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PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, FIRST SESSION

SENATE—*Tuesday, July 29, 1986*

(Legislative day of Monday, July 28, 1986)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Eternal God, we praise and thank you for the release of Father Jenco and rejoice with his family and friends. But we remember that there are still hostages. We pray for them: Terry Anderson, David Jacobsen, Thomas Sutherland. Their temptation must be strong to believe that they are forgotten—that no one cares—that nothing is being done for their release * * * and undoubtedly their captors promote this way of despair. Gracious Father, help us never to forget—never to be indifferent—never to cease praying. And grant, Lord, that all that ought to be done for their freedom will be done by those who should be doing it. We pray for their families and friends who daily experience enervating vacillation between hope and hopelessness, expectation, and despair. Encourage them in their loneliness and keep them aware of the many who care and pray. We ask this in the name of Jesus Christ, whose mission was to set the captive free. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished and able majority leader, Senator ROBERT DOLE, is recognized.

Mr. DOLE. Mr. President, I thank the distinguished Presiding Officer, Senator THURMOND, of South Carolina.

SCHEDULE

Mr. DOLE. Under the standing order, the leaders have 10 minutes each.

RESERVATION OF MINORITY LEADER'S TIME

Mr. DOLE. The distinguished minority leader is unavailable this morning, necessarily unavailable. I ask unanimous consent that his time be reserved.

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

Mr. DOLE. That will be followed by special orders for Senators HAWKINS, PROXMIRE, and PRYOR for not to exceed 5 minutes each.

There will be a period for routine morning business not to extend beyond the hour of 10 a.m.

Following routine morning business—we might just extend morning business to 10:30.

At 10:30, we shall be on Senate Resolution 28. The question will be, Shall television coverage of the Senate continue with the proposed rules changes? There are 12 hours of debate time provided under the resolution.

I hope it will not take 12 hours. We cannot amend the resolution, so there would only be debate. The Rules Committee has made certain changes in what we may or may not do. That will be discussed by Senator MATHIAS and Senator FORD, so I see no reason to spend a great deal of time on Senate Resolution 28.

There is another resolution dealing with the use of tapes that could take some time—again I hope not more than a couple of hours. Senator STEVENS has an amendment, Senator QUAYLE may also have one. I am advised Senator GORE may have a couple of amendments, and there may be others. Again, that is a matter I hope we can dispose of today.

The important thing is that we get back to work on the debt limit extension. We have been patiently waiting for about 2 or 3 days while the authors of Gramm-Rudman-Hollings try to agree on ways to modify their amendment. I hope that today we can go to work on that amendment in earnest if it means staying here late into the evening. We must complete action on the debt limit extension if we are going to complete action on a number of other matters before the scheduled—I underline scheduled—August 15 recess.

Mr. President, I hope that Senators GRAMM, RUDMAN, and HOLLINGS will be prepared today to vote up or down on their amendment, or do something later today. Let us find out one way or the other and move on to other amendments. There are other Senators who have amendments who are willing to offer those amendments. I hope we can really get into the serious business of that today and complete action on the debt ceiling tomorrow.

I guess there will be votes today, but not before 4 p.m.

HAPPY BIRTHDAY, POWERFUL WOMEN

Mr. DOLE. Mr. President, very briefly, now and then, we recognize those who pass another milestone, another birthday. I have indicated before that I am surrounded by powerful women—in the Senate by my colleague, Mrs. KASSEBAUM, whose birthday is today, and at home by the Secretary of Transportation, whose birthday is today. So I extend birthday greetings to both Elizabeth and NANCY as they start another year.

I will not mention what year they are in now, but I hope they are starting another year, another successful year.

SENATOR NANCY KASSEBAUM'S 54TH BIRTHDAY

Mr. President, I know all of my colleagues will want to join me today in sending birthday greetings to the junior Senator from Kansas—NANCY LANDON KASSEBAUM.

As I said, today also happens to be the birthday of my wife Elizabeth—so July 29 is a day graced by the birthdays of two of my favorite women.

