizure and forfeiture of assets, strengthening national laws and penalties for drug trafficking offenses, and controls on the delivery of precursor chemicals used in the manufacture of controlled substances. The draft proposal will be presented to the CNB at its 32d regular session next year. The resolution specifically requests member country comments on the contents of the preliminary draft by August 15, 1986. The draft will be circulated by October 30, 1986. It is important to note that the U.S. delegation took a key leadership role in organizing a working group to negotiate a final text for presentation to the full CND and seeing to it that all essential elements, even those not supported by all nations, were included in the draft.

The scheduling of 17 substances into the 1971 Convention on Psychotropic Substances followed closely the recommendations made by the World Health Organization [WHO]. The U.S. delegation came prepared to support 10 of the 17 substances recommended by WHO, and to support alternative scheduling controls for the seven remaining substances. While none of the seven U.S. supported alternatives were adopted, it is important to note that CND recommendations in this area have little or no effect on current domestic scheduling requirements.

As previously noted the second week of the CND was devoted to a preparatory conference for the 1987 World Conference on Drug Abuse and Drug Trafficking. Draft rules of procedure were adopted, and following emphasis by the United States, the scope of the agenda will provide for a balanced discussion of all issues including both supply and demand reduction, drug trafficking, treatment, and rehabilitation. It was also agreed that all issues would be addressed from a technical point of view, with no room for politicization or the discussion of extraneous political issues.

Mr. Speaker, my remarks, which were distributed at the Ninth Special Session of the CND, follow:

STATEMENT OF HON. BENJAMIN A. GILMAN, MEMBER OF THE U.S. CONGRESS, AT THE NINTH SPECIAL SESSION OF THE UNITED NATIONS COMMISSION ON NARCOTIC DRUGS, VIENNA, AUSTRIA, FEBRUARY 10–14, 1986

Mr. Chairman, it is a pleasure to once again have the opportunity to present my views to the distinguished representatives of the United Nations Commission on Narcotic Drugs and to share the views of those attending on the critical issues of drug production, trafficking, and abuse throughout the world today. As you know, I participated in the Commission's 31st Session last year, accompanied by the distinguished Chairman of our Select Committee on Narcotics Abuse and Control, Charles B. Rangel. As Ranking Minority Member of the Select Committee I look forward to these meetings, because they afford us the opportunity to assist in

the formulation, development and implementation of strategies for the international control of illicit narcotic drugs.

No nation has managed to avoid the negative consequences of drug trafficking and drug dependency, which is jeopardizing the health of our citizens, and undermining our political, economic and social institutions. In the United States alone drug trafficking has grown to a $110 billion per year business activity, and the worldwide figure is incalculable. The criminal organizations which fuel these operations use their vast profits to produce and supply more and more drugs to unsuspecting and willing victims alike, and further, they use their profits to promote subversion, terrorism, and other criminal activities around the world.

The abuse of cannabis, cocaine, opiates, and other dependence-producing drugs continues at epidemic levels. This abuse has resulted in alarming reports of drug deaths and drug dependencies throughout the world. The number of heroin addicts in Western Europe has been conservatively estimated in the 350,000 range, and in the United States it exceeds 500,000. Opium production in Southeast and Southwest Asia continues at high levels and coca production in South America this year will result in an abudance of cocaine in the United States and Western Europe at greater potency and at reduced prices.

In addition, the ever-growing ruthlessness of the drug traffickers continues to intensify. In February of 1985, a U.S. Drug Enforcement Administration (DEA) agent was kidnapped and brutally murdered along with his Mexican pilot. In Bolivia, narcotics police have been tortured and killed and a recent siege of the Palace of Justice in Bogota, Colombia, by a terrorist organization seeking to destroy papers relating to extradition requests for known drug traffickers resulted in the deaths of over 100 people, including many Colombian Judges. In Peru, 19 eradication workers were murdered.

Despite all the news, there are increasing signs of hope, and I firmly believe that we meet at a time of great opportunity in the war against narcotics trafficking and abuse. Political stability, as well as any form of economic social order cannot co-exist with narcotics trafficking and rampant drug abuse. There is increasing evidence that traditional producer and trafficking nations are beginning to realize that their activities are coming back to haunt them. Under the leadership of a new and dynamic President, Peru has undertaken strong enforcement and eradication efforts. They have joined with neighboring governments and destroyed numerous cocaine production laboratories and airstrips. Colombia continues the strong enforcement efforts it initiated after the tragic 1984 murder of their Minister of Justice. Pakistan is currently working closely with a number of governments to reduce opium cultivation and herion processing, and the Government of Burma has outlined a comprehensive policy of opium eradication, the development of income alternatives for farmers, and provision for prevention and treatment programs for abusers.

These are but few of the positive signs I can point to. What is clear, however, is that if these actions are to be sustained, the close cooperation and financial support of the world community is essential. Since 1971, the United Nations Fund for Drug Abuse Control (UNFDAC) has sought to work closely with producing nations, to develop and finance eradication, and crop substitution programs through the contributions of U.N. participating nations. While they have done outstanding work with available funds, it is clear that financial support will have to be expanded and intensified. In spite of the vital role played by UNFDAC, only $70 million was contributed to the Fund from its inception in 1971 to the end of 1983. In 1984, only 39 of the 159 member nations of the United Nations contributed less than $12 million to the Fund. As of August 31, 1985, (the latest available figures for that year) only 41 nations or 25 percent of the United Nations membership contributed $15.6 million to the U.N. Fund. Given the billions of dollars reaped by the drug traffickers annually for their illicit activities, it is no wonder that our task has been viewed by some as nothing less than insurmountable. I call on all of the delegates to increase their commitment to UNFDAC, and to join in this urgent fight. The recent Interim Report of the United Nations Fund for Drug Abuse Control warns, in clear and forceful terms, that:

"An important moment of decision has been reached: if the international community does not persist in sustaining the present trend of increasing its financial and political support to UNFDAC, the unfulfilled expectations will become painful frustrations and perhaps even despair and resignation. The battle may be irrevocably lost. In contrast to this, with that strengthening of its financial resources to enable the launching of new projects at the points of most urgent need, UNFDAC could complement the work already in progress and reinforce the efforts of the developing countries, thus allowing them to join fully in the common front in the struggle against drug abuse, and drug traffic."

I urge of us to heed these words and to accept the challenge presented to us.

Finally, I would be remiss if I failed to mention the two recently adopted United Nations General Assembly Resolutions dealing with illicit narcotics. The first calls for the convening of a World Conference on Drug Trafficking in 1987. The Conference will be a key catalyst in raising international awareness and sensitivity regarding the problems of illicit drug trafficking and abuse, and I applaud the Secretary General for initiating this action. We wish the Commission every success as the preparatory body for the Conference. Second, the Commisison has been charged with deciding on the elements that will be included in the proposed draft convention against narcotics drugs and psychotropic substances recently passed by the General Assembly. Many nations have sustituted their views to the Secretary General on what they believe should be included, and I look forward to your recommendations in this most important process.

It is clear that these actions serve the critical purpose of raising the priority of narcotics control in our foreign policy initiatives, as well as increasing the awareness of the narcotics problem throughout the international community. No one nation acting alone can solve the problems that we face. Coordination and cooperation are the essential ingredients in the war against narcotics trafficking and abuse. There can be no weak links in this chain. The failure of any one nation to cooperate can mean failure for *all* of us. I urge you to join in this effort not only for the future of our laws and institutions, but for the future of our youth and the very fabric of all societies.

A BOOST OF THE MINIMUM WAGE IS OVERDUE

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. HAWKINS. Mr. Speaker, 9 years have elapsed since the Congress considered legislation to adjust the Federal minimum wage rate, and it has been 5 years since an estimated 6 million minimum wage workers received a wage increase. In addition to having borne the brunt of the big budget cuts of 1981 and the ravages of the ensuing recession, the working poor have been deprived by inflation of the full purchasing power of their meager wages. Since 1981, the last year of the minimum wage rate adjustments, there has been a 25-percent inflationary erosion of the real value of the minimum wage. It is time to address the economic plight of minimum wage workers in a meaningful manner. It is time to raise the minimum wage. With these concerns for the working poor in mind, I recommend to my colleagues the following policy statement of the National Council on Employment Policy. The council is a private, nonprofit organization of academicians, administrators, and policymakers with special interest and expertise in the area of employment and training.

The policy statement follows:

A BOOST OF THE MINIMUM WAGE IS OVERDUE

Since 1938, the federal government has maintained a floor under wages in order to guarantee a minimal socially acceptable standard of living for all protected workers. This floor has helped the working poor and has provided additional income to others with little bargaining power in the labor market. Despite these accomplishments, the need for an effective minimum has been ignored since 1981. The federal minimum has remained at $3.35 an hour; after adjusting for inflation, the value of the minimum hourly wage rate has declined by 26 percent since January 1981 and is now at its lowest real level since 1955. We believe the minimum wage should be restored to its traditional position and, in order to prevent future erosion, the minimum wage should be indexed to changes in the average private hourly wage rate.

BACKGROUND

Wages have been regulated throughout history either by custom or law. The need for strong governmental wage and hour regulation in the United States became clear at the turn of the 20th century as workers streamed from rural to urban areas to work in the expanding manufacturing sector, while immigrants flocked in from other lands in search of a better life. Men, women, and children often worked long hours for little pay.

The Fair Labor Standards Act of 1938 (FLSA) set a national wage standard for the first time in American history; it established a minimum hourly wage rate of 25 cents to be raised in steps to 40 cents seven years later. Since then, Congress has increased the minimum wage level on six occasions sometimes providing for a series of increases. The latest round of minimum wage amendments occurred in 1977, raising the hourly rate by steps to $3.35 in 1981.

71-059 O-87-39 (Pt. 6)

The 1938 act covered only one in every four workers. Ensuing amendments to the FLSA have expanded coverage and over 90 percent of private nonsupervisory employees are now subject to minimum wage laws. Over 10 million workers are excluded from the protection of the federal minimum wage law, excluding six million employees in service and retail; 1.2 million in finance, insurance and real estate; 938,000 in agriculture, and 525,000 in private households.

The Bureau of Labor Statistics estimated that in 1984 the earnings of roughly 8 million salaried and hourly workers were at or below the minimum wage level. Six million more received wages just above this level.

Using 1978 Current Population Survey data, the Minimum Wage Study Commission found that 42.5 percent of workers from impoverished families were employed at or below the minimum wage. However, roughly three-quarters of all minimum wage workers live in families with income well above the poverty line.

TABLE 1

Family income	Percent of employed workers at or below minimum	As percent of all minimum wage workers
Total	13.2	100.0
Below poverty	42.5	10.9
100 to 124 percent of poverty line	32.9	6.9
125 to 149 percent of poverty line	29.3	7.4
150 percent plus of poverty line	11.0	75.3

Half of the minimum wage workers are 25 years or older. However, the young are disproportionately represented among minimum wage workers. Over three-fifths of minimum wage workers are women.

TABLE 2

	Percent of minimum wage workers	Percent of all workers
Teenagers	30.2	6.8
20 to 24 years old	22.5	14.8
25 years and older	47.3	78.4
Women	62.6	45.7

Almost three-quarters of minimum wage workers are concentrated in the service and retail trade industries. Three of every four private household workers earn the minimum or less and one of every three service workers (other than private household) is employed at or below the minimum, as are nearly half of all farm laborers and one in five of all sales workers.

EROSION

By any measure, the minimum wage now provides less protection than it has in many years. The statutory hourly wage rate rose in real terms until 1968, then stabilized in the 1970s and has fallen sharply since 1979. The real wage is now 20 percent less than it averaged in the 1970's and is a third less than it was at its peak in 1968.

In the 1950s and 1960s, Congress set the minimum at roughly 50 percent of the average wage in private industry, while in the 1970s the targeted level dropped somewhat. Due to the failure to raise the minimum wage since 1981, its level has slipped below 40 percent of the average hourly wage in private, nonagricultural employment for the first time since 1949. A minimum wage of $4.37 per hour would be needed to restore it to 50 percent of the average private wage.

The current minimum wage of $3.35 per hour provides a full-time full-year worker with an annual income of $6,964. A worker with no dependents working at the minimum wage would earn more than the poverty threshold, while a worker with two dependents earning the minimum wage would remain substantially below the poverty line. The current poverty threshold for a family of three is $8,900, requiring full-time/full-year work at a wage of $4.28 per hour.

The minimum wage has not always been so low relative to the wages necessary to bring a family out of poverty. Throughout most of the 1960s and the 1970s, the minimum wage was sufficient to bring a family of three out of poverty. Today, contrary to popular perception, many work full-time but because of low wages, fail to escape poverty. Of the 22.2 million people over age 15 counted among the poor in 1984, 9.1 million worked. Almost 2.1 million worked full-time/full-year and were still unable to escape poverty, including 1.2 million who were heads of households. Millions more live in these impoverished households. Raising the minimum wage would be a direct way to help the working poor without raising the federal deficit.

EFFECTS

The minimum wage law is a statement by society that certain work conditions are unacceptable. Most Americans work in labor markets that offer protection against undesirable work conditions, but millions work in secondary labor markets characterized by unstable, low-wage employment. These workers have little clout in the marketplace and need the protection of government to bring their work conditions up to socially acceptable minimal standards.

Over the years the main objection to the minimum wage has been that it reduces employment opportunities. Arguing that almost any job is better than none, opponents tend to ignore the salutary impacts of the federal government setting of a floor on wages, specifically, its beneficial income effects.

The minimum wage, not surprisingly, has its largest employment effect on industries with a high proportion of low wage workers. It also has a large influence on the employment of youth. The 1980 Minimum Wage Study Commission estimated that a 10 percent increase in the minimum wage decreases teenage employment by about 1 percent. The effect of a minimum wage increase on teenage employment would vary, of course, with economic conditions and demographic trends.

There is little consensus on the effects of the minimum wage on overall adult employment, although it is clear that the adult labor market is not as sensitive to minimum wage changes as is the youth labor market. This is true both because youth workers are likely to be laid off before adult workers and because a smaller proportion of adults work at the minimum.

The income effects of the minimum wage are as important to consider as the employment effects, yet much less analysis of the former has been undertaken. Existing evidence, however, does indicate that the minimum wage has boosted the income of millions of low wage workers, and the net effect is especially positive for adult females.

In 1981, when the hourly minimum wage was raised from $3.10 to $3.35, the Department of Labor estimated that the aggregate increase potentially amounted to $2.2 billion annually, and that 5.5 million workers were eligible to receive raises. Effects in other years were also sizable. The 1978 wage increase potentially benefited 4.6 million workers, with a jump in total wages of $2 billion; in 1974, 4.2 million workers potentially received an additional $1.9 billion.

For many individuals and families, the higher wages that result from the mandated minimum are of undeniable benefit. The wage floor has helped some escape poverty and has lessened its severity for others. For those minimum wage earners above the poverty line, the extra income also can be essential. A teenager trying to earn money for school can benefit greatly, as can a multi-earner family that may be trying to scrape together enough money to purchase more than the bare necessities.

As the minimum wage is raised, the employment loss increases, as does the income gain of those who keep their jobs. The task for Congress is to strike the right balance between providing a reasonable wage floor and minimizing loss of jobs. Currently the minimum is too low to optimize its income effect.

In addition to providing a floor on wages for secondary labor market workers, minimum wages may help employers. The higher costs may induce them to provide training to employees in an attempt to boost productivity, or they may organize the production process more efficiently.

The minimum wage also reinforces the work ethic by providing an incentive for people to work rather than depend on welfare. Few would disagree that work should pay more than welfare. When individuals earn some income instead of relying entirely on government support, they benefit from the satisfaction of helping themselves, and their possibilities for future advancement are enhanced. Society benefits both from the increase in output and the reduction in welfare cost.

The minimum wage has little impact on overall economic conditions. The economy has prospered since minimum wage laws were enacted and there has been little noticeable effect on unemployment after each boost in the hourly rate. In the 1950s and 1960s, when the minimum wage rose in both real and relative terms, the unemployment rate remained low. In the 1970s and early 1980s, the wage floor eroded but this has not prevented rising unemployment. Unemployment rate trends reflect factors other than the minimum wage.

Finally, opponents argue that the minimum wage boosts inflation. Since however, the vast majority of workers earn considerably more than the minimum, the proposed changes would have a small, if any, effect on the inflation rate. Moreover, it is unfair to ask workers who earn the minimum wage to shoulder a disproportionate financial burden in the fight against inflation.

A DUAL MINIMUM WAGE

In recent years the youth unemployment rate has exceeded the overall unemployment rate by a factor of two and one-half. In 1985, for example, the teenage unemployment rate averaged 18.6 percent while the overall unemployment rate averaged 7.2 percent. Unemployment among black teenagers is an even more severe problem, averaging 40.2 percent in 1985.

A lower or subminimum wage has been proposed to increase youth employment. In fact, since 1961, employers have been able to secure Department of Labor certification to hire full-time students at 85 percent of the minimum wage as long as the students work less than 20 hours a week while attending school and if they are enrolled in a cooperative education program in fiscal 1985, an estimated 195,800 students were hired under this program.

The Reagan administration has proposed a further "youth opportunity wage" equal to 75 percent of the minimum wage that would apply during summer months. The proposal has drawn support not only from business but also from some minority groups and big city majors. The argument advanced in support of the lower minimum is that it would induce employers to hire more teenagers, thus providing them with the chance to break into the labor market. The Department of Labor has claimed that the proposal would create 400,000 jobs.

There are a number of potential problems with a dual minimum wage. The most serious would be the potential substitution of teenagers for adult workers. The Minimum Wage Study Commission, which opposed a youth subminimum wage, estimated that a 75 percent minimum would create 400,000 to 450,000 jobs for youth but would displace 50,000 to 150,000 adult workers. The commission noted that its displacement estimate is low because its analysis implicitly examined the possibility of youth replacing average adult workers instead of examining the more likely effect that adult workers earning the minimum wage or slightly higher would be displaced.

Second, the estimates for job increases are based on questionable assumptions about labor market operations. The results of wage subsidy programs such as the Targeted Job Tax Credit—which provided a 50 percent tax credit on the first $6,000 annual wages paid to disadvantaged youth and other targeted populations—have not been encouraging. In particular, the subminimum wage may not generate many new jobs if the labor market remains slack. Labor demand is not very responsive to a change in wages under such conditions.