NANCY is much more than just my Kansas colleague—she is a good and loyal friend. She is a thoughtful and articulate voice in the area of foreign policy and the Federal budget. But she never forgets her Kansas roots—roots,

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

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I might add, that are deep in the soil and spirit of Kansas, planted there by her ancestors, including her wonderful father, Alf Landon.

So, once again I extend my personal happy birthday to NANCY, and wish her good health and fortune during the next year.

Mr. President, I ask unanimous consent to have printed in the RECORD an article in today's Washington Post, entitled "The Quiet Diplomat From Kansas," it is an excellent account of Senator KASSEBAUM's roll in foreign policy.

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

A QUIET DIPLOMAT FROM KANSAS

(By Ewen MacAskill)

"Do you have to cuss and chew tobacco to be heard in this town?" a congressional aide asked last week, reflecting on the quiet style that has always set his boss, Sen. NANCY LANDON KASSEBAUM apart from her colleagues.

But the question was rhetorical: As the sponsor of a bill to impose limited sanctions against South Africa, Kassebaum has lately become an important bellwether of Republican feeling in the Senate—and has emphasized her emergence as a voice to be heard on foreign affairs.

Heard but not listened to at the White House. On the eve of President Reagan's speech on South Africa last Tuesday, Kassebaum, who chairs the Senate Subcommittee on African Affairs, and two other senators met with Reagan and warned him against rejecting sanctions against South Africa. They told him that if he did not put pressure on Pretoria, the Republican-controlled Senate would follow the House in enacting sanctions. The president's speech didn't reflect the advice, and Kassebaum said she was "deeply disappointed."

The importance of Kassebaum's visit—like that of her fellow Senate Republicans Richard G. Lugar and Majority Leader Robert J. Dole—is that her recent calls to action on South Africa represent a reversal of her long-held position on that issue.

In January 1985, Kassebaum said, "I don't believe economic sanctions are the answer. I don't see it forcing South Africa in any different direction. That's what I see reinforcing their bunker mentality, and may well force severe economic disruption."

Now, angered by the state of emergency declared June 12 by the Pretoria government and exasperated with the failure of the U.S. "constructive engagement" policy to bring about reforms, she has endorsed limited sanctions such as denying landing rights to South African planes and barring new investment in South Africa. Some version of these proposals is considered likely to pass the Senate. And if these were to fail to achieve results, Kassebaum does not rule out a total embargo.

She is also prepared to consider other forms of action. "As The Economist points out this week, if we're really serious about doing something dramatic, we would sell the gold reserves that each of our countries hold," she said. "And if we start to move those out on the market, the price of gold would certainly come tumbling down.

"I don't endorse that dramatic approach at this point because I think the repercussions would be enormous. I am still torn and still would argue that it won't help anyone to have South Africa reduced to economic chaos." But she added: "You can't totally rule it out."

For a woman who has a reputation for shunning publicity. Kassebaum is in the center of controversy. For one whose instincts are conservative, especially in foreign and fiscal policy, she now speaks eloquently against the administration position.

Colleagues and others who deal with her have a simple explanation: Kassebaum, they say, has a rare independence. She has demonstrated it on a series of issues from abortion, one which she takes a prochoice position, to the nomination of Daniel A. Manion as a federal appeals court judge, which she opposed.

This has caused her to run afoul of some of her constituents, who feel she is too liberal, but she won reelection in 1984 with 76 percent of the vote. Her aides and others who know her well said that she has managed to retain her popularity because she is seen as being sincere in what one aide described as her Hamlet-like struggle with issues.

Kassebaum's life in politics is partly the legacy of her father. Alf Landon was governor of Kansas from 1933 to 1937 and ran for president in 1936, but was able to take only two states. As a child, she would listen by a ventilator in her bedroom to dinner conversations, where the topic was always politics.

She discusses issues with her father, now 98, but said of him, "Although he denies this vehemently now, he was not one who ever thought there would be a woman in the U.S. Senate, much less his daughter. He comes from an era where it is just hard for him to adjust to talking politics to me." She laughed, "It doesn't bother me, 'cause I understand him."

Kassebaum, who turns 54 today, holds a master's degree in diplomatic history from the University of Michigan. She then settled down to domestic life and had four children.