Third, youths who need the jobs the most—those who have had trouble breaking into the labor market—are least likely to benefit from a lower minimum wage. They lack basic job skills and tend to live in areas with severe job deficits where business expansion is unlikely. They need to master the 3 R's and require specialized programs, such as the Job Corps, to prepare them for the job market. Finally, many teenagers who might have been hired at the established minimum wage would lose income if hired at a reduced minimum wage.

In short, a dual minimum wage may increase employment for teenagers as a group, but would raise serious equity concerns by doing so at the expense of increased adult unemployment and by not addressing the needs of poor youth. The focus on the merit of a subminimum wage has also preempted discussion of the sharp fall in the minimum wage since 1981.

Given the adamant administration opposition to boosting the minimum wage and its persistent advocacy of a dual wage, there is room for a trade off to break the current impasse between proponents of a higher minimum wage and the administration position. One approach would be to raise the minimum wage for adults but to exempt teenagers from the required raise.

TO REGAIN AN EFFECTIVE MINIMUM WAGE

In the absence of any action, the current federal minimum wage is becoming increasingly obsolete. Three states and the District of Columbia now have hourly minimum wage rates in excess of $3.35. If Congress does not act during the balance of the Reagan administration, the real value of the minimum wage is likely to decline by another 12 percent, assuming an annual inflation rate of 4 percent. Under these conditions it will become more difficult to restore an effective minimum wage to protect low wage earners.

In order to restore the minimum wage to a reasonable level, we propose that the minimum wage be raised annually by 5 percent in addition to increases in cost of living. These boosts should continue until the statutory minimum hourly rate equals half the average rate of nonsupervisory workers in private industry.

No matter how it is raised initially, the minimum wage should be indexed to changes in the average private hourly wage. This would prevent the erosion of the wage floor that has occurred during the last five years and which also occurred at other junctures in the past few decades. Indexing would make it easier for business to adjust to regular small increases in the minimum wage. It would also be easier for the working poor to cope with the rising cost of living.

Steps should also be taken to review current exemptions from the minimum hourly rate to ensure that the law protects more employees.

Last, Congress should also review current enforcement procedures to ensure that the law is properly enforced. Weak enforcement has been a continuing problem, and has been exacerbated by personnel cutbacks of 15 percent and a less sympathetic administration.

Together, the above changes would return the minimum wage to a reasonable level. Indexing would insure that it stays at such a level and gaps in coverage would be filled. Some fifty years after the passage of the first federal minimum wage law, these changes would help guarantee a wage that will encourage and make it possible for the poor to work their way out of poverty and, in the process, reduce their dependence on welfare. It would also raise the income of millions of other Americans and would reaffirm our society's commitment to the value of work.

NATIONAL CONFERENCE ON COMPETITIVENESS

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. WOLPE. Mr. Speaker, this past weekend, with 11 of my congressional colleagues, I participated in a National Conference on Competitiveness cosponsored by the Northeast-Midwest Congressional Coalition, the Business-Higher Education Forum, and the Congressional Clearinghouse on the Future. This conference demonstrated clearly the level of concern the leaders of our business and higher education sectors have about declining U.S. economic competitiveness, and their determination to work with Members of Congress to do something about it.

As cochair of the coalition with my esteemed colleague from New York, Mr. HORTON, I want to stress the importance of the process that was followed leading up to this conference—a process that bridged the political and ideological differences that otherwise might separate the participants. The conference focused on those measures on which consensus could be reached—measures that would enhance our competitive posture in concrete, effective ways. FRANK HORTON and I believe it is vital that we pursue the agenda established at the conference, and that the coalition should continue in the leadership role it already has established on this issue.

I would like to introduce into the RECORD the comments FRANK HORTON and I offered to open the conference. These comments better explain the background of the process and identify the congressional participants. Representative HORTON's comments also establish a clear context for the importance of a cooperative effort to attack our competitiveness problem.

OPENING COMMENTS OF REPRESENTATIVE HOWARD WOLPE, NATIONAL CONFERENCE ON COMPETITIVENESS, APRIL 18, 1986

I want to welcome all of you to this National Conference on Competitiveness. First let me thank the members of the joint steering committee who have guided this process for the past year and a half. Ruben Mettler of TRW and Bob Edgar of Pennsylvania has co-chaired the effort to bring the groups together to work on common concerns. Participants from the Forum included Doug Danforth of Westinghouse, Bob Rosenzweig of the American Association of Universities, Frank Rhodes of Cornell, and David Saxon of MIT; members of Congress who participated including Claudine Schneider of Rhode Island, who is a member of the executive committee of the Northeast-Midwest Congressional Coalition and Buddy MacKay of Florida, a leader of the Sunbelt Council and the Congressional Clearinghouse on the Future. Their combined vision and practicality produced this extraordinary collaborative process.

Of course, we owe a lot to Father Ted Hesburgh of Notre Dame, who chaired the Forum during the first year of this effort and gave it a strong push; and to Ed Donley of Air Products and Chemicals, the current chair, who has participated extensively.

This really is a special occasion. We have with us this weekend leaders of most of the national organizations involved in the effort to enhance our nation's competitiveness: the foremost higher education associations—the American Council on Education and the American Association of Universities—and the top business groups—the Business Roundtable, the Chamber of Commerce, and the National Association of Manufacturers. In fact, Ed Donley this year is president of the U.S. Chamber as well as chair of the Forum, which gives him another pulpit from which to preach the competitiveness gospel.

And from the Congress, in addition to Claudine Schneider and Buddy MacKay, we have Representative Horton, a 23-year veteran of the House, my co-chair of the Northeast-Midwest Congressional Coalition, and the senior Republican on the House Government Operations Committee;

Senator Jeff Bingaman, who chairs the Senate Democratic Working Group on Economic Competitiveness;

Representative Don Baker, chairman of the Foreign Affairs Subcommittee on International Economic Policy and Trade, of the House Export Task Force, and of the House Democratic Trade Task Force;

Representative Don Ritter, co-chair of the Republican Task Force on High Technology Initiatives;

Representative Stan Lundine, who chairs the House Task Force on Industrial Innovation and Productivity and the Banking Subcommittee on International Development Institutions and Finance;

Representative Sandy Levin, who chairs the Democratic Task Force on Employment and Training;

And Representative Nancy Johnson, Ron Packard, and Pat Schroeder, who have been pursuing these same concerns through major committees like Public Works, Science and Technology, and Armed Services.

To make sure that those members of Congress who have participated in the process leading up to this conference but could not be here this weekend are kept in the loop, I would like to invite the leaders of the higher education and business organizations to a breakfast the Coalition will host when the report from this conference is published. That should be an excellent opportunity to give our effort an added push.

At this point let me thank the staffs of the Business-Higher Education Forum, the Northeast-Midwest Congressional Coalition, and the Congressional Clearinghouse on the Future for the hard work they have put in organizing this event for us.

All three of these organizations are unique in their own way. But even more unique is the notion that chief executives of our leading corporations, heads of colleges and universities, and members of Congress from both parties could recognize their common interest in the nation's competitive posture and organize a process, not simply to generate another report, but to devise an action agenda to which they would commit themselves. I doubt that there is a peacetime precedent for such an effort.

Those of us in the Congress who have been active in the Northeast-Midwest Congressional Coalition know how important a cooperative approach is in addressing difficult economic problems. For the past ten years our region—which includes all the older Northern industrial states—has been going through a dramatic economic shift. Increasingly, members of the Coalition have realized that we must respond to the global forces that are causing economic distress and dislocation—but we must do so in very specific terms. This requires flexible federal policies that are targeted to those places and people who need the most help adjusting to economic change. By following this guideline, the Coalition has carved out an important role on issues like economic development, energy, tax and budget policy, and employment and training.

This is one reason collaboration between members of Congress and leaders of corporations and academic institutions on the issue of competitiveness is so valuable: Your insights and priorities can help us make better policy. At the same time, of course, we can help the private and education sectors identify those actions they can and should take on their own.

A year ago January, almost 30 members of Congress—from all regions and both parties—attended the initial joint meeting with the Forum in Scottsdale, Arizona. There we held an initial set of discussions to identify those areas related to U.S. economic competitiveness where our interests joined. The subsequent meetings we held in Cambridge, Pittsburgh, and Palo Alto helped further narrow the focus of our concerns. Each of these drew excellent representation from the business and higher education communities and from members of Congress.

Even before formal adoption of any of the recommendations developed at the regional meetings, this relationship has paid off in a number of ways. Since our meeting in Scottsdale, two delegations of Coalition members have visited Japan for discussions on trade and other issues related to competitiveness. On one of those trips they were joined by Frank Rhodes and David Saxon. Both delegations received a great deal of planning and logistical support from TRW's offices in Washington and Tokyo.

Besides the knowledge they gained, members identified specific areas on which to work. For example, Sandy Levin and Marcy Kaptur have led a drive to open the Japanese market to American auto parts. In fact, Marcy became famous in Japan as the woman who carried a sparkplug—an American-made sparkplug—with her wherever she went.

As a result of their efforts, Japanese companies decided to participate in an auto fair held in Chicago shortly after their trip. Sandy and Marcy also hosted a conference on trading with Japan for automotive product manufacturers that was attended by executives from almost 100 American companies. Every major Japanese auto firm sent representatives to the conference, which was sponsored by the Coalition and carried out with financial support and a great deal of staff assistance from TRW.

On top of all that, we learned last week that—at least partly at the Coalition's urging—auto parts almost certainly will be included in the next round of MOSS talks between the U.S. and Japan.

Let me close by saying that with this record of action and success, we come to this conference in a very optimistic frame of mind. We believe the recommendations we make here will be enacted—that they will increase the competitiveness of American industry and enhance the contribution of our college and universities.

Of course, that will require continued effort from all of us. But the excellent work we've done over the past year and a half has laid the necessary foundation. Now we just need to build on it.

OPENING REMARKS OF REPRESENTATIVE FRANK HORTON, NATIONAL CONFERENCE ON COMPETITIVENESS, APRIL 18, 1986

I want to thank the members of the Northeast-Midwest Congressional Coalition, the Business-Higher Education Forum, and the Congressional Clearinghouse on the Future for convening this National Conference on Competitiveness.

Since 1962, when I was first elected to Congress, we have seen dramatic changes in the American economy—changes that have posed enormous challenges for our political system. Government policies in relation to those changes have not kept pace. Neither Congress nor the executive branch has dealt well with the "internationalization" of the economy, or its harmful effects on various regions of the country. Only recently did we realize that much of American industry had ceased to be competitive; that the jobs and markets we had lost might never be regained; and that the future would bring much of the same.

Our domestic economy increasingly is being influenced by decisions made elsewhere around the world. Beginning with the 1973 OPEC oil embargo, we learned the hard way just how closely our domestic economy and foreign policy were intertwined. Now, we are much more aware that what we usually think of as domestic economic decisions—on interest rates, taxes, and the deficit—reverberate around the globe. They shape the economies of other nations as well as our ability to achieve international objectives.

We in Congress are engaged in much debate over issues relating to those points at which the domestic and international economies intersect. The price of oil, the value of the dollar, trade policy, the health of the banking system, the farm crisis—these are issues that go beyond our borders.

Those debates have been characterized by deep ideological and political differences. That is why our efforts here this weekend are so important. This joint project has involved Republicans and Democrats, moderates, liberals, and conservatives. We are joined in a consensus-building process with leaders of major corporations and academic institutions. By focusing on those areas where we can *reach agreement* and *take action*, we will be bridging gaps that have separated us. And we will be doing it in the national interest.

If this process works—and the Coalition is committed to making it work—it will be a significant step toward a better integration of our domestic and foreign economies.

DOLLARS FROM HEAVEN

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. NELSON of Florida. Mr. Speaker, Paul Harvey recently prepared a news article titled "Dollars From Heaven." This article highlights some of the many, many technological advances and achievements which the citizens of the United States enjoy today as a result of the past quarter of a century of investment in space. As we contemplate the future direction of our investment in space, and measure our commitment to the future in terms of fiscal year 1987 budget dollars, I strongly urge all of my colleagues to read Mr. Harvey's article, and to remember the message which it offers.

DOLLARS FROM HEAVEN

While future space probes are on hold . . .

While Americans are contemplating the risks involved . . .

Seems a good time to audit some of the stardust we've harvested.

The Statue of Liberty began crumbling during its first hundred years because the steel skeleton was rusting away.

The rehabilitated Statue of Liberty will be protected against such degradation by a protective coating known as IC 531—a spinoff product from aerospace research.

And it is available already for you and me to use to rustproof whatever.

Your bowling ball will be more precisely top-weighted because of an Exactratron process developed for interplanetary spacecraft.

For farmers—using oil or gas to blow-dry crops is costly and tedious.

Space research has taught us a drying process, akin to microwave, applicable for drying agricultural products including wheat and corn but also prunes and raisins—cleanly, quickly and at less cost.

Most lightplane accidents result from a "stall." That will be a lesser hazard from now on because of a "glove" mounted on the outer portion of the leading edge of each lightplane wing.

NASA research taught us that. And a lot of lightplanes which would have crashed—won't.

Industry strips wire less tediously, using a laser to melt away insulation. You get the benefit; NASA deserves the credit.

Teflon is something that happened on our way to the Moon—and ceramics, tough enough for a stove top.

Most modern better-than-ever cameras and flashlights were developed for spacecraft.

NASA taught us to machine monel, so your kitchen faucet will be better and cost less.

While much of the technical fallout is too complicated to describe in lay language, there is enough of it to ascertain that every dollar we have spent on space research has profited us seven.

Plus medical benefits beyond price: Nuclear magnetic resonance for scanning the inner workings of your body without opening you up.

A new portable heart monitor, improved eye examination techniques, microbe detectors, bone analyzers. In a zero gravity environment we learned cheaper methods of treating burns, blood clots and diabetes.

The western world was first explored by conquistadores seeking "gold"; they found little.

In our quarter-century of exploring beyond the beyond we have harvested riches beyond their wildest imagining.

A TRIBUTE TO LT. COL. EUGENE C. CHANDLER

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. DYSON. Mr. Speaker, it comes as a great honor for me to pay tribute to a gentleman whose courage, charisma, and compassion has won him the love and respect of both the military and civilian communities. I speak of Lt. Col. Eugene C. Chandler, who will be honored in Maryland's First Congressional District this Sunday, April 27, 1986, by the Union Methodist Church at the Aberdeen Proving Gounds.

When I look at Colonel Chandler's extraordinary portfolio of accomplishments, I see a man who transcends the common bounds of patriotism and brotherhood. At every step, Colonel Chandler has remained steadfastly committed to upholding and promoting the American rights of freedom and equality; whether it be defending our flag in far-off lands or defending racial equality right here in the United States.

Colonel Chandler's storied military career spanned more than two decades. Upon graduation from college in 1951, Eugene Chandler received and completed the basic infantry officers course at Fort Benning, GA. Subsequently, he completed the artillery battery officers course at Fort Sill, OK; the airborne and ranger courses at Fort Campbell, KY; and graduated from the Command and General Staff College in 1965.

During his period of active duty, Colonel Chandler served heroically as platoon and company commander in Japan and Korea in 1953–54; adjutant of the 101st Airborne Division at Fort Campbell, KY; the 25th Infantry Division in Hawaii; the Military Assistance Command as advisor to the Republic of Vietnam; chief of personnel and services of the Field Artillery Board at Fort Sill, OK; and equal employment manager of the U.S. Army Test and Evaluation Command at the Aberdeen Proving Grounds.

Among the many decorations accorded Colonel Chandler during his brilliant military career are the Legion of Merit, the Bronze Star, the Air Medal, the Army Commendation Medal, the Combat Infantryman's Badge, the Parachutist Badge, and the Vietnamese Honor Medal First Class.

If Colonel Chandler's military accomplishments are impressive, his civilian achievements have been extraordinary. Since his retirement from the military in 1971, the colonel has been the recipient of a staggering array of awards for his work in the community: Department of the Army Certificate of Achievement, 1974; listed as 1 of 20 outstanding graduates by the Agricultural and Technical State University of North Carolina, 1976; Community Service Award from the Harford County Branch of the NAACP, 1977; Department of the Army Certificate of Achievement, 1979–84; letters of commendation from the Boy Scouts of America, 1984; letter of commendation from the United Negro College Fund, 1984; Southern Poverty Law Center Certificate, 1984; Department of the Army Commander's Award for Civilian Service, 1984; 1985 Career Service Award from the Baltimore Federal Executive Board; NAACP President's Award, 1985; and the Army Material Command Action Award, 1985.

Colonel Chandler is truly a man of remarkable achievements. His tireless and, indeed, endless efforts to improve the lot of those around him serves as a tremendous inspiration to all that know him. It can well be said that it is people such as Eugene Chandler who represent the essential fiber that binds this great Nation together in a time of world unrest.

So, Mr. Speaker, I proudly salute Col. Eugene Chandler, who stands as source of great pride to his family, community and Maryland's First Congressional District.

A TRIBUTE TO MERRITT W. SPRAGUE, MANAGER OF FEDERAL CROP INSURANCE CORPORATION

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. EVANS of Iowa. Mr. Speaker, Merritt W. Sprague of Illinois, will depart in a few days from his post as Manager of the Federal Crop Insurance Corporation to return to his Pike County, IL, farming operation. As he completes his tenure as Manager of a most difficult program, it is appropriate that we look at accomplishments during his tenure as Manager.

Based on premium volume between 1948 and 1984, my home State of Iowa has been the second largest user of this form of insurance. I know many farmers who are still in business today because they had the good sense to buy crop insurance.

Mr. Sprague came to Washington, DC, from Illinois where he grew corn, wheat, and soybeans on 2,000 acres and annually marketed 5,000 hogs. He also served as the Illinois State Chairman of Agricultural Stabilization and Conservation Service from 1973 to 1977.

In Washington, Mr. Sprague served as Deputy Administrator for Commodity Operations at Agricultural Stabilization and Conservation Service beginning in March of 1981. While there he was responsible for the administration of the Milk Price Support Program, management and storage of all Commodity Credit Corporation owned inventories—dairy products, food and feed grains, and sweeteners—and procurement and transportation for Public Law 480, title II programs.

Passage of the Federal Crop Insurance Corporation Act of 1980 as a replacement for our annual disaster programs overnight obligated the Corporation to move from being a limited pilot insurance program to becoming the primary form of Federal disaster protection for farmers. Between 1980 and 1982 when Mr. Sprague assumed the leadership of the Corporation, five different persons served as Crop Insurance Corporation Manager.

The results Mr. Sprague and the FCIC achieved in a short period of time are significant. Under his leadership, FCIC developed and fully implemented a production-based guarantee program, which makes crop insurance attractive for our Nation's most productive farmers. County programs increased almost 300 percent, from 4,629 in 1980 to 18,892 in 1985. Acres insured, insurance in force, and premium income also increased dramatically. In 1980, there were 26.6 million acres insured compared with 48 million for the 1985 crop year. Insurance in force increased for the same period from $3 billion in 1980 to over $7 million in 1985. Premium incomes increased from $158 million in 1980 to over $440 million in 1985.

Clearly there continue to be major problems facing our Federal Crop Insurance Program, but to achieve these kinds of results while American agriculture is going through some wrenching adjustments requires solid leadership. We all owe Mr. Sprague a debt of gratitude for his dedication and commitment to American agriculture and the crop insurance program and to wish him well as he leaves Government service to return to his farm.

STATEMENT TO ACCOMPANY INTRODUCTION OF BILL TO REPEAL NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. JONES of North Carolina. Mr. Speaker, today I am introducing a bill to repeal Public Law 95-63, the National Advisory Committee on Oceans and Atmosphere [NACOA] Act of 1977.

This bill deauthorizes NACOA, terminating it on October 1, 1986. This action is both necessary and timely given the administration's continual failure to recommend support for NACOA and the growing dissatisfaction of Members of Congress with the committee.

The original concept of an advisory committee on oceans and atmosphere was developed in 1969 by the highly respected Commission on Marine Science, Engineering and Resources—Stratton Commission. The Commission recommended that a committee be formed by Congress "to examine marine science affairs and to develop a national strategy for a well integrated, centrally coordinated program." Later, the NACOA Act of 1977 more specifically mandated that the committee review national coastal and ocean policy and programs, and advise the Secretary of Commerce on the programs of the National Oceanic and Atmospheric Administration [NOAA].

At present, NACOA's attempts to carry out these functions have been severely hampered by both internal and external factors. Internally, expertise in disciplines of marine and atmospheric science is severely under-represented by NACOA's membership. Furthermore, the relationship of NACOA to the National Oceanic and Atmospheric Administration as defined by NACOA's charter leaves doubt as to whether it can function as a truly independent entity. These deficiencies have incurred public criticism and have raised serious doubts about the credibility of this advisory body.

Externally, NACOA has not had the support of the administration. For the last 4 years, the President's budget has proposed to terminate NACOA. Meanwhile, congressional support has been diminishing with ever increasing budgetary pressures and a continuing concern was aroused further with the President's unsuccessful attempt to nominate Anne Burford to be chairperson of NACOA in 1984.

In my view, the major deficiencies of the committee are largely due to the unsatisfactory process for appointment of members, its apparent lack of structural and budgetary independence, and inadequate financial support for its mission. Although NACOA is a Presidential and congressional advisory committee, all 18 members are appointed by the President with no congressional input. In the 98th Congress, the House twice attempted to rectify this situation through passage of legislation to create a National Ocean Policy Commission. More recently, informational discussions have been held on a reconstituted NACOA.

In introducing this legislation, I want to make clear to my colleagues that my dissatisfaction is with the current structure of NACOA. It is not intended to reflect negatively on any current or past members of NACOA or on the hard work and good intentions of its staff. In past years, NACOA earned the respect and confidence of the Congress, the administration, and the scientific community under the leadership of John Knauss, dean of the Graduate School of Oceanography at the University of Rhode Island. In the last 2 years, John Flipse, associate dean at Texas A&M University, has done a commendable job of directing the committee despite the difficult obstacles presented by current administration policies. Nevertheless, the time has come to repeal Public Law 95-63 because of the inadequate process by which members are appointed, the lack of true structural independence, and the absence of compelling support for NACOA's work.

The current budget realities compounded with growing U.S. reponsibilities in the exclusive economic zone and the lack of a comprehensive national ocean policy emphasize the compelling need for an independent advisory body. NACOA's existing structure does not adequately address this need. However, I believe that an effective advisory body can be established, and I will continue my efforts to develop legislation to create an independent, viable oceanic and atmospheric advisory body.

Mr. Speaker, we have tried to address the weaknesses of NACOA through legislation, but these efforts have been unsuccessful. Although I do not relish this task, it is time to take final action to terminate this advisory body. NACOA's existence can no longer be justified in its present form.

ANNETTE LIANN WATERS TO RECEIVE SCHOLARSHIP FROM THE VETERANS OF FOREIGN WARS OF THE UNITED STATES AND ITS LADIES AUXILIARY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. LEVIN of Michigan. Mr. Speaker, I would like to draw the attention of my colleagues to a speech written by one of my constituents, Annette Liann Waters. Miss Waters is the winning candidate in the Voice of Democracy scholarship program from the State of Michigan. The Voice of Democracy Scholarship Program is conducted every year by the Veterans of Foreign Wars and its Ladies Auxiliary and scholarships are awarded to the winning contestants from each State based on their submitted essays.

The Veterans of Foreign Wars, one of the Nation's oldest veterans service organizations, has sponsored the scholarship program for the last 24 years. During this time over 5 million students have participated and awards totaling more than $3 million have been given to winners at all levels in scholarships and savings bonds. First place winners from each State receive a $14,000 scholarship to the school of their choice.

Miss Waters, a senior at Cass Technical High School in Detroit, has powerfully and eloquently addressed the contest theme for this year, "New Horizons For America's Youth" in her winning essay. She is an honor student and a volunteer for the Detroit Recreational Department. She plans to attend the University of Michigan in the fall and she would like to pursue a career in law. Annette's essay is an inspiration to us all. Surely "great horizions" await us with Young people like Annette Liann Waters.

The essay follows:

NEW HORIZONS FOR AMERICA'S YOUTH

(By Annette Waters)

I'm standing on the shore of destiny in America, waiting for the sun to rise. A new and brighter day is slowly awakening. As far as the eye can see to the right and left is water. Here I stand under God's firmament looking down at the reflection of my hands in the clear water. These hands are relatively new on this earth and have strong workable muscles controlled by a worlds changing instrument, my mind. These hands could offer the foundation for someone's education. They could reach out to the child who feels caught in a chain of hopelessness and inspire him to develop a positive outlook on life. If encouraged and guided, young minds know no bounds and won't produce words such as "can't" and "not able to". My generation must reach children. We must let them know that there is hope for the future and that they can play an important role in that future.

Through the knowledge and skills acquired from education, America's youth can one day help to wipe out existing poverty, hunger, immorality, and despair in our country. Thus all may share in the radiant new horizon which inspired young American minds help to create. The determined hands of today's youth can also reach out tomorrow to those who have fallen prey to devasting illnesses. We, through the skillful use of our educational opportunities, can one day say, "we've found it. We now possess a vaccine for cancer. Diabetes, heart disease, and arthritis no longer devastate the lives of their victims because we can now cure them and we can even control the deadly disease, AIDS". These hands could soon reach out to little children and say, "I've found the cure to your muscle disorder. Help is here. Take my hand in yours. A healthier future is in this grasp; it's in this Union".

Hands are meant to discover, to create, to assist and to build. Hands are not meant to be the instruments of violence, but rather of peace . . . the peace and understanding that Dr. Martin Luther King, Jr., and other American patriots lived and died for.

As I gaze at the reflection of my hands in the water, the stillness is suddenly broken. Waves of the sea rise up and clash against the rocks, causing me to think of young minds that rise up against society in crime, destruction, and violence. The clashes of the sea sound like gun shots . . . shots that are the result of misguided hands that pull triggers. Guns have to be directed away from America's youth, but this will only happen when we help them to establish positive values, to adopt a sense of selfworth and belonging, and to gain compassion for their fellow man. They must be uplifted and taught to realize the most precious gift of all, the sacredness of life.

Americans are blessed with opportunity and the power to affect life through knowledge, imagination, integrity and the ability and willingness to achieve. These are the ingredients that ultimately build and pave the way for our children and their children after them, so that they may lead a more secure and fulfilling life. Today's youth can reach out and grasp this precious power. We must mold it with special care in order to improve the quality of life in our nation and from there to help our neighbors in distant lands.

As I look to the horizon, I see a new born figure standing in the midst of the water. The sun starts to rise; the fog melts away and through the dedication of man and the skill of technology, blindness no longer plagues the human eye. The sun begins to blaze, melting the frost, and homeless people find jobs and shelter. The sun starts beating and warming my soul with the promise of a new and better future for the drug abuser, indeed for all mankind. This is a result of the figure standing in the midst of the water, supported by the faith and devotion of man. That figure is everyone. It doesn't matter what creed, color, handicap, or gender. What matters is that together young Americans believe in and work for a healthier, more humane and stable society. Help is here. Take my hand in yours. Our bountiful future, a better day, is in this grasp. It's in this union.

DEMOCRACY ON THE MOVE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. LIPINSKI. Mr. Speaker, although the 1980's continue to be a time of turbulence and misunderstanding throughout the international community, it has also presented this Nation with a foreign policy challenge that will continue to offer hope and opportunity to all our friends who espouse the principles of democracy.

Recent trends in global affairs have made it necessary for our Nation to adopt a bold and imaginative foreign policy which will help shape events in accordance with our vision for a safer and more peaceful world community.

Across this globe we have begun to see a democratic renaissance, one where the basic principles of liberty are taking hold in country after country, demonstrating a desire and appeal to the framework of our ideals.

Although our system of democracy offers a powerful appeal to developing nations, we are still hard pressed to face the challenges of communism and terrorism which plague this planet at epidemic levels.

In meeting these challenges, one fact remains undeniable—the yearning for political freedom continues to be the most desirable goal for most members of the international forum. As the strongest democracy on Earth, we play an integral role in the support of people who aspire to the basic constitutional freedoms that we, as U.S. citizens, enjoy today.

The clearest example of this whirlwind of democracy is in the Latin American region, where Guatemala has been the latest to join the ranks of countries who have opted for civilian governments in lieu of the oppressive military regimes of the past. As Secretary of State, George Shultz, recently stated: "In the last 6 years, elected civilian governments have replaced authoritarian regimes in Argentina, Guatemala, Honduras, Peru and Uruguay. Over 90 percent of all people in Latin America and the Caribbean now enjoy a democratic form of government as opposed to less than one-third in the early 1980's." It is clear that the people of these countries have realized that the basic freedoms offered by democracy such as the right to vote, to worship, and to speak openly offer a wider range of opportunities for themselves and their children than the false promises offered by the past regimes.

Undoubtedly, our moral, economic and security assistance can make the difference between the success and failure of those recently conceived democracies. Our commitment to human rights, social and economic progress place us in a leadership role that must continue to be a source of inspiration to all young democratic nations.

The Soviet Union continues to pose a serious challenge not only to this Nation but also to the interests of the free world. Although, our countries represent philosophies that are at opposite ends of the spectrum, the continued buildup of our respective nuclear arsenals encourages us to pursue a constructive dialogue with the Soviet Union whenever we can without abandoning our basic principles.

Successful negotiations in the future with the Soviets will remain contingent upon American strength. In dealing with the Soviet Union, diplomacy and American strength are synonymous. Our defense preparedness along with a continued commitment to the strategic defense initiative remain crucial bargaining chips. Our defensive posture in nuclear weaponry makes our negotiating position much more viable in realizing the universal goal of a safer world.

One of the most important challenges facing our Nation continues to be international terrorism. Recent attacks in the West Berlin discotheque and the Rome Airport which were supported by the Libyan Government, solidifies our resolve to track down and punish the perpetrators and sponsors of these unconscionable acts.

Terrorism is simple international warfare conducted and aided by a handful of radical governments which follow an archaic philosophy destined to undermine democracies throughout the world. The growing sentiment permeating from the international community is that apathy and appeasement offer no solution to the terrorist movement. We must continue to improve our intelligence efforts and develop a closer cooperation and coordination with other governments to combat this problem.

One point that must be made clear is that the U.S. Government will act swiftly and effectively against terrorist activities, and those governments who aid these international criminals will be held accountable in the harshest terms where the lives of Americans are threatened abroad.

As we move forward to meet the challenges of the future we, as a nation, must continue to advocate the support of the ideals and principles of democracy for young developing nations to emulate.

America must remain a beacon of hope and model of democracy if we are to preserve and advance the ideals of peace, freedom, and security in the world community.

THE CASE AGAINT TAX AMNESTY

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. PICKLE. Mr. Speaker, last month I warned my colleagues not to leap on the tax amnesty bandwagon without a careful review of the issues involved. In that regard, I hope my colleagues will take a moment to read the following commentary which appeared in the April 6 edition of the Washington Post. This article was written by our colleague, BYRON DORGAN, a member of the Ways and Means Committee and a former State tax commissioner. The gentleman from North Dakota is well qualified to speak on the tax amnesty issue and I believe the Congress will find this article informative and convincing.

The article follows:

TAX AMNESTY IS FOOL'S GOLD

(By Byron L. Dorgan)

In a town increasingly seduced by the quick fix or the simple answer, tax amnesty is made to order. It's quick to implement, easy to understand—and wrong.

No one I know is discussing tax amnesty as a move toward tax equity or good tax policy. It is being discussed now because some see it as an easy way to achieve additional revenue without calling it a tax increase. They think they can avoid a fight with the president over the definition of a tax increase.

As a former state tax administrator, I see two things fundamentally wrong with the proposal for a federal tax amnesty program. First, it would weaken confidence in our tax system for the overwhelming majority of Americans who honestly and conscientiously report and pay their income taxes each and every year. Second, I don't believe it would result in any significant new revenue for the federal government.

The state tax amnesty programs were launched from a platform of weak enforcement, a promise of amnesty and a threat of beefed-up enforcement in the future. This carrot-and-stick approach did, in some instances, provide an incentive for tax evaders to come forward to pay up. But it is important to point out that state income taxes are only a fraction of the federal income tax burden and, therefore, much more easily repaid during an amnesty period. For these reasons, I don't think the state experience is a model with which to predict a successful federal program. I don't believe a federal tax amnesty program would result in any significant new revenue to the federal government.

Those who want to make certain that our income tax system yields revenues that this country needs and expects ought to join some of us in Congress who have been pleading for restoration of enforcement funds for the Internal Revenue Service, so it can properly enforce our tax laws. In

recent years, under President Reagan's lead, there has been a serious decrease in funding for tax law enforcement at the Internal Revenue Service. The number of tax returns audited by the IRS has suffered an alarming decrease. The number of IRS agents working on accounts receivable and compliance has decreased. This simply doesn't make sense. It is even more illogical to follow a decrease in tax law enforcement with the offer of tax amnesty.

Until recent years, our tax system had been the marvel of the world. It relied on the voluntary cooperation of the millions of Americans who on April 15 were willing to meet their responsibilities as citizens. In recent years, the president and Congress have nearly ruined the tax system by using it as a cash register for social and economic engineering: an incentive here, a loophole there. The fairness of the system has been eroding at the very same time that enforcement funds have been cut.

Now as we wrestle with tax reform to make the system more fair, some in Congress propose that those citizens who have fulfilled their tax obligations should understand and accept a program that rewards those citizens who didn't. That's quick and certain way to further erode the taxpayers' confidence in a system that is already in trouble with the folks back home.

But in these days of quick answers and gain with no pain, tax amnesty is made to order for the administration and this Congress. It overpromises in the short run and ignores the damage it would do in the long run.

It's time for all of us to do the right thing the right way. We need to make our tax system more fair, beef up enforcement and raise sufficient revenues to pay for that which government spends. I know it doesn't have as much sex appeal or pizzaz as some marginal progress—such as tax amnesty—that some claim would manufacture money, but this approach would really work. It could be the first step toward a habit of doing the right thing.

ENVIRONMENTAL AND NATURAL RESOURCE EXPLOITATION AS AN UNFAIR TRADE PRACTICE

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. SEIBERLING. Mr. Speaker, I am today introducing legislation to remedy the unfair trade advantage derived by some countries from the reckless exploitation of their environment, or from the unsound development of their natural resources.

The United States has a long-established system of controls for protecting our environment, our precious natural resources, our native flora and fauna, and our historical and cultural heritage. We recognize that it is in our own best interest to preserve and protect our environment. We also recognize that environmental and natural resource degradation is a global problem. Acid rain, for example, respect no national borders.

Our domestic environmental and natural resource protection efforts add to the cost of American goods and commodities seeking markets in the international trade arena. But it is a price we are prepared to pay as a matter of national policy, because we recognize clearly how precious these resources are.

Unfortunately, the same cannot be said for all nations of the world. In fact, some countries recklessly and deliberately exploit their environment and natural resources in their efforts to gain a short term trade advantage.

Tropical rainforests, for example, are crucial to the global environment, particularly to the world's supply of oxygen. They are also vital to the preservation of our biological and horticultural diversity. Our rainforests provide us with plants from which we may develop new medicines. Their vegetation yields new plant strains resistant to insects and disease. Even the fruit bats which live in the rainforests are crucial to the pollination of fruit and timber, and hence play a key role in the preservation of important timber and plant and food resources.

Yet some countries, are permitting and even actively promoting the rapid destruction of this vital resource. Mostly this is done with the old slash and burn technique, where huge areas of the rainforest are bulldozed and burned to expose the topsoil. That is then used, in turn, for planting grass for grazing livestock, which is fattened quickly, slaughtered, and exported. Unfortunately, the cleared land remains useful for only a few years. The topsoil simply washes away, rendering the land useless and barren. We have only to look at the horrible starvation in Africa, and the rapid desertification of much of that continent, to recognize how dangerous these practices can be. Of course, unsound developmental and environmental practices are not limited to the destruction of tropical rainforests.

In effect, these techniques are being used to gain an unfair trade advantage over more responsible countries. Although the rapid degradation of the environment is a matter of concern to all nations, the international trade system does not require the bad actors to pay the full and true costs of their unsound practices. In fact, it requires them to pay no cost at all. The result is an unfair trade advantage which costs American workers their jobs, as businesses shut down factories in the United States and open them overseas to take advantage of cheap labor, cheap exploited resources, and lax health and safety and environmental standards. But the problem is not simply limited to unfair trade. These practices also threaten the devastation of the global environment.

These practices must be stopped. Certainly, the United States should—and does—educate less responsible countries to their own environmental interests. If need be, we should provide technical assistance or low-interest loans to enable developing countries to improve their infrastructure in ways which do not conflict with sound environmental or natural resource conservation practices.

But we should also be prepared to press for a system of international trade agreements which do not reward those countries which recklessly destroy their environments for the sake of trade. One way of meeting this aspect of unfair competition would be to press for changes in the General Agreement on Tariffs and Trade [GATT] which will enable responsible countries to offset the unfair trade advantage derived by our less responsible neighbors.

The legislation I am introducing today would direct the President, at the upcoming GATT round, to seek the adoption of international trade standards tied to basic standards for preventing air and water pollution, soil erosion, hazardous waste contamination, extinction or endangerment of species, and other natural resource degradation. The bill would also direct the President to seek the adoption of such incentives and disincentives as may be necessary to implement such trade standards. In order to provide the technical expertise necessary for the development and promotion of these environmental trade standards, the bill would authorize the creation of the Interagency Advisory Committee on International Environmental Protection. The committee would be created through currently available resources.

In the event that we are unable to persuade our trading partners to work toward the adoption of international environmental trade standards, the President is directed to report to the Congress on what action may be taken, and is recommended, to eliminate current trade preferences given to countries whose trade practices involve unsound environmental and natural resource practices. It is bad enough that some countries derive an unfair trade advantage from polluting their environment. There is absolutely no reason why the United States should compound that advantage by giving them trade preferences as well.

Mr. Speaker, I do not suggest that enactment of my bill would automatically eliminate pollution, or immediately improve the relative trade position of the United States. But it is time that we induced our trading partners to acknowledge what we have lo LOSS

HON. RICHARD STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. STALLINGS. Mr. Speaker, on April 10, 1986, the citizens of Idaho suffered a tragic loss when Pete Busch, a candidate for a seat in the U.S. House of Representatives; his wife, Charlene; and former State Senator Terry Reilly, who was a candidate for Lieutenant Governor in Idaho, lost their lives in an airplane crash.

Pete and Charlene Busch were the personification of the grassroots public servants for which Idaho is known. They took their message to the people, campaigned hard, asked to serve, and truly wanted to represent the people of Idaho. It is tragic that they perished in this attempt.

Terry Reilly was one of our rising Democratic stars who will be missed. Terry came on the political scene as an exceptionally bright and effective State senator. It is not only a loss for his family and the Democratic Party, but for the people of Idaho who had much to gain from his public service.

I would like to insert in the CONGRESSIONAL RECORD an editorial from the Idaho Statesman of April 12, 1986. This editorial pays tribute to these outstanding individuals.

One was a plain-spoken, hard-thinking man who'd served his country in combat and knew too well the horrors of war.

Another was a witty, determined man who had served his state and his community to help those in need.

Thursday night, they died in the crash of a small plane in eastern Idaho.

Neither Pete Busch nor Terry Reilly could have been described as mainstream Idaho. They were liberal Democrats swimming against Idaho's conservative tide. But they were men of conscience, conviction and purpose. They will be missed.

Mr. Busch, 51, a realtor, was a former Marine fighter pilot who had flown 400 combat missions in Vietnam. His experiences there turned him into a fervent opponent of the nuclear arms race and of military aid to Central America.

In 1984, Mr. Busch lost in his effort to unseat Sen. Jim McClure, but came back this year to run against First District Congressman Larry Craig.

Mr. Busch married in late 1984. His wife, Charlene, died with him in the plane crash.

Terry Reilly, 39, was a big, strapping Irishman from Nampa.

From 1982 to 1984 he served in the Idaho Senate, but lost his bid for a second term. This year, he sought the Democratic nomination for lieutenant governor. At the time of his death, he was campaigning on behalf of a state lottery initiative.

During his Senate years, Mr. Reilly brought a breath of fresh air to that stodgy chamber. He got a lot of laughs, for instance, with his annual "Wilted Shamrock Award" for waste in state government. But he had a serious side.

Mr. Reilly was administrator of Community Health Clinics Inc., a project he started in the '70s to provide health care to Hispanics. Community Health now operates in five cities and also provides the SANE (Sexual Abuse Now Ended) program.

Mr. Reilly was a family man, too. There are certain images that linger of his Senate years: his two young sons, watching their dad from the Senate gallery; his wife, Rosie, filling in for him during an absence; his father looking on during Senate debate.

Thursday night, in a remote part of eastern Idaho, the plane carrying Pete Busch, Charlene Busch and Terry Reilly went down. A lot of dreams went down with them. It's a sad day for all of us.

SUPPORT OF THE PROCESSED PRODUCTS INSPECTION IMPROVEMENT ACT OF 1986

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. STENHOLM. Mr. Speaker, I rise to seek support for legislation I am introducing today, the Processed Products Inspection Improvement Act of 1986. I am confident that favorable congressional action on this bill will provide substantial benefits to the consuming and taxpaying public by making the Federal meat inspection program more effective, efficient and better equipped to protect the public health.

The legislation is simple and straightforward. It would allow the Secretary of Agriculture greater flexibility in allocating inspection resources to meat processing—as opposed to slaughter—establishments. In determining the appropriate level of inspection, the Secretary would be directed to consider factors including first, the nature and frequency of the processing operations in question; second, the adequacy and reliability of an establishment's processing control and sanitary procedures; and third, the operator's history of compliance with the law.

The Secretary enjoys no such latitude under current law. To the contrary, he must provide what is known as continuous inspection at all Federal establishments. As a result, the daily physical presence of a USDA inspector is maintained regardless of the size, sophistication or reliability of a given facility.

Such a system probably made sense when Congress passed the original meat inspection laws in 1906. Meat processing of that era was relatively simple and generally integrated within a slaughtering operation. The five senses of the Federal inspector were the best available tools for use in an effort to assure product safety and consistency.

Our predecessors in this body obviously could not, however, have envisioned the present day American food processing network. Meat and meat products already inspected at the time of slaughter, and frequently at other processing points as well, are used as components of thousands of different products from hot dogs to frozen entrees to meat-topped pizzas. More and more companies are adopting sophisticated quality control systems, which include frequent product sampling, designed to assure continuing compliance with both regulatory requirements and company specifications.

In other segments of food processing, the Food and Drug Administration successfully maintains a system of random, periodic inspections. This leaves us with radically different inspection systems for vegetable soup versus vegetable beef soup; for pepperoni pizza versus mushroom pizza. Even in the area of poultry product processing, a parallel program maintained by USDA, the Secretary enjoys substantially more discretion in reaching his determinations about the allocation of inspection resources.

For several years a variety of experts, both inside and outside of the Government, have recognized the maintenance of this traditional inspection system in today's environment is outmoded, inefficient, and unnecessarily expensive. In 1977 the consulting firm of Booz, Allen & Hamilton conducted a review of the program for the Department and recommended passage of this type of legislation. Similar sentiments were expressed in a 1977 report issued by the General Accounting Office, and reiterated in 1981.

USDA began seeking this authority in 1982, advising the Congress at that time the passage of such legislation would enable the Department to deal more efficiently and effectively with the many different kinds of inspection situations it faced. In 1983 the Grace Commission came to a similar conclusion, recommending that the Secretary be given authority to provide more flexible inspection consistent with the legislative criteria specified in today's bill.

Finally, the National Academy of Sciences, as part of its comprehensive review of the Meat and Poultry Inspection Program published in 1985, recognized that processing plants with the capability or proven practice of instituting their own effective quality control programs reasonably might not require the ongoing physical presence of an inspector. Today's legislation is also supported by the American Meat Institute and other industry groups. In short, the jury is in on this issue, and there is clear consensus for change.

It is important to point out what this legislation will not do. It will not effect slaughtering operations, where the continuing presence of a Federal inspector will be maintained. It will not mandate adoption of any particular type of quality control system as a prerequisite to inspection. Establishments will remain free to employ whatever systems fit their own needs, so long as regulatory compliance is maintained. The bill will also not automatically reduce the amount of time spent by an inspector at each and every establishment. Should the Secretary determine that it is necessary, the number of inspectors in some establishments could actually be increased. One of the key benefits of the bill will, in fact, be the way in which it will serve to increase the public health protection by enabling the Secretary to utilize his resources where they will do the most good.

Another major factor which recommends the bill is the fact that it will save money. USDA has estimated that passage of this legislation will generate some $68 million in savings during its 5-year phase in period. The Department then anticipates yearly savings of approximately $27 million.

Obviously, passage of this legislation would therefore be extremely well timed. In the current budget environment, Congress can ill afford the luxury of failing to act in an area where there is clear consensus for change, where we have the opportunity to modernize an important public health program, and where we can realize such substantial savings. The current dilemma faced by the inspection program also dictates that we take action. As we have seen in recent weeks, under current budgetary constraints, the Department has had difficulty accommodating new requests for inspection services. While we seem to have gotten past the most recent crisis, we need to act now to head off the future risk of jobs going unfilled and a significant segment of the food and argicultural sector being unduly constrained in its daily operation, to the overall detriment of producers, packers, and consumers alike. By endorsing the status quo, we merely perpetuate these problems. By passing this legislation we begin the process of allowing for more sensible administration of the inspection system, both by eliminating unnecessary expenditures and by freeing up resources for use where they are most needed.

I, therefore, am convinced that we face a rare opportunity through this legislation to both improve the protection of the consuming public and to reduce unnecessary expenditures on behalf of the taxpayer. I urge support of the Processed Products Inspection Improvement Act of 1986 as a means of accomplishing such worthy goals.

CANTERBURY ELEMENTARY SCHOOL WINS NATIONAL AWARD

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. STOKES. Mr. Speaker, although much has been said and written about the lack of intergenerational communication in our society, few will dispute the fact that a special relationship exists between children and the elderly.

The students and staff of Canterbury Elementary School of Cleveland Heights, OH, located in my district, have made a special effort to encourage and cultivate that relationship by annually sponsoring a Senior Citizens Day. In recognition of that program, the school was recently awarded a "Golden Achievement Award" by the National School Public Relations Association.

Mr. Speaker, Canterbury School is completing its first successful year as a magnet school with a special emphasis on communications skills. One of the goals of the school is to increase communications with the community, of which senior adults are a very special part. Because many seniors are retired and are longtime residents of the community, the Canterbury students believed that seniors would welcome contact with the school beyond their yearly visit to vote. They decided to invite not only the grandparents of Canterbury students to Senior Citizens Day, but extended the invitation to all senior adults of the school area.

Through extensive planning and the participation of students, teachers, parents, the community liaison coordinator and public relations director, the word was spread throughout the senior community through senior adult groups, local churches and temples and the distribution of posters and flyers. Soon, Senior Citizens Day had grown to Senior Citizens Month.

Mr. Speaker, it was a smashing success. Working under the theme "Communicating With the Young at Heart," the Canterbury family honored senior citizens during the entire month of November 1985. Some of the activities included:

A senior adult who was a former television show host gave a television production workshop with fifth grade students using the school's video equipment.

Several senior adults were invited to share the art of storytelling with many classes.

A grandfather showed fourth grade students the art of glass designs.

A senior adult who is a world traveler and museum docent shared pictures and adventures from his recent trip to Europe and Asia.

Kids on the Block, a touring puppet show, presented a show on aging which heightened student awareness of the capabilities and desires of some senior adults.

Senior adults were invited to join students and the Canterbury art teacher to work together on projects.

Municipal Judge Jean Murrill Capers spoke to an assembly of senior adults, students and parents.

Mr. Speaker, as a result of Senior Citizens Month, many senior adults have stayed on at Canterbury School as permanent volunteers, others have come in to conduct special projects and still others have donated books to the school library. The students have benefited also, by gaining a better understanding of the aging process, increasing their respect for senior adults, and increasing sensitivity toward our senior adult population.

On behalf of the residents of the 21st District of Ohio, I wish to congratulate Principal Katie Shorter, students, teachers, staff and parents of Canterbury Elementary School on receipt of the National School Public Relations Association 1986 Golden Achievement Award and on its successful efforts to communicate and interact with one of our community's most valuable resources—our senior adults.

TORT LAW CRISIS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. RITTER. Mr. Speaker, continuing in my effort to bring pertinent information on the tort law crisis to the attention of my colleagues, I trust they will find this commentary from the December 1985 issue of Financier, written by Robert D. Kilpatrick, chairman of the CIGNA Corp., of interest.

SUPERFUND INSURANCE PROBLEMS SYMPTOM OF FLAWS IN TORT SYSTEM

(By Robert D. Kilpatrick)

Superfund legislation, because of its extraordinary extension of personal responsibility and retroactivity, is making even worse the problems the property-casualty insurance industry already faces, Mr. Kilpatrick contends in this article written for Financier, and is making insurance for environmental liability exceedingly difficult and costly to obtain. The Chairman of CIGNA puts the environmental difficulties in the larger context of the fundamental crisis in the US tort system, which must be dealt with as a matter of economic and financial urgency.

Last month, newspapers across the US reported that as many as 35 hazardous-waste facilities might be forced to close because they could not secure the liability insurance they needed to remain open.

To insurers and their customers, the story was not new, but a reiteration of many articles that have appeared over the past year describing the plight of such disparate groups as municipalities, doctors, truckers, day-care center managers, business involved in high-risk enterprises, even the members of corporate boards. Each one of these stories reported on the difficulties these groups faced in finding liability insurance and, once they did find it, the increased expense they incurred to obtain it. Many of the stories left the reader with an impression that the insurance industry was the principal villain.

That simply is not true. Certainly, we are responsible for making the decisions that a particular risk is no longer insurable, or that to take on the risk we must charge a great deal more than we did when the policy was originally written.

What is missing from the discussion is a description of the root cause of the problem.

It is not the major losses suffered by the property-casualty industry during the recent cyclical downturn—although they were the worst in history.

It is not a new underwriting philosophy that says we only accept business from certain kinds of clients.

SERIES OF DEBILITATING EVENTS

It is a recognition of a major and deeply concerning change in our legal system that has been developing over the past 20 to 30 years and now has triggered a series of debilitating events affecting many businesses and individuals.

Consider the following facts regarding only one class of insurance: Medical malpractice:

From 1974 through 1983, the average medical malpractice plantiff's award increased by more then 400%.

The number of medical malpractice awards higher than $1 million increased from four in 1974 to 70 in 1983.

During the '70s there were two to three medical malpractice suits filed for every 100 doctors; in 1983, there were 16 for every 100 doctors.

To help void malpractice suits, doctors now order more tests than in the past, at an additional cost estimated by the American Medical Association to be as high as $40 billion a year.

Even a lawsuit defended successfully by a doctor involves substantial cost to the doctor and his or her insurer.

One of the reasons for the continuing escalation in the number of court actions associated with liability and personal injury in this country is the contingent-fee system. This arrangement frequently allows a lawyer to reap a reward from bringing a lawsuit that is completely disproportionate to the reasonable value of his services.

Moreover, there is little disincentive to filing non-meritorious claims. Under the legal system used in most countries, the loser in a court battle has to pay all legal costs for both sides. In the US, each side is ordinarily required to pay its own legal costs, regardless of the outcome.

STRETCHING THE ANCIENT RULE

The situation in this country has been complicated by a series of court decisions that have interpreted insurance contracts far more broadly than the parties' original intent and expectation, thus creating insurance coverage where none had existed or was expected when premiums were collected. Further, in underlying tort litigation, courts have severely stretched the ancient common-law rule that faults must be present before liability is assigned, and that defendants should be liable only for damages that they actually caused.

Against this background, insurers increasingly find themselves caught in a juridical twilight zone—a gray area in which the laws of probability and the established contractural elements which make it possible to insure risk have lost their substance and meaning.

This unpredictability, coupled with the extraordinary financial awards being granted by courts and juries, has struck at the very heart of the insurers industry's existence: Its ability to estimate the probabilities and extent of loss, to spread the risk and to define with some precision the nature and type of risk against which the insurance contract is written.

These concerns—the lack of predictability, judicial expansion of insurance policies and highly inflated jury awards—are compelling

reasons why the proper pricing of certain types of liability risks has become all but impossible. And even when it is possible, the premium that must be charged frequently makes the protection far more expensive.

Nowhere is the problem more evident or complicated than in the area of environmental pollution. Since the early '70's, pollution risks have been specifically excluded from general liability coverages except for what are described as 'sudden and accidental" discharges.

EXCLUSION HAS BEEN NULLIFIED

In some jurisdictions, this exclusion, though adopted in good faith by insured and insurer alike, frequently has been nullified. Certainly the insurance industry will play by the rules, and it will adapt to the rules as the dynamics of the business change. But no one can be expected to do business in an environment where very little stability or predictability exists.

As to the interpretation of policy provisions, there is relatively little uniformity from state to state or even court to court. And the growth in the magnitude of potential awards has been equally disturbing: In the past three years alone, pollution claims under comprehensive general liability coverages have increased 600%.

A classic example of the difficulties insurers face in assessing environmental-pollution risk arose several years ago in the New Jersey community of Jackson Township. A state appellate court approved a $5.6 million award to families whose wells were contaminated by gradual seepage from a town dump.

Insurers were ordered to reimburse the Township for that amount—despite the fact that there was an exclusion in all but one of the Township's policies that denied coverage unless the pollution was "sudden and accidental."

The court ruled that the gradual seepage came within the exception for "sudden and accidental" discharges because it took the phrase "sudden and accidental" to mean no more than "unexpected and unintended."

When such judgments are possible, when such long-established concepts have lost their meaning, clearly, the result is a dearth of coverage, even at higher premium rates.

Another important example is reflected in the ongoing debate over the Superfund legislation.

UNFORESEEN AND RETROACTIVE

As part of the 1980 enactment of Superfund to clean up the nation's most-hazardous-waste dump-sites, Congress established a $1.6-billion trust fund to expedite the effort over a five-year period. A key provision of the bill stated that waste generators and transporters as well as owners and operators of the sites would be liable for the clean-up costs. Simply, the bill created an unforeseen and retroactive liability.

Unfortunately, the problem that Superfund was intended to solve turned out to be far more massive than anticipated. The Insurance Information Institute now estimates that there are between 5,000 and 20,000 sites at which removal or remedial measures will be required. To get started expeditiously, the Environmental Protection Agency established a national priority list of the 400 worst toxic-waste dumps. Since then, however, EPA has reported that there are at least 2,200 sites which demand immediate attention.

Results thus far are certainly less than encouraging. Since passage of the act that established Superfund, only six sites have been cleaned up and capped. There are, however, more than 200 lawsuits pending.

Why? Because of the litigious nature of our society. The Federal Government sues the parties potentially responsible for the toxic waste; the potentially responsible parties defend against Government and sue each other to avoid or spread the cost; then defendants sue their insurance companies to recover both clean-up costs and the money spent on legal defenses.

LIABILITY WITHOUT FAULT

Despite its many flaws, the Superfund process might yet produce the results originally intended—if the traditional concepts of fault and limiting liability to damages actually caused were still applied. They are not, however, because the program is built on the concepts that liability does not require fault and that a party can be held responsible for damages it did not cause.

Thus, under the prevailing theory of "joint and several" liability in both Federal and some state clean-up cases, anyone who has been in any way connected with the offending site can be held liable for the full cost of clean-up, no matter how inconsequential the original involvement may have been.

This means that any generator, any transporter, any waste-site owner or operator can be held responsible for full costs even if what it did was totally without fault and had only the most trivial consequences.

It appears to me that the Superfund program, as implemented, is both unfair and inefficient. It saddles businesses with enormous retroactive liability without fault; a great danger exists that some courts will allow those businesses to pass that liability to their insurers—liability that was never anticipated or made the subject of insurance coverage.

Further, it squanders significant sums on litigation expenses that instead could be spent on waste clean-up. If costs continue at present levels, it is estimated that total litigation expenses could rise to more than $8 billion. If two-thirds to three-quarters of Superfund litigation costs could be eliminated, 400 to 450 additional sites could be cleaned up for these amounts.

REDUCE LITIGATION EXPENSE

But that demands a restraint that Congress has yet to impose on Superfund. Any reform movement—to be even moderately effective—must focus on the reduction of litigation expense as well as on bringing loss payments under control.

The magnitude of the total clean-up cost is still not clear, but estimates range from EPA's $20 billion to the Office of Technology Assessment's $100 billion. Some, however, put the cost nearer to $250 billion.

What is abundantly clear, however, is that hazardous-waste sites need to be attacked with picks and shovels, rather than with briefcases and depositions, or the cost of cleaning up the environment will be much greater than necessary.

Lloyd's of London, the source for much of the reinsurance that is used by the US property-casualty insurance industry to spread the major risks, has made it abundantly clear that it is not prepared to accept pollution-related risks in the US until some reforms have been achieved.

In a recent speech, the Chairman of Lloyd's, Peter Miller, called upon US regulators and legislators to exercise, "imaginative and bold leadership to enact reform of the laws governing torts—injuries or wrongs." He declared that the London group simply will not accept the prevailing uncertainties.

In addition to tort-law reform, what is desperately needed is a concerted effort at every level of society to question the benefits we obtain from the current tort system.

This is not meant to suggest that the right to a trail by jury and reasonable access to legal advice should be in any way diminished. To the contrary, by reexamining a number of the elements of the liability process as it now exists, we could improve the system and provide more opportunity for court review of items of significance.

There is a need to encourage the greater use of arbitration and mediation to help reduce court costs and shorten the time to reach a fair solution. The use of some form of alternate dispute-resolution techniques wouuld go a long way to improve the efficiency of the current system without putting at risk the rights guaranteed by our system of laws.

At the same time, the courts should discourage frivolous or nuisance suits. There is an increasing tendency for litigation to be initiated simply to provide a means of forcing payments to avoid the high cost of defending what is obviously a questionable claim.

STRUCTURE RELATED TO VALUE

Further, serious study should be given to the abuses associated with the contingency-fee concept. Everyone should have access to proper legal advice, but some form of graduated fee-structure should be developed that bears a direct relationship to the time, effort, skill and value to the client of the service rendered.

Recognizing the time it has taken for the current abuses to develop, it is clear that no easy or quick solution to the current problem regarding liability and injury issues will be established.

It is terribly important, however, that efforts to change the process be explored and implemented wherever possible. If that is not done, the current problems facing limited segments of society in not being able to obtain insurance against future claims will spread to all segments of business and personal interaction.

The effect will be that individuals and businesses will have no protection against the cost of defending themselves against totally unfounded and unwarranted legal actions that could take all of their funds to pay for legal defense fees—only to discover that, after the expenditures, the claim was without merit.

SYMPTOM OF A GREATER CRISIS

The current insurance availability issue—as important as it is to those involved—is only a symptom of a much more important crisis in our tort system that must be given immediate and serious consideration by all segments of our society.

If we do not take the steps necessary to correct the problem, we put at risk the financial and personal security of every business and citizen in this nation.

ARMENIAN GENOCIDE

SPEECH OF

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. HALL of Ohio. Mr. Speaker, I join my colleagues on "Armenian Martyrs' Day" to

pay tribute to the victims of the Armenian genocide of 1915–23.

Between 1915 and 1923 over 1 million Armenian people were arrested, sent into exile, and brutally murdered by the Ottoman empire. Under the Ottoman empire, the Armenians were viewed as a threat to the government because of their differing religious and cultural practices. During the 8-year period between 1915 and 1923 the Armenian people occupying present-day Turkey were systematically executed for no greater crime than that of their Armenian heritage. This is an atrocity which to this day does not receive enough of the critical attention it deserves.

We cannot allow this historical crime to fade in our memories. To do so would invite the recurrence of a similar violation of human rights. By recognizing April 24 as "Armenian Martyrs' Day," Congress is expressing its abhorrence to all genocide. Furthermore, in recognizing "Armenian Martyrs' Day" we are also honoring the lives of the Armenian victims.

Today we express our outrage concerning this inexcusable violation of human rights. In marking this day as the anniversary of the Armenian genocide, we hope to prevent similar acts in the future. We honor those who fell victim to the crimes of inhumanity, and hope that no other race of people nor individual be persecuted on the basis of their cultural heritage or religious preferences—which are fundamental human rights.

OPPOSING HONORARIUM RULES CHANGES

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Ms. MIKULSKI. Mr. Speaker, most people don't understand how parliamentary procedure is sometimes used to set policy. That's what happened yesterday when a provision to increase the amount of honoraria Members can receive was suddenly brought up for a vote, without any notice, and passed without any debate.

Apparenty, certain Members were trying to change the rules so they could make more money from speeches. I strongly oppose this measure, and the way it was handled.

This afternoon the House reversed yesterday's action and I voted with the majority.

I'm one Member of Congress who believes that when we want to give ourselves the opportunity to make more money from honoraria, we should bring it up for full discussion and debate. We should use the "front door" whenever we change our rules—we shouldn't try and slip changes quietly through the "back door."

SYLMAR HIGH SCHOOL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Sylmar High School. September of this year will mark this outstanding school's 25th anniversary. I am proud to share some of Sylmar High School's accomplishments with my colleagues.

Sylmar opened its doors in September 1961. Current enrollment is 1,600 students. The student body is a culturally diverse one. Sylmar has students from over 20 different countries who speak nine languages.

Sylmar High School's more than 300 classes are designed to fill the educational needs of all. Courses in many different subjects are available from remedial to college level. The curriculum includes advanced courses for the college bound, English as as second language courses, vocational courses, computer courses, and courses for students with special needs. In addition to classes on the campus, courses may be arranged at the North Valley Occupational Center and some of the local colleges.

Many programs provide the students a great variety of experiences. Close-Up allows firsthand experience with the Federal Government, and the Rotary Youth Leadership Awards Conference enables selected students to develop their leadership skills. The Mathematics, Engineering and Science Association [MESA] provides encouragement and aid for minority students who are interested in these fields.

Many forms of recognition are given for student achievement. Two have recently been honored by the Los Angeles City Youth Commission as outstanding students. In addition, for the last 2 years, outstanding seniors have been awarded the Presidential Academic Fitness Award.

Much of Sylmar High School's success results from the efforts of a dedicated staff. A quarter of the staff has earned advanced degrees, including three doctorates. Most of the staff constantly improve their skills through workshops, in-service classes and National Science Foundation and National Endowment for the Humanities Programs. A dedication to learning is shown by the fact that many of the faculty belong to professional organizations. Not just passive members, but active leaders—several hold local, State and national office in these professional groups. The faculty does not limit itself to educational interest but also participates in community service, religious, and youth organizations.

Over the years, the staff has endeavored to provide the best educational experiences possible for students, and all are dedicated to continue these efforts in the future. It is my distinct pleasure to join with my colleagues in paying tribute to Sylmar High School on the occasion of its 25th anniversary. It is an honor to have such a fine educational institution in the 26th District.

THE TALE OF TWO ALLIES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. BIAGGI. Mr. Speaker, I would like to reflect briefly on a tale of two allies, a true story played out during last week's raid against Libyan-sponsored terrorism.

I am reassured by one part of the story, the support given the United States by the British Government and Prime Minister Margaret Thatcher. By allowing F-111 fighter-bombers to take off from British airfields as part of the attack plan, Britain proved itself a faithful ally unintimidated by Col. Mu'ammar Qadhafi's ever-present threats. The United Kingdom recognized that the risks incurred by standing up to Qadhafi are far outweighed by the risks of appeasing him.

The disappointing part of the story is the hand-wringing reluctance practiced by France when asked to allow those same American warplanes to fly over its territory. Our so-called ally refused, thereby doubling the length of the mission and exposing airmen to the dangerous fatigue of a 7-hour flight to their targets.

I can express no gratefulness to the French. However, Qadhafi himself has taken the time to publicly thank them.

Both Britain and France know the treachery practiced by Libyan-backed terrorists. Yet, how could France find anything except a firm response to be best for the safety of citizens worldwide?

Considering the many attacks in Europe within recent years, our interest in providing a deterrent to terrorism surely must be France's interest also. Considering Libya's complex of terrorist training camps that teach people to attack Paris and London as well as Washington, America's resolve to put those dens out of action surely should be France's resolve. And considering terrorism looks at its world of victims with a cold eye that cares little about nationalities, perhaps France should stop trying to show an olive branch to a leader who is bent on violence and destruction.

The dictionary defines "alliance" as an association to further the common interests of the members. France defies the dictionary and jars our trust. Let us remember such unreliability when we contemplate supporting France. At the same time, let us gratefully remember Britain, a nation that backed us as we fought terrorism.

FUEL USE ACT REPEAL—THE TIME IS RIGHT

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. BRYANT. Mr. Speaker, today, along with many of my colleagues from energy-producing States, some of whom serve with me on the House Committee on Energy and Commerce, I am introducing legislation to repeal the prohibition on the use of petroleum and natural gas as boiler fuels by utilities and large industrial users.

The Fuel Use Act of 1978, by imposing restrictions on the use of oil and natural gas to fuel industrial or utility boilers, reduced the demand for natural gas which was then a vastly underpriced commodity. Years of regulation had kept the price of natural gas low in relation to other fuels which artificially stimulated the demand for natural gas, especially among residential users. This situation did

nothing, however, to encourage exploration, drilling, and production of natural gas.

As a result of the passage of the Fuel Use Act, large volume consumers of natural gas shifted to alternative energy sources such as coal. This action improved supplies of natural gas so much that in 1981 the provisions in the act prohibiting the use of natural gas in existing powerplants and utilities was repealed. New plants, however, are still prevented from using natural gas or oil.

Now, at a time of soaring surpluses of oil and gas—which historically, because of its competitive market price, has been the target of the Fuel Use Act—is the time to repeal the prohibitions on the use of both natural gas and oil. This restriction has inhibited market forces by dictating fuel choices for utilities and industrial users. We should now return the choice to marketplace forces.

I commend my colleagues on the Energy and Commerce Committee for their help in drafting this proposal and appreciate the interest both subcommittee Chairman SHARP and committee Chairman DINGELL have shown in this effort. There is a broad base of support for this legislation in the energy exploration and production industries, as well as among industrial and powerplant energy consumers. With this as a base, I am sure that we can report this bill favorably to the House in the near future.

This is a long-term effort that will help relieve the strain imposed on the energy-producing States by the current oil price decline and the resultant oversupply. There are other efforts underway to provide more direct and immediate relief to the energy industry and protection for our national security interests, but this is an important first step to ensure that our domestic producers stay in the business of finding and producing oil and natural as. I encourage my colleagues to review this measure, giving full consideration to the need to maintain our domestic production capability for reasons of both national and economic security.

BEALE AIR FORCE BASE AID FLOOD VICTIMS

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. CHAPPIE. Mr. Speaker, when the Yuba River levee broke recently, sending a mountain of angry water to the communities of Linda and Olivehurst, CA, people didn't have much time to react. They grabbed their family members, got into their cars and started to drive. Many of those who had nowhere else to turn fled to Beale Air Force Base where they were greeted with open arms.

Because of their extraordinary efforts on behalf of the flood victims, the people at Beale Air Force Base deserve special recognition. In the midst of a crisis, their quick action and compassion for their neighbors made life much more bearable for those whose homes and personal property were destroyed. Their kindness to the flood victims is an inspiration to all of us.

Because of the round-the-clock efforts of the many volunteers at Beale, flood victims were given food, shelter, medical care, and comfort. Nine shelters were set up around the base to aid the nearly 6,000 victims who sought refuge there. Some 350 families on the base opened their homes to the flood victims for nearly a week.

Even after the waters receded and the flood victims went home, volunteers from Beale continued to lend a hand by delivering food, clothing, and other assistance to those who needed it in the flood affected counties.

I urge my colleagues to join me in commending those at Beale Air Force Base whose hard work and compassion were so instrumental in helping Californians cope with the recent flood disaster.

THE 100TH ANNIVERSARY OF THE A.W. LUGG & CO., KNOXVILLE, TIOGA COUNTY, PA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. CLINGER. Mr. Speaker, I have just recently learned that the A.W. Lugg & Co. of Knoxville, PA, will be celebrating its 100th anniversary during the month of May.

This is a remarkable accomplishment and I wanted to personally congratulate you along with all of the other citizens of Knoxville, PA, in this truly historic anniversary.

To have served all of the fine people of Knoxville for this significant period of time, in both an honest and fair manner, is a sterling tribute to the American free enterprise system. I can well imagine all of the hard work, long hours and perseverance the Lugg family has devoted to making a success out of the A.W. Lugg & Co. and I am sure that there has been a lot of satisfaction in the service that you have provided to the community.

My best wishes for many, many more successful years.

A TRIBUTE TO DR. JULIUS MASTRO

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. COURTER. Mr. Speaker, on May 4, 1986, friends, family, and coworkers will gather together with the Alumni Association of Drew University in Madison, NJ, to honor Dr. Julius Mastro on the occasion of his retirement. For over 25 years Dr. Mastro has served this fine institution in a manner consistent with the highest standards in his roles as professor and former political science chairperson.

Julius distinguished career at Drew began in 1960 with a position as a part-time instructor. After later becoming a full-time faculty member he served as chairman of the political science department from 1971–76.

Outside of his teaching experience Julius embodies the entrepreneurial spirit; he has owned a shoe store and presently owns a grain store. He is also widely known for his community, civic, and political involvement. He has selflessly given of his time to serve as a member of the board of education, the planning board, and the town council in his hometown of Bernardsville, NJ.

Julius has always had an interest in utilizing his academic training to impact upon the public policy process. Toward this end he has served as a political consultant to such organizations as the New Jersey League of Municipalities, and several Eagleton Institute programs including the newly elected officials organization. He has also served as a member of the Presidential Commission on Higher Education.

Recently, Dr. Mastro was named the initial recipient of the Drew Scholar/Teacher Award. This Presidential citation has been created to honor distinguished service to Drew University and I cannot think of a more deserving person to receive this inaugural honor.

The impact Julius Mastro has had on the thousands of young men and women he has taught at Drew and those of us who have come to know him as a friend are perhaps the greatest barometer of his success. I take great pleasure in joining with his friends and colleagues in saluting Dr. Julius Mastro for his contributions to the communities he has touched and in wishing him and his family the best for a very happy and healthy retirement.

SMALL BUSINESS ACT OF 1986

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. DREIER of California. Mr. Speaker, last week I was joined by 17 of my colleagues in introducing legislation to restructure the Small Business Administration. Our bill, the Small Business Act of 1986, would end SBA's wasteful and inefficient credit programs, and transfer the agency to the Department of Commerce where it will be given greater visibility in the Federal Government.

The most popular and effective programs would be retained. They include the Office of Advocacy, procurement assistance, minority set-asides, and the volunteer counseling programs. More important, the SBA would be given Cabinet level presence through the Secretary of Commerce, a position unmatched by the current Administrator.

The unique aspect of this legislation is that it will bring an end to the countless reports of abuse and mismanagement in the SBA. It will elevate small business concerns in the Federal Government. And it will do all this while saving the taxpayers $5 billion over the next 3 years.

Most qualified economists will tell you that including this proposal as part of an overall deficit reduction package will improve economic opportunities for small businesses. I urge my colleagues to cosponsor the Small Business Act of 1986, and join those of us who want to provide the best economic climate for small businesses to compete.

ALABAMA SCHOOLS RECOGNIZED FOR EXCELLENCE

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. ERDREICH. Mr. Speaker, for the past 3 years, the U.S. Department of Education has conducted a Secondary School Recognition Program to focus national attention on schools that are doing an exceptional job of educating their students. This year marks the first time, however, that the Department has established a recognition program for elementary schools. Some 509 elementary schools from across the country were nominated by chief State school officers in 49 States, the District of Columbia, and the Department of Defense Overseas Dependents' Schools. With so many outstanding schools being considered for the overall educational program, you can understand if I take just a few moments to boast about the fact that not one, but three elementary schools from Alabama were selected for final consideration in the 1985-86 Elementary School Recognition Program—Valley Elementary School in Pelham, AL, Cahaba Heights Community School, and Vestavia Hills Elementary School-West, which both happen to be located in Jefferson County, AL, in my congressional district.

Both Cahaba Heights and Vestavia Hills have a number of special features which set them apart from many elementary schools and certainly more than qualify them to receive special recognition from the Department of Education. Cahaba Heights, for example, has strong participation by and interaction among its administrators, teachers, and parents. It has a strong and effective volunteer program, as well as a number of extracurricular activities for students, including its math teams, chess and computer clubs, Olympics of the Mind teams, school newspaper, "The Chatterbox," and its student-operated store.

The curriculum and staff at Vestavia Hills focuses its efforts on enhancing the self-concept and feelings of success of each child. In addition to its well-rounded staff and faculty, the school has teachers who are specially trained for various areas of exceptional children, including educably mentally retarded, multiple handicapped, speech therapy, and talented and gifted. It also has a dedicated parent-volunteer group, and ranked first in the State of Alabama in 1983 and second in 1984 and 1985 in overall performance in the Alabama State Testing Program.

I cannot stress enough the importance of providing our children, tomorrow's future leaders, with the educational skills they must possess if the United States is to retain its place among the world's technologically advanced nations. I commend Cahaba Heights Community School, Vestavia Hills Elementary School-West, and Valley Elementary School on being nationally recognized for their development of solid curriculums focusing on building basic skills, knowledge, character, values, and self-discipline for the students they serve. I wish them all the best as they now await final notification of those schools that will be invited to the Nation's Capital in the fall to participate in a national recognition ceremony and receive a specially designed flag symbolizing outstanding educational achievement.

LOIS M. TEER HONORED WITH NEW JERSEY PRIDE AWARD

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. FLORIO. Mr. Speaker, I would like to direct the attention of my colleagues to the achievements of one of my constituents, Lois M. Teer of Camden, NJ, in the area of community development. As an active member of my district, Lois Teer has demonstrated dedication to her neighbors and to her community. This admirable quality has been translated in her worthwhile campaign to help redevelop the city of Camden and instill in residents a sense of pride in their community and in their State.

On May 1, 1986, Lois will be honored with a New Jersey Pride Award for her distinguished accomplishments in the area of Community Development. The New Jersey Pride Awards were initiated last year by the New Jersey Monthly in order to focus attention on the achievements of individuals who have made lasting contributions to the State of New Jersey. Seven other distinguished New Jerseyites will also be honored for their contributions in other areas. As a way of furthering the spirit of generosity and dedication that pervades these awards, organizers of the New Jersey Pride celebration will be hosting this event in order to benefit the New Jersey Special Olympics, a sports training and athletic competition program for mentally retarded children and adults. This worthwhile charity addresses the needs of 200,000 New Jerseyites or 3 percent of the State's population.

I am proud to represent Lois Teer and am impressed by the results of her efforts in the area of community development. In 1982, Lois designed and spearheaded a marketing campaign geared toward improving the image of the city of Camden. Having represented Camden in the Congress for over a decade, I am aware of the distressing economic and developmental problems this city faces. I am also aware of the dedication and perserverance of many residents such as Lois Teer who are working to attain a rejuvenation of this city.

Lois Teer's marketing campaign was focused on encouraging middle-income home buyers to come into the city and buy and renovate abandoned homes. This program involves two very key concepts in a city such as Camden: The need for historic preservation and the need to ensure that families will return and populate these abandoned homes.

In the beginning of this program, a trickle of "urban pioneers" participated. Because of Lois Teer's hard work and dedication, this trickle has grown into a respectable interest on the part of developers, investors, and families. We are already beginning to see the results of this effort. I wanted to urge my colleagues to join me in congratulating Lois Teer for her commendable achievements and in commending New Jersey Monthly for granting recognition to her efforts and for organizing this timely event. I would also like to extend to Lois M. Teer my best wishes for continued success in her endeavors.

HONORED FOR OUTSTANDING ACHIEVEMENTS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. GEKAS. Mr. Speaker, I would like to bring to the attention of my colleagues in the U.S. Congress the outstanding achievements of Mr. Frank Grady, who is being honored on May 1 at a retirement dinner for his contributions and faithful service to the Tri-County United Way of Harrisburg, PA.

Frank Grady's professional resume reflects a man who has devoted his entire life to improving the quality of life for others. Some of those who know Frank see his ability to lead and develop volunteer leadership as his greatest strengths. He has written and published several articles on such topics as voluntarism, campaigning, and budgeting; all of which are key elements of the successful United Way campaign.

Since 1972, Frank Grady has served as the executive vice president of the Tri-County United Way of Harrisburg primarily responsible for campaign direction and supervision of community planning, allocations, agency relations, communications, and labor relations programs. Under his leadership, 24 agencies have been added to the United Way; the Tri-County was one of the first in the Nation to adopt an open admissions policy; and became the first United Way in the State of Pennsylvania to conduct a cooperative campaign with the three health agencies.

Mr. Speaker, I have come no where near listing all of Frank Grady's activities and accomplishments with the United Way, but I must admit that those previously mentioned would seem to be enough to satisfy most of us in a lifetime. In addition to his work with United Way, he has served in various capacities with the Rotary Club of Harrisburg; the Harrisburg Chamber of Commerce; Mayor's Advisory Committee, the Harrisburg Area Crime Clinic; Hampden Township Planning Commission and the list goes on and on and on.

Frank Grady is an outstanding example of dedication and excellence. He will undoubtedly leave a lasting imprint on the Tri-County United Way. I ask my colleagues to join me in saluting this fine man. He has truly enriched the lives of all who have been privileged to know him and work with him.

AMY BULL CRIST CELEBRATES HER BIRTHDAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. GILMAN. Mr. Speaker, I want to call to the attention of our colleagues a celebration that will be held this weekend in Orange County, NY, marking the 80th birthday of Orange County's first lady, Amy Bull Crist.

It is hard to describe Amy to people who are not from our area, because she is such a living legend to us that mere words cannot convey the energy, the compassion, and the dedication of this dynamic lady to anyone who has never had the pleasure of meeting her.

Amy is a direct descendant of William Bull, one of the original settlers of Orange County, NY. With such a heritage, Amy always felt that her responsibility was service to others.

Starting her career as a teacher in a one-room schoolhouse, Amy taught the three R's generations of students which she always held to be the foundation of a fine education.

Years later, upon her retirement as district superintendent for the Orange-Ulster Board of Cooperative Educational Services, the regents of the University of New York cited her as a recipient of the James E. Allen, Jr., Memorial Award for distinguished service to education. In the 50 years between these events, Amy Bull Crist touched countless lives and made our region a better place in which to live.

To list all of Amy's accomplishments would take more time than is available. Let me just touch upon her help in founding the Orange County Community College, her founding of Occupations, Inc., as a not-for-profit, sheltered workshop for the handicapped, and her providing of medical services for students too needy to afford them as just a few examples of her goodness and her many accomplishments.

A large crowd will be gathering this weekend for Amy's birthday party. Greetings will be sent from her many friends and loved ones all over the Nation, including the President and Mrs. Reagan. The proceeds from the party will be donated to Amy's favorite charities.

Mr. Speaker, I invite my colleagues to join in wishing Amy Bull Crist a happy birthday, and thanking her for her years of giving for all of us.

THE BUDGET: NOT A HARD CHOICE

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. GRAY of Pennsylvania. Mr. Speaker, I rise to call my colleagues' attention to the remarks yesterday by James C. Miller III, Director of the Office of Management and Budget.

Mr. Miller's comments once again cast doubt on whether the White House is at all sincere in wanting a Federal budget for fiscal year 1987.

Mr. Miller was asked whether he would prefer no budget to one that departs from President Reagan's priorities—priorities, I might add, which have been rejected in this Chamber and in the other body by the President's own party.

Mr. Miller told reporters, "That's a hard choice."

We should be clear, Mr. Speaker, that it's not a hard choice for many of us in this House.

We want a budget.

We are anxious to negotiate with the administration and our colleagues in the other body for a budget.

And we are not willing to turn over to some automatic pilot the decisions we were elected to make.

A GIFT OF BLOOD IS A GIFT OF LIFE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. RAPLH M. HALL. Mr. Speaker, it is my privilege to draw attention to the wonderful record set by two blood donors in Tyler, TX, who have given a pint of blood over 100 times.

James F. Barnes, a teacher at Tyler Junior College, and Frank Sewell, vice president, InterFirst Bank in Tyler, have donated over 12½ gallons of blood at Stewart Blood Center, the regional blood bank furnishing blood and blood components to hospitals in 31 counties in east Texas.

As volunteer donors, both of these men recognize the need for blood to sustain life of patients who cannot live without transfusion of donor-given blood.

The marvelous record set by these two fine men serves as an example of true giving and an inspiration to other men and women in good health to take the time to share their life's blood with others.

This gesture is significant, for truly a gift of blood is a gift of life.

GRAMM-RUDMAN GOES TO COURT

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Ms. MIKULSKI. Mr. Speaker, earlier today the U.S. Supreme Court heard arguments about the constitutionality of deficit-reduction legislation known as Gramm-Rudman.

I don't know if Gramm-Rudman is constitutional, but I do know it's unfair and unwise. That's why I voted against it and that's why I'm still opposed to it.

The authors of the Gramm-Rudman legislation say it is merely a means by which the Federal Government will be forced to balance its checkbook by 1991. It mandates across-the-board cuts in almost every area of Government spending except Social Security.

My own view is that Gramm-Rudman is the wrong way to deal with the problem of the Federal deficit. Someone remarked once that it was a bad idea whose time had come. I don't think this country, or this Congress, has time to waste on bad ideas.

Gramm-Rudman is a harsh example of the contracting out of congressional responsibility. It takes the hard budget decisions that voters elected Members of Congress to make, and turns them over to Government computers. Well, computers don't have to answer to the voters at election time.

Mr. Speaker, balancing the Federal budget is one of my top priorities, but I want to do it line by line, item by item. I want to vote for budget cuts like we did last fall when we passed a budget reconciliation bill that cut $61 billion in Federal spending over 2 years.

That bill would have allowed us to reduce spending and reduce the deficit without hurting the programs America needs: Programs like Head Start, Meals On Wheels, Highway Construction, Veterans Health Care, Medicare, and Railroad Retirement.

In my own State of Maryland we've been especially hard-hit by Gramm-Rudman cuts. These cuts slash at programs and they hurt people. State budget experts expect a loss this year of Federal funds totaling about $16 million and a loss next year of more than $109 million.

Where will this loss be felt? In education for handicapped children, child nutrition programs, child support enforcement, revenue sharing and community development block grants.

In Maryland, Gramm-Rudman is also hurting thousands of dedicated Federal employees and retirees. It threatens pay raises for Federal workers and it eliminates COLA's for retirees. Both groups have already "given at the office" in terms of budget cutting and deficit reduction. Like our senior citizens, they shouldn't be expected to have to give again.

Gramm-Rudman had its day in court today. By July we'll know if it's a constitutional way to balance our budget. For many of us, however, the jury is already in on Gramm-Rudman. We find it guilty of being unfair, unjust, and unwarranted!

ARMENIAN GENOCIDE

SPEECH OF

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mrs. JOHNSON. Mr. Speaker, on April 24 in many communities in our great country Armenian Americans will take time to remember and reflect on the terrifying potential of man to act brutally toward others. April 24 marks a day of commemoration—a day commemorating the Armenian genocide. April 24 commemorates the systematic persecution and massacre of 1.5 million Armenians by the Ottoman Empire between 1915 and 1923.

There are many purposes in studying history. In the case of the Armenian genocide and the holocaust, we must ponder the barbaric acts man is capable of committing against man. We must keep this history before us and echo the outcries of Americans of that time against this tragedy. We must not let history

be rewritten and the sentiments of past Presidents and Members of the Congress, who clearly established the truth of the reported massacres and other atrocities suffered by the Armenians at the hands of the Ottoman Empire, be twisted and silenced.

We cannot let our children or the people we represent forget that this destructive potential lives within the human spirit. This dark side of the human soul became a reality and resulted in what U.S. Ambassador to the Ottoman Empire Henry Morgenthau called in 1915 a "campaign of race extermination" of the Armenians by the Ottoman Turks.

April 24 is not a day just for Armenians to commemorate their losses and the atrocities committed against their families. People throughout the world should remember the victims of this brutal genocide. We must dwell on the dark side of humanity for in so doing I believe we can find the wisdom to overcome it.

On April 24 I will join many Armenian Americans who live in Connecticut in commemorating their tragic loss and the historic fact of the Armenian genocide. We will gather, as we do each year, to remember mothers, fathers, brothers, and sisters who were lost and to renew our commitment to setting the history record straight in this year of 1987.

TRIBUTE TO PROFESSIONAL SECRETARIES

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. LENT. Mr. Speaker, it is with great pleasure that I join my colleagues today in recognizing the week of April 20-26, 1986, as "Professional Secretaries Week" and designating today, April 23, as "Secretaries Day." At this time, I'd like to take the opportunity to pay deserved tribute to the members of the secretarial profession and to recognize their invaluable contributions to business, government, and industry.

During my 26 years in government, I have come to appreciate and value highly the competent and efficient management skills of my secretarial staff. The backbone of the public and private sectors, government and industry, professional secretaries are the people behind the scenes upon whom we depend to get the job done and rely upon for the smooth daily operation of the workplace. Demonstrating excellence in many fields, secretaries have earned distinction of the highest order for commitment and dedication in their field.

In closing, I commend the members of the secretarial profession for their outstanding contributions and offer my deepest appreciation for their loyalty and professionalism in the performance of their duties. Thank you.

VICTIMS OF CRIME WEEK

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. LEVINE of California. Mr. Speaker, I rise in support of Senate Joint Resolution 297, and House Joint Resolution 570, designating this week as "Crime Victim's Week."

Crime has exacted a terrible toll on Americans at all levels of society. Crime victimizes those who have not been direct victims of violent crime, yet are afraid to leave their homes at night. Crime victimizes us when our children cannot go to school without being exposed to drug peddlers. Crime victimizes us when we must pay higher taxes and prices to cover the costs of crime. And most horrifyingly, crime victimizes those who are injured, robbed, or murdered in crimes of violence or incidents of terrorism. "Victims of Crime Week" touches all of us, just as crime has touched us all.

It is time to realize the terrible burden crime places on society, end the victimization we all endure.

This week is intended to acknowledge the victims of crime. And with it comes a commitment to reduce crime, for all of us.

I urge my colleagues to support this legislation when it comes to the floor.

H.R. 4602

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mrs. LLOYD. Mr. Speaker, on April 21, 1986, the House passed a measure which I strongly support and is critical to the Nation's homebuyers. I refer, of course, to H.R. 4602, the FHA and GNMA Credit Commitment Assistance Act of 1986.

H.R. 4602 increases the limitation on the amount of Federal Housing Administration [FHA] commitments to insure loans from $57.4 to $95 billion and increases the limitation on the amount of Government National Mortgage Association [GNMA] commitments to guarantee mortgage backed securities from $65.3 to $100 billion. Currently, the FHA is authorized to provide mortgage insurance on up to $57.4 billion in mortgage loans in fiscal year 1986. Due to an unprecedented demand for FHA mortgage insurance, this limit will be reached well before the end of the fiscal year. GNMA reached its authorized limit of $65.3 billion in mortgage-backed securities on April 4 and stopped issuing additional mortgage-backed securities on that date.

In an effort to avoid similar last minute emergency measures in the future, this legislation also requires the Department of Housing and Urban Development to establish a tracking system and notify Congress when it appears that commitments for either program are being utilized at such a rate as to pose the possibility of running out of commitment authority before the end of the fiscal year.

This legislation is critical because low- and moderate-income families rely on FHA and VA home mortgage programs to assure their access to affordable housing and this situation is occuring at a time when other conditions are most favorable for homebuying and refinancing. I commend my colleagues for keeping faith with the commitment Congress has made to establish ceilings high enough to accommodate user demand for these programs.

REMEMBERING THE HOLOCAUST

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. LUNDINE. Mr. Speaker, during this Passover season, I would like to take a few moments to speak about a very worthwhile program that is being undertaken by several colleges throughout New York State.

As difficult as it is for people everywhere to contemplate the Holocaust, remembering the terrible events of that time is essential. Only through learning about the Holocaust can we and generations to follow prevent such tragedies from happening again. A program to educate young people about the Holocaust has been started in New York by Mr. Ernest Goldblum, an American whose parents perished in the Holocaust. The Mariem and Elias Goldblum Memorial Fund, started at the State University of New York College at Fredonia, encourages teaching programs and other activities through which people can learn about the Holocaust, its causes and effects. This immensely worthwhile program has expanded to several colleges in New York State and to universities in Vienna, Austria.

As the years go by and the number of witnesses and survivors of the Holocaust diminish, programs such as the one established by Mr. Goldblum in honor of his parents become increasingly important. The memory of the Holocaust and those who died during the "final solution" must not fade. I wish to commend and thank Mr. Goldblum for his efforts to educate and inform young people about the terrible consequences of ignorance and indifference.

THE 30TH DISTRICT OF CALIFORNIA ARMENIANS SUPPORT COMMEMORATION OF THE ARMENIAN GENOCIDE

SPEECH OF

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. MARTINEZ. Mr. Speaker, today thousands of Armenians are gathering together to remember one of the darkest moments in the history of man. In 1915, the Turkish Ottoman Empire launched a vicious campaign of genocide against the Armenian people. By 1923, 1.5 million Armenians had perished, and 500,000 more were exiled from their homeland. Then, the world was baffled by such a tremendous and hideous crime. Today, we

have a word for what the Armenians suffered, and it is recognized as the greatest crime mankind has ever known: "genocide."

Few people on Earth know the sorrow and anguish that bears so heavily on Armenian history. But, as spokespersons of the victims of genocide have told us repeatedly, the act itself is only half the tragedy. Perhaps even more horrifying is the silence of the civilized world in the face of such horrible crimes. As Elie Wiesel, chairman of the U.S. Holocaust Memorial Council, said:

Before the planning of the final solution, Hitler asked, "Who remembers the Armenians?" He was right. No one remembered them, as no one remembered the Jews. Rejected by everyone, they felt expelled from history.

This rejection is not based on lack of evidence. The genocide of the Armenians has been confirmed by eyewitnesses Henry Morgenthau, U.S. Ambassador to the Ottoman Empire, and Kemal Ataturk, founder of modern Turkey; by Raphael Lemkin, who coined the term "genocide" and almost singlehandedly incorporated it into international law; and by both President Carter and President Reagan. Rather, this denial comes from an unwillingness to face the evil of action in others, and the evil of nonaction in ourselves. For their cruelty, Armenians bear the scars; for our ignorance, humanity has suffered.

We Americans have a deep and enduring sense of justice. The morality of our people, though often obscured in the heat of political battle, can always be seen quiding the ship of American policy. This Nation cannot allow its alliance with Turkey to compromise its deeper sense of justice in the face of history. The Armenian genocide was one of the most devasting crimes against humanity the world has seen. By refusing to recognize it, the governments of both Turkey and the United States are perpetuating a dangerous and immoral lie, and are helping to keep open the possibility that somewhere, sometime, it may happen again.

In the name of the Armenians listed below who reside in the 30th District of California, I proclaim that we will never allow the genocide of the Armenian people to be forgotten. We will stand by the flame of truth and justice that has served as a beacon to both our nations, and to our common civilization.

Mr. Fred Vartanian, Ms. Beatrice Vartanian, Ms. Sandy Vartanian, the Bozanian Family, Dr. Aram Tolegian, Mr. John A. Stephanian, Mr. Suren Hagopian and Family, Mr. Leo Georgian, Mr. George Nersisian, Mrs. Aaronetta Ryan, Mr. Ed Hagopian.

Mrs. Anna Harryian, Ms. Lucy Keosheyan, Mrs. Alice Dakessian, Mr. Max Simonian, Ms. Nellie Simonian, Mr. Dennis Simonian, Mr. John C. Ohanian, Mr. Roland Alcan, Ms. Shakeh Safoian, Mr. Hagop Safoian, Mr. Edward Harrigian, Mr. Harold Harrigian.

Mr. Simon Hovhanessian, Ms. Meline Hovhanessian, Mr. Krikor Hovhanessian, Ms. Mary Hovhanessian, Mr. Nick Agajanian, Mrs. Arsha Agajanian, Mr. Armen Moloian, Mr. Jack Aliksianian, Mr. Lawrence Avakian, Mrs. Dorothy Avakian, Mr. Boris Bagdasarian, Mr. Hagop Dikranian.

Ms. Lucy Dikranian, Ms. Ara Dikranian, Mr. Armen Dikranian, Ms. Ani Dikranian, Ms. Florence Nahabedian, Mr. and Mrs. Hogop Keuroghlian, Mr. Jack H. Tonoian, Mr. Serop Minassian, Ms. Anna Mushmushian, Ms. Maragaret Mushmushian, Mr. John Kalamian.

SUCCESS TO THE FUND MILWAUKEE COALITION

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. MOODY. Mr. Speaker, as we begin work on a Federal budget for 1987, we need to lend an ear to local citizens who will be directly affected by our decisions. One local group that works to shape the Federal Government's spending priorities is the Fund Milwaukee Coalition. The coalition is an umbrella group representing 60 organizations that serve the hungry, homeless, and other needy citizens.

The Fund Milwaukee Coalition believes in the following principles: First, that it is critical to preserve funding for health care, jobs, education, and nutrition programs; second, that responsible cuts should be made in our military budget; third, that a planned, gradual reduction in the Federal deficit is necessary to ensure a healthy economy; fourth, a progressive, equitable tax structure is needed for both individuals and corporations.

The Fund Milwaukee Coalition has often discussed with me Federal budget priorities, especially the need for preserving the Community Development Block Grants Program. Recently, they presented me their Golden Ear award for listening and responding to their concerns. I am honored to receive this award, and I urge all Members of Congress to lend an ear to those constitutent groups who want to share their views on the Federal budget.

The Fund Milwaukee Coalition should be applauded for their commitment and vision in working to improve life for Milwaukee residents. I wish them success on their future efforts.

CUT THE RHETORIC ON THE CONTRAS—LET'S FIND A SOLUTION THAT WILL WORK

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. NEAL. Mr. Speaker, in rereading some of the massive amount of material that has come across my desk concerning Contra funding, I came upon a superb article published in the Christian Science Monitor, in January of this year, and written by a distinguished scholar on Latin American affairs, Wayne S. Smith. The article neatly cuts through the rhetoric that has plagued debate on the House floor on this issue, clearly stating the problems we face in Nicaragua, the failings of the current policy, and suggesting a logical solution.

Mr. Smith finds little merit in the administration's current policy of applying pressure on the Nicaraguan Government through the Contras, which he says has only worsened the situation: Today, the Sandinistas are more dependent than ever on the Soviet Union and Cuba; their government is "less open to internal dialog;" and, the Nicaraguan Army is larger and more menacing to its neighbors.

Mr. Speaker, we have laid aside this issue for the time being, but I assume we will revisit Contra funding between now and the August recess. It would seem worthwhile for my colleagues to take this time to reflect again on the policy options available to us before we are in the thick of debate. Mr. Smith's article is a good starting point. I commend it to their attention:

The article follows:

WASHINGTON DISPUTE: HOW TO DEAL WITH NICARAGUA

(By Wayne S. Smith)

Is there really a new consensus in Washington with respect to Central America and what to do about it? Spokesmen for the Reagan administration insist that there is, and as proof point to what they see as growing agreement on Capitol Hill that the Sandinistas are taking Nicaragua toward Marxism-Leninism, that Nicaragua should not become a Soviet base, and that any assistance the Sandinistas may be giving to the Salvadorean guerrillas ought to be stopped. In fact, there is broad agreement on those points, but the agreement isn't new.

The debate has never been over whether or not the Sandinistas were Marxists or even if they were nice fellows or not. The overwhelming majority of those who strongly disagree with the administration's policy have all along recognized that Managua has a closer relationship with Moscow and Havana than the United States can be comfortable with, that the Sandinistas have been guilty of human rights violations, and that they are not democrats. In short, they represent a problem with which the U.S. must deal. Up to that point, there is broad agreement—and always has been. The disagreement comes over how best to deal with the problem.

The administration insists that we must keep the pressure on the Sandinistas by helping the "contras," but it cannot point to a single way in which helping them has improved the situation. It concedes that there are more Soviet and Cuban military personnel in Nicaragua now than before the contra operation began, and Assistant Secretary of State Elliott Abrams has recently charged that those personnel are participating in combat. On that score the contra war has resulted in the opposite of what we would have wanted: in a greater Soviet-Cuban problem rather than in a reduced one. It has also resulted in a larger Nicaraguan Army, not a smaller one.

Given the paucity of evidence presented by the administration, it is difficult to judge independently whether the alleged arms flow from Nicaragua to El Salvador has increased, or even continues. The administration insists that it continues unabated. If so, clearly contra pressure has been ineffective on that score as well.

Certainly there has been no progress in terms of opening up the internal process, nor should we have expected any. A long-accepted rule of international politics is that you do not bring about internal liberalization by mounting an external military threat. The result is almost always the exact opposite, and so has it been in the Nicaraguan case. The Sandinistas are less open

to internal dialogue now than a year ago, and much less open than two years ago. They have recently imposed a state of seige and cracked down more vigorously on opposition newspapers and radio stations, something the administration has, as it should have, roundly condemned. The implications are clear: In terms of pluralism and internal liberalization, contra pressures have helped not a whit. If anything, they have made things worse.

The administration's weakest argument for aiding the contras has to do with negotiations. If there are today shaper division on Capitol Hill over Central American policy, it is because many congressmen now realize the administration misled them. Not surprisingly, they bitterly resent it. Before the vote on contra aid last June, the administration struck a reasonable posture. In a letter to the Senate. President Reagan said he would resume bilateral talks with the Sandinistas. He followed with a letter to Rep. Dave McCurdy (D) of Oklahoma promising to pursue diplomatic rather than military solutions—if Congress would aid the contras. The reason for the aid, he insisted, was to keep the pressure on the Sandinistas to negotiate.

But once Congress had approved "nonlethal" aid to the contras, all these promises were ignored. Though the President had said in April that he would resume talks with the Sandinistas, in July when the foreign ministers of the Contadora countries called on us to do just that, the administration flatly and immediately refused (although the Sandinistas had already accepted). And in August, Mr. Abrams wrote finis to the possibility of diplomatic solutions by describing the very idea of a negotiated agreement with the Sandinistas as "preposterous."

We could achieve our objectives through diplomacy—all objectives, that is, save the ouster of the Sandinistas. But it is now clear that that is the only thing the administration would be willing to negotiate—i.e., the terms of the Sandinistas' capitulation. Capitulate they never will; hence, dipomatic solutions are at this point pretty well ruled out.

As funding the contras advances none of our other objectives, and as everyone acknowledges that the contras do not have the capability to defeat the Sandinistas, it is difficult to see just what we are accomplishing. Rather than offering some hope for a way out of the Central American imbroglio, supporting the contras simply carries us further into a blind alley leading to the involvement of U.S. troops. Congress authorized the nonlethal aid to the contras last summer, but it has accomplished nothing, so now the administration wants to give them outright military aid. When that also fails, it will ask for more, and more, until finally it is forced to admit that the contras by themselves cannot win for us, that if we want to oust the Sandinistas, we will have to use U.S. forces.

Our only hope of averting another Vietnam-like situation is that a majority of congressmen will refuse to authorize military aid for the contras and insist that the administration honor its earlier promises to the Congress to seek diplomatic rather than military solutions.

Supporters of the administration's Central American policy would have us believe that anyone who opposes that policy is now outside the mainstream. My own perception is that there are more people outside that "mainstream" than in it. But even if that were not the case, even if there were only a handful of critics left, I would prefer to be one of them. Those who asked aloud, just before the vote on the Tonkin Gulf Resolution, whether our destroyers had really been under attack were on that particular morning very much outside the mainstream. They also happened to be right.

WHERE IS H.R. 20?

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. PORTER. Mr. Speaker, the recent Supreme Court decision that the Federal Reserve Board cannot regulate "nonbank banks" places the question of equitable Federal regulation of banking services unequivocally before the Congress.

Although the Banking Committee has reported one bill directly addressing the legality of "nonbank" banking, this legislation has not yet been given a rule by the Rules Committee.

I call upon the distinguished gentleman from Florida to allow us to consider H.R. 20 with an open rule so that we can debate these issues thoroughly.

It is grossly unfair to consumers and businesses, including both banks and nonbanks, to allow the present situation of regulatory limbo and double standards to persist. We in the Congress must squarely face our responsibility to decide this issue soon.

We need to establish a level playing field and a single set of rules responsive to the real needs of consumers. Then bankers can get on with the business of doing their business instead of waiting around while the umpires play games.

TRIBUTE TO REV. RUSSELL B. WHITE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. RODINO. Mr. Speaker, on April 25 I will have the great pleasure of attending a dinner honoring Rev. Russell B. White, pastor of the Bethel Baptist Church in Orange, NJ. The dinner will pay tribute to Reverend White's 20 years of dedicated service to the members of his congregation, and I am honored to be included in this 20th anniversary celebration. Rev. James A. Scott, pastor of the Bethany Baptist Church in my home city of Newark, will be the guest speaker.

Reverend White is a rare person. The burden of ministering to a flourishing congregation would be a full-time task for most people, but in addition to his pastoral duties Reverend White also serves as commander of the Eagle Flight Aviation Post No. 290. For some 11 years he has been a leader and a source of inspiration for many young people in northern New Jersey, conducting an outstanding flight training school.

Reverend White is a member of the Tuskegee Airmen, a group of black fliers organized during World War II. Throughout the years following, they have taught and reinforced other blacks to reach for the new frontier of flight. While inspiring young people to learn to fly, Reverend White also teaches the importance of discipline and notes that flying provides the motivation for many students to improve reading and mathematics because they are required to attend ground school. His program has been an outstanding success. Most students who have gone through Reverend White's post have gone on to college or technical school. Some have gone on to military academies, and it was my privilege to nominate three of the school's graduates to the U.S. Air Force Academy in Colorado Springs this year—James Anderson, Jr. of Newark; and Ms. June Bowles and Joseph C. Caffarelli, both of East Orange.

Our community has been blessed by the inspired and dedicated leadership of Rev. Russell White, and many young people have him to thank for guiding and training them for productive careers. I am proud to call him my friend and I look forward to many more years of distinguished service from this esteemed and respected man.

H.R. 4630

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. TALLON. Mr. Speaker, I rise today in strong support of H.R. 4630, the Medicaid Infant Mortality Amendments of 1986. Infant mortality is a consuming, growing national problem that has too long awaited congressional attention. It imposes a drain on our financial and human resources that we can ill afford. H.R. 4630 is a timely and vital measure to assist in the alleviation of this tragic yet preventable problem.

Infant mortality is a frequently cited measure of the overall health of a State and Nation, reflecting issues of distribution and equity, as well as the adequacy of the health care system. It is a sad commentary on our Nation that infant deaths have risen for 2 consecutive years by about 9 percent. At this rate, we may soon lose our already unacceptable rank of 12th among developed nations in infant mortality.

For black children the infant mortality rate is twice as high as that of white children. All totaled, low birth weights account for two-thirds of all black infant deaths. These statistics on infant mortality pose a grave obstacle for a nation that prides itself on strong family values, economic growth, and fiscal stability.

It is usually the poorest States that have the highest infant mortality rates and yet these are the States least able to afford the high costs of unhealthy babies. In my own region, the South, in 1982, 7.6 percent of all births—107,418 babies—in the South were born too soon or too small.

Lack of prenatal care, frequently a result of poverty, is the greatest contributor to infant death. On an average, women aged 18 to 24 give birth to some 40 percent of all babies born in the United States. Yet in 1984, more than 25 percent of these women had no pri-

vate health insurance or public health coverage. The cost for an uncomplicated pregnancy is at least $5,000. Yet Federal programs such as Medicaid cover only about 43 percent of women of reproductive age who earn less than $5,000 a year.

An additional problem is that Medicaid offers no coverage for post partum care of complications during pregnancy. Few States even cover diagnostic services and screening which is so necessary in cases of suspected high risk.

As well, there are many women who are not eligible for Medicaid yet are unable to afford to pay for prenatal care. In all States, Medicaid is tied closely to AFDC payment levels and most payment levels are set at less than 50 percent of the Federal poverty level. In my State of South Carolina this level is particularly low. The outcome is that those with the highest risk of having an unhealthy baby are the least likely to receive adequate prenatal care.

For those who do qualify for Medicaid, the assistance for prenatal care is minimal and the assistance available for post partum care is nonexistent.

The scope and potential damage of the problem of infant death are clear. Equally clear is the significance of the factors of financial resources, availability of health services, and lack of understanding of the importance of prenatal care in determining the health of pregnant women and newborn babies. We can and must address these issues. I believe that the most effective, efficient, and rapid way to improve access to prenatal and infant health care while saving State dollars is through full and creative use of existing programs such as Medicaid. The Infant Mortality Reduction Amendments of 1986 do just this.

This legislation will allow States to exercise an option to provide prenatal care, delivery, and post partum care to women who survive at or below the 100 percent of the Federal poverty level. The bill also provides well-child care for the infant involved up to 1 year of age, without regard to State income eligibility thresholds. This bill also allows States to target Medicaid dollars on care for high-risk pregnant women and infants without regard to family structure and without regard to cash assistance the family may already be receiving under the AFDC Program.

H.R. 4630 addresses the problem of infant mortality effectively and efficiently. By altering Medicaid eligibility policy, Federal funds are invested where they will save the most lives and the most money. By providing immediate assistance to high-risk pregnant women and infants, the measure prevents long-term financial and social costs. The human and financial costs of unhealthy births are high. Every day we spend millions of dollars to save babies born too early, too sick, or too small to have a fair opportunity for a healthy and productive life. And the need for costly care for an infant born at risk is likely to continue for the duration of that child's life. The costs of high technology neonatal intensive care far outweigh the costs of preventing the likelihood of a baby being born with a low birth weight.

Preventive prenatal and infant health care more than pays for itself. By reducing the incidence and severity of unhealthy babies, prenatal and infant care can save $2 to $10 for every preventive dollar invested—and considerably more if long term costs are included. It is a simple and unavoidable choice—we can pay less now or more later.

And these are just the initial, financial costs. The costs in terms of loss of human potential are even greater. Our economic and social capabilities are diminished with each neglected and unhealthy birth. Family well-being and productivity are diminished. Mothers of children with chronic health disorders, such as those relating to birth problems, are less likely to work, costing the United States an estimated $1 billion in lost maternal earnings. Many of these families must turn to public assistance for support. In addition to the impact on the mother's ability to work, a child with birth related handicaps is less likely to be able to be self-supporting in adulthood. The pattern of dependency on public support continues.

I urge my colleagues to support this vital measure as an investment in our children's health and an investment in our future. For, as Abraham Lincoln noted "A child is a person who is going to carry on what you have started * * * the fate of humanity is in his hands."

HONORING DR. HERLINDA LEONG, SUPERINTENDENT OF LOS NIETOS SCHOOL DISTRICT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. TORRES. Mr. Speaker, I ask my colleagues in Congress to join me in honoring a distinguished educator, Dr. Herlinda Leong.

Dr. Leong will retire on June 8, 1986, as superintendent of the Los Nietos School District in my congressional district. Her students, friends, and the community will be honoring her outstanding service and dedication to education.

Dr. Leong was born in El Paso, TX, and began her career in the Los Nietos School District in 1959 as a substitute teacher. She received her undergraduate degree from Mills College, her masters in education from Whittier College, and her Ph.D. from Nova University in Florida. She has served as the Los Nietos School District superintendent since 1982.

Her interests include travel, reading, gardening, lead-glass making, and collecting Bonsai plants. Dr. Leong is fluent in the languages of English, Spanish, and Chinese.

Mr. Speaker, Dr. Herlinda Leong is to be commended for her outstanding service to the students of the Los Nietos School District. Her husband Hubert and her sons David, Dennis, and Roland are proud of the job she has done as superintendent. I join them and her friends and colleagues in wishing her much success and enjoyment in her well-earned retirement.

TRIBUTE TO ANTHONY (TONY) IURATO

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. TORRICELLI. Mr. Speaker, I rise today to honor Mr. Anthony (Tony) Iurato, chief of police of the city of Hackensack. On April 27, 1986, Mr. Iurato will be honored by the Hackensack Chapter of UNICO as "Citizen of the Year."

Chief Iurato has dedicated countless hours for the public safety and well being of the citizens of the city of Hackensack. His distinguished service with the Hackensack Police Department spans three decades and is full of outstanding accomplishments.

A respected leader in the law enforcement community, Tony has the honor of serving as chairman and cofounder of the Bergen County Narcotics Task Force. He is currently a member of the executive board of the Bergen County Police Chiefs Association and a life member of International Association of Chiefs of Police. In addition, Tony has served as third vice president for the New Jersey State Chiefs of Police.

In recent years, Tony's dedication and accomplishments have been recognized by his fellow law enforcement officers. He has had the honor of receiving three Exceptional Duty medals and the Chief's Achievement Award from the Bergen County Police Chief's Association.

The many achievements of Chief Tony Iurato would fill several volumes. He truly embodies the spirit and dedication of this distinguished award.

It is with great honor and pleasure that I join so many of Tony's friends in honoring him as "Man of the Year."

A SALUTE TO THE SAN JOSE MERCURY NEWS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. SOLARZ. Mr. Speaker, one of the outstanding examples of investigative journalism in recent years is the series published last year by the San Jose Mercury News on the hidden wealth of Ferdinand and Imelda Marcos and their associates. Few stories have achieved such a substantial and positive impact on public policy.

The Mercury News articles provided powerful evidence to support the charges of capital flight and corruption in the Philippines. The series sparked a resolution of impeachment against Ferdinand Marcos last summer and triggered an investigation by the House Subcommittee on Asian and Pacific Affairs into the concealed investments by Ferdinand and Imelda Marcos in the United States.

A year before Imelda Marcos, with her 3,000 pairs of shoes and countless other examples of unparalleled conspicuous consump-

tion, came into our national consciousness, Pete Carey, Katherine Ellison, and Lewis M. Simons of the Mercury News were documenting the diversion of massive amounts of money from the people of the Philippines.

Last week, these three reporters and their newspaper received the coveted Pulitzer Prize Award from Columbia University in the category of international reporting. I cannot think of more deserving recipients of this high honor than these three intrepid and insightful reporters. I only regret that the Village Voice, which last October published a remarkable piece of research and reporting by Joe Conason and Bill Bastone, entitled "Marcos Takes Manhattan" did not receive a Pulitzer as well. The Voice story was critically important to our subcommittee in our successful efforts to show that Mr. and Mrs. Marcos control a real estate empire in the State of New York worth roughly $350 million.

Like the article in the Voice, the series in the Mercury News stands in the finest tradition of American journalism. It is indeed appropriate that an investigation carried out by the free press in our country helped to facilitate the restoration of freedom and democracy in another nation. Pete Carey, Katherine Ellison, and Lewis Simons have brought great credit to their newspaper, their profession, and their country by the marvelous work they have done.

AGAINST HONORARIUM INCREASE

HON. RICHARD STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. STALLINGS. Mr. Speaker, I rise in support of the resolution which would repeal the underhanded and outrageous action taken yesterday, apparently with the consent of the House leadership—Republican and Democrat alike—to increase the limit on outside income for House Members from 30 to 40 percent of salary. This increase represents an annual raise of about $7,500, from $22,530 to $30,400, to those few Members, 72, in fact, who receive more than $20,000 in honoraria in 1984.

It is not necessary for me to repeat what so many of my colleagues have rightly condemned. It was a blatant and raw abuse of power that hardens the perception, however justified, that public officials are insensitive and black integrity. Like any incredible and indefensible act, the action itself speaks far louder than the words of indignation that I, or others, may heap upon it. It was wrong and that is all that needs to be said.

Nevertheless, Mr. Chairman, the leadership action should be put into perspective. As my colleagues know, I represent a predominantly agricultural district in southeast Idaho. It is beautiful country and the people there are tough and independent. But they are in trouble now because of Federal Government policies that deliberately sacrificed their interests in correcting other, presumably more important, economic interests like high inflation and interest rates. These policies have led to depressed commodity prices, plummeting land values, and shrinking exports. Of course, in my district, when farmers are in trouble so are the businesses that service them and the communities in which they live. Let me make this clear: there is a depression in Idaho, as in other parts of the farm belt, and the future provides little hope or promise.

It is within this context that I vehemently oppose raising the outside income allowed to Members. I am sympathetic to my constituents who truly need relief from a crisis not of their making. I am not, and let me emphasize "not," sympathetic to those 72 Members of Congress asking for a $7,500 raise.

Mr. Speaker, I urge my colleagues to strike yesterday's action so that we can send a signal to the American public that we know it is for them that we work and it is their interests that come first.

IN RECOGNITION OF NATIONAL SECRETARY'S WEEK

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. WOLPE. Mr. Speaker, I would like to take this opportunity to pay tribute to the secretaries in my district who—along with the rest of the country—are celebrating National Secretary's Week.

This week, April 21-25, is dedicated to secretaries to give recognition to their contribution to the operations of businesses, government, organizations, and associations. Clearly, none of these entities could survive without the skills provided by highly professional and dedicated secretaries.

Mr. Speaker, one almost never hears of secretaries included in the praise accorded to a company or organization for its performance and prompt and agreeable service. Yet secretaries are, indeed, an integral part of that organization's structure which allows it to operate effectively and efficiently. It is my hope, Mr. Speaker, that employers will not only take advantage of this opportunity to show in concert with the rest of the Nation their full appreciation of their secretaries' contribution to the organization, but also will continue to express this appreciation on a regular basis.

A SALUTE TO THE POMPEIAN PLAYERS WHO HAVE ENRICHED THE PEOPLE OF CENTRAL NEW YORK

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. WORTLEY. Mr. Speaker, it is with singular pride that I commend the attention of our colleagues in the Congress to a dedicated and richly talented theater group that is about to bring down the curtain after six decades of extraordinary service to the people of central New York.

I am speaking of the Pompeian Players of Our Lady of Pompei Italian Church in Syracuse, NY.

Since their inception, the players have been under the direction of Catholic priests. The first director, beginning in 1927, was Father William Mahaney. Successive directors have been Father Gerard Horan, Father Mahaney who returned to direct shows from 1938 to 1942, Father Francis Furfaro, and Father Charles L. Borgognoni who began his tenure in 1950, and still, as director, recently announced that no theater productions are planned in 1987.

The idea of going into show business was conceived as a method of reducing the parish debt incurred by the construction of the church. The earliest performances took place on a small stage in the church basement which now serves as the cafeteria. As the fame and popularity of the theater company grew, performances were moved to larger facilities at the Franklin School, then to even bigger facilities at the spacious Grant Junior High School auditorium which offered 1,100 seats.

In 1956, the Pompeian Players went "big time" while presenting the musical comedy "Of Thee I Sing" in a series of performances at Grant Auditorium and the RKO Keith's Theater in downtown Syracuse.

Playing the big theater stages of the time became routine. Besides Keith's, the Pompeian Players performed at the Empire, Lowe's and Paramount theaters before, beginning in 1977, staging productions in the Onondage County Civic Center.

Performances throughout the years have included such shows as "South Pacific," "Guys and Dolls," "Oklahoma," "Hello Dolly," "Mame," and "My Fair Lady." Their closing production this season will be "Annie."

From the original concept of using show proceeds to pay off the church debt, the Pompeian Players expanded their goals and went on to make significant contributions to Our Lady of Pompei Parish by providing funds for land acquisition, additional buildings, facilities and equipment. Through benefit performances, the players have helped the Red Cross, the War Relief Fund, the Columbus Monument Fund and other worthy organizations, including those of other faiths. Show profits currently are shared between Our Lady of Pompei Church and the Catholic Center at Syracuse University.

On Saturday, the third of this coming month, the Pompeian Players will hold their first alumni party at the Onondaga County War Memorial. From among the several hundred of the more than 1,250 alumni from throughout America who plan to attend the reunion is the company's oldest, living original player, Mr. Vincenzo Salomons. He is 92.

What he and fellow members of this illustrious troup have contributed to the cultural, spiritual and physical enhancement of our Greater Syracuse community over the last 60 years will be remembered with gratitude.

As Shakespeare wrote, "The play's the thing."

Mr. Speaker, the Pompeian Players did their thing with a verve and dedication that will remain indelible.

NATIONAL EXTENSION HOMEMAKERS COUNCIL CELEBRATES 50 YEARS OF SERVICE TO OUR NATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. YOUNG of Florida. Mr. Speaker, the National Extension Homemakers Council celebrates its 50th anniversary of service to our Nation next month.

More than 600,000 volunteers in 44 States contribute in a wide variety of ways to improve the quality of life in our communities. through educational activities, local councils like that in Pinellas County, FL, which I represent, provide information and programs on citizenship, the arts, family life, health, housing, nutrition, and safety. The Pinellas County council has touched our lives in Florida in so many ways and will gather next week to honor the national program's 50th anniversary. This special program will pay tribute to the valuable contributions council members have made to their communities for half a century, and will honor those individuals who have been 50-year members.

Homemakers extension organizations have been active throughout our Nation for more than 65 years, but it was in 1936 that these individual groups formed one national organization. Since then, their list of achievements is impressive. The national council contributed to several important efforts to help our Nation during the difficult years of World War II. The council was also influential in starting food nutrition programs in our schools which has evolved into the national school lunch program. Council members today provide valuable guidance to 4-H clubs throughout our country, promote voter registration drives, and have increased public awareness about seat belt safety.

Mr. Speaker, the dedicated volunteers of the Pinellas County Extension Homemakers Council are representative of the important work council members do throughout our Nation to raise the standards of community life. I join with the members of the Pinellas County council in honoring the contributions thousands of council volunteers have made to our country during these past 50 years.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, April 24, 1986, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 25

9:30 a.m.
Finance
Health Subcommittee
To hold hearings on proposals to modify the Medicare physicians payment system.
SD-215

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1987 for the Immigration and Naturalization Service, Department of Justice.
SD-226

2:00 p.m.
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

APRIL 28

9:30 a.m.
Judiciary
To hold hearings on S. 2163, to make necessary and appropriate amendments to the antitrust laws governing service by any person as a director of two or more competing corporations engaged in interstate commerce.
SD-226

10:30 a.m.
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

11:00 a.m.
Small Business
To hold oversight hearings on the implementation of Title XVIII, authorizing funds for the Small Business Administration, of the Reconciliation Act (P.L. 99-272).
SR-428

2:00 p.m.
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

APRIL 29

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1987 for the Department of Agriculture, focusing on the Farmers Home Administration.
SD-138

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for certain defense programs.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Bureau of Investigation and Drug Enforcement Administration, Department of Justice.
S-146, Capitol

Armed Services
Closed business meeting, to discuss the Department of Defense funding level as contained in the President's budget for fiscal year 1987, and to consider pending military nominations.
SR-222

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on proposed budget requests for fiscal year 1987 for the Department of Energy, focusing on nuclear activities.
SD-366

Judiciary
To hold hearings on proposed legislation authorizing funds for the Department of Justice.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Bureau of Indian Affairs, Department of the Interior.
SD-192

Environment and Public Works
To hold hearings on domestic and international oil pollution issues.
SD-406

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

Foreign Relations
To resume hearings on the nomination of Morton I. Abramowitz, of Massachusetts, to be an Assistant Secretary of State.
SD-419

Judiciary
To hold hearings on S. 2334, to restrict all Federal employees from lobbying the Federal Government and from

working for a foreign entity after they leave government service.

SD-226

APRIL 30

9:30 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on S. 2346, authorizing funds for programs of the Federal Insecticide, Fungicide, and Rodenticide Act.

SR-332

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of U.S. Trade Representative, and the Federal Communications Commission.

S-146, Capitol

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on the findings of the Presidential Commission on the Space Shuttle Challenger Accident.

SR-253

Finance

Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.

SD-215

Labor and Human Resources

To hold oversight hearings on the human resources impact of reentry of women into education and the labor force.

SD-430

Select on Intelligence

To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.

SH-219

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.

SD-124

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Foreign Relations

To hold hearings on embassy security enhancement.

SD-419

Governmental Affairs

Civil Service, Post Office, and General Services Subcommittee

To resume hearings on S. 1327, to establish higher minimum rates of basic pay in geographic areas where the Federal Government is experiencing significant recruitment and retention problems, S. 1727, to establish alternative personnel management systems for scientific and technical employees, and provisions of S. 2082, to improve the management of major defense acquisition programs, to establish a Defense Acquisition Service, and to limit employment contacts between senior officials of the Department of Defense and defense contractors.

SD-342

Judiciary

Security and Terrorism Subcommittee

To resume oversight hearings on certain activities of the Federal Bureau of Investigation, Department of Justice.

SD-226

2:00 p.m.

Agriculture, Nutrition, and Forestry

To continue hearings on S. 2346, authorizing funds for programs of the Federal Insecticide, Fungicide, and Rodenticide Act.

SR-332

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1987 for the Food and Drug Administration of the Department of Health and Human Services, and the Commodity Futures Trading Commission.

SD-138

Armed Services

Preparedness Subcommittee

To resume open and closed hearings on S. 2199, authorizing funds for fiscal year 1987 for the Department of Defense, focusing on the National Strategic Stockpile; and to mark up S. 2102, to prescribe the method for determining the quantity and classification of any materials to be stockpiled under the Strategic and Critical Materials Stock Piling Revision Act (P.L. 96-41).

SR-222

Finance

Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.

SD-215

Judiciary

To hold hearings on pending nominations.

SD-226

MAY 1

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.

SD-116

Finance

Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.

SD-215

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1987 for certain defense programs.

SD-192

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1987, focusing on environmental implications of Multilateral Development Bank lending policies.

SD-124

Energy and Natural Resources

Natural Resources Development and Production Subcommittee

To hold oversight hearings on the impact of coal and electricity imports on the domestic coal industry.

SD-366

10:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on S. 571, proposed Drug Money Seizure Act.

SD-538

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1987 for territorial affairs, Department of the Interior.

SD-192

Finance

Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.

SD-215

MAY 2

9:30 a.m.

Finance

Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.

SD-215

2:00 p.m.

Finance

Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.

SD-215

MAY 5

1:30 p.m.

Finance

International Trade Subcommittee

To hold hearings on miscellaneous tariff bills.

SD-215

2:00 p.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold hearings to review the Department of Energy nuclear research and development program policy.

SD-366

MAY 6

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.

SD-116

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1987 for Air Force aircraft procurement programs.

SD-192

2:00 p.m.

Select on Intelligence

Closed business meeting, to mark up proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.

SH-219

MAY 7

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Supreme Court of the United States, U.S. District Courts/Courts of Appeals, and the Commission on the Bicentennial of the U.S. Constitution.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings on medical malpractice.
SD-430

Select on Intelligence
Closed business meeting, to continue markup of proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Urban Mass Transportation Administration, Department of Transportation, and the Washington Metropolitan Area Transit Authority.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Select on Indian Affairs
To hold hearings on S. 2260, to settle certain claims arising out of activities on the Pine Ridge Indian Reservation, and S. 2243, to improve the health status of Native Hawaiians.
SD-124

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1987 for the National Aeronautics and Space Administration, focusing on the space transportation system.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for strategic systems.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Aviation Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Holocaust Memorial Council and the Smithsonian Institution.
SD-192

Judiciary
To resume hearings on white collar crime in the United States, focusing on the E.F. Hutton investigation.
SD-226

MAY 9

9:30 a.m.
Finance
Health Subcommittee
To hold hearings to examine the condition of rural hospitals under the Medicare program.
SD-215

MAY 13

9:00 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business items.
EF-100, Capitol

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for the U.S. Coast Guard, and H.R. 1362, to revise, consolidate, and enact certain laws related to load lines and measurement of vessels as parts C and J of subtitle II of title 46, United States Code.
SR-253

MAY 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Health Resources and Services Administration, Department of Health and Human Services.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Legal Services Corporation, and the Securities and Exchange Commission.
S-146, Capitol

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Transportation and certain related agencies.
SD-138

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on S. 525, to provide for the transfer to the Secretary of Health and Human Services the authority of the Secretary of Energy to conduct epidemiological studies of radiation effects.
SD-342

*Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To resume hearings on S. 1327, to establish higher minimum rates of basic pay in geographic areas where the Federal Government is experiencing significant recruitment and retention problems, S. 1727, to establish alternative personnel management systems for scientific and technical employees, and provisions of S. 2082, to improve the management of major defense acquisition programs, to establish a Defense Acquisition Service, and to limit employment contacts between senior officials of the Department of Defense and defense contractors.
SD-124

MAY 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2050, to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers.
SD-430

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, focusing on voluntary contributions to international organizations programs, and for the Office of the U.S. Representative to the United Nations.
SD-124

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Science Foundation.
SR-253

Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold oversight hearings on the prospects for exporting American coal.
SD-366

1:00 p.m.
*Judiciary
Security and Terrorism Subcommittee
To resume hearings in closed session to examine legal mechanisms to combat terrorism.
S-407, Capitol

2:30 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for fossil energy and clean coal technology.
SD-192

MAY 16

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Vice Admiral Paul A. Yost, Jr., to be Commandant, U.S. Coast Guard, with the grade of admiral, and Rear Admiral James C. Irwin, to be Vice Commandant, U.S. Coast Guard, with the grade of vice admiral.
SR-253

10:15 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for the Maritime Administration, Department of Transportation, and proposed legislation authorizing funds for the Federal Maritime Commission.
SR-253

MAY 20

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Indian Health Service, Department of Health and Human Services.
SD-192

MAY 21

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Information Agency, and the National Endowment for Democracy.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings on strategies to reduce hunger in America.
SD-430

MAY 29

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary and Office of the Solicitor, Department of the Interior.
SD-192

JUNE 3

10:00 a.m.
Energy and Natural Resources
To hold oversight hearings on the implementation of the Public Utility Regulatory Policies Act (P.L. 95-617).
SD-366

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on statistical policy for an aging America.
SD-342

JUNE 4

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Commerce, Justice, and State, the Judiciary, and certain related agencies.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings to review the imposition of user fees in FDA approval procedures for new drugs.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1935, to provide for certain vessels to be documented under the laws of the United States to entitle them to engage in domestic coastwise trade.
SR-253

JUNE 11

9:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations to the National Advisory Council on Women's Educational Programs.
SD-430

JUNE 12

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume joint oversight hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary and Vocational Education on illiteracy in America.
2175 Rayburn Building

JUNE 17

9:30 a.m.
Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on S. 2055, to establish the Columbia Gorge National Scenic Area.
SD-366

Labor and Human Resources
To resume oversight hearings on medical malpractice.
SD-430

JUNE 18

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JUNE 25

9:30 a.m.
Labor and Human Resources
To hold hearings on the administration of the Mine Safety and Health Review Commission.
SD-430

JULY 16

9:30 a.m.
Labor and Human Resources
To hold hearings on measures to improve the health of children.
SD-430

JULY 17

9:30 a.m
Finance
Social Security and Income Maintenance Programs Subcommittee
To hold joint hearings with the Committee on Labor and Human Resources' Subcommittee on Employment and Productivity on work and welfare issues.
SD-430

Labor and Human Resources
Employment and Productivity Subcommittee
To hold joint hearings with the Committee on Finance's Subcommittee on Social Security and Income Maintenance Programs on work and welfare issues.
SD-430

JULY 22

9:30 a.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To resume joint hearings with the Committee on Labor and Human Resources' Subcommittee on Employment and Productivity on work and welfare issues.
SD-430

Labor and Human Resources
Employment and Productivity Subcommittee
To resume joint hearings with the Committee on Finance's Subcommittee on Social Security and Income Maintenance Programs on work and welfare issues.
SD-430

JULY 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

AUGUST 13

9:30 a.m.
Labor and Human Resources
To hold hearings to review the private sector initiatives in human services.
SD-430

SEPTEMBER 10

9:30 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact on drug research and space technology.
SD-430

SEPTEMBER 16

9:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

SEPTEMBER 24

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

CANCELLATIONS

APRIL 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1987 for intelligence programs.
S-407, Capitol

APRIL 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on the impact of proposed budget estimates on health research programs.
SD-138

APRIL 29

10:00 a.m.
Select on Indian Affairs
To hold hearings on S. 2105, S. 2106, and S. 2107, bills to provide for the settlement of certain claims of the Papago Tribe of Arizona.
SR-385

MAY 1

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on employee benefit and pension policy implications contained in proposed tax reform legislation.
SD-430