She was divorced in 1979. Her entry to the Senate that year owed much to her father's name; her qualifications—one year as an aide to former senator James Pearson and service on a Kansas school board—were not rated high by political observers. But she has since become popular in her own right, as her easy reelection attests.

Her constituents like her for, among other things, her love of Kansas, where she returns every other weekend to her parents' home, or to her farm, or another part of the state. One aide said: "Even if she had a chance of a trip that would take her to Italy, Greece, Hong Kong and Taihiti, she would perfer to go to Topeka.

"She is atypical of Washington . . . She has a modest house in a nice neighborhood, has no maid and drives a modest car. She does not go to power-brokering parties. She is not into Washington." He added, "If the job is not the beginning and end of your life, you can afford to be courageous."

One of only two women in the Senate, Kassebaum dislikes tokenism. When asked to attend opening ceremonies at the Republican National Convention in Dallas in 1984, she is reported to have said that she did not want to attend merely as window dressing, "a bauble on a tree."

Even today, Kassebaum's stance on South Africa cannot be called radical. The sanctions she proposes are far more moderate than those passed by the House last month. And she thought Secretary of State George P. Shultz's statement on South Africa last week before the Senate Foreign Relations Committee—which most observers thought was only marginally tougher than the president's speech—contained good ideas and that the president' speech would have been better received if he had had a similar emphasis. Shultz's message was "unfortunately a bit tarnished because of the president's speech," she said.

Obviously one of the keys, I believe, to negotiations is the release of Nelson Mandela because he is the one leader—I suppose just by the fact that he has been in prison for so long—who has risen to heroic proportions and can pull a lot of factions together."

But Kassebaum is above all else a realist. She cautions against thinking that sanctions will bring a turnaround in the South African government's policy.

"We would be fooling ourselves if we really thought it was going to cause South Africa to cry uncle," she said. "But I think at this point it is necessary for us to to try a different mix of pressures, to really clearly signal whose side we're on."

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

RECOGNITION OF SENATOR HAWKINS

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the Senator from Florida [Mrs. HAWKINS] is recognized for not to exceed 5 minutes.

THE BOLIVIA-UNITED STATES DRUG ERADICATION SUCCESS

Mrs. HAWKINS. Mr. President, I wish to applaud the success of the Bolivian-United States cooperative international agreement for illegal narcotic eradication. It is not only a bold initiative for a Latin American country to work with the United States military forces in a Latin country, but it is also a bold step to show the world that we will work with any country that produces drugs or refines drugs, using our military, in order to eradicate the drug.

Since the U.S. Senate and the House of Representatives passed the Hawkins-Rangel amendment, which links foreign aid to drug eradication in a country of origin to the amount of eradication that takes place in the country of origin, we have seen a dramatic shift in the attitude of four countries who grow this deadly crop.

Why should we, as American citizens, subsidize those countries that are poisoning our children? That was the theory and the logic that went behind the Hawkins-Rangel amendment which was attached to the foreign aid bill 2 years ago. This year, as we implement that law, giving a report card every 6 months on the actual eradication efforts, we see nations such as Bolivia, where 50 percent of the world's total cocaine is grown—the world's total supply of cocaine, 50 percent from one miserably poor country—we

see Bolivia's attention shifting to their own internal matters.

The surprise element was very necessary for this to be remarkably successful. That, unfortunately, was not the fact. However, we are making great progress. All nations are watching.

□ 0940

As my colleagues know, Florida is under a crack epidemic right now, crack being the cheap form, the deadly form of cocaine that becomes addictive with one puff. I will introduce legislation this day that will make cocaine totally illegal. We must have a better handle on cocaine in our own country. We can, however, point with great pride to the fantastic steps taken so far in this country.

I compliment the First Lady for keeping our attention on this problem. I was with the President last Wednesday and Thursday, and we discussed each time this deadly drug which threatens the future of this country and peace in the world. I commend the President and Mrs. Reagan for their attention and ask my colleagues to join me in commending the U.S. military forces for once more answering the call of duty.

I yield the floor.

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.

WHY IS THE PROPOSED ARMS CONTROL AGREEMENT WORTHLESS?

Mr. PROXMIRE. Mr. President, let us assume the most optimistic results develop out of the current arms control proposals. Assume that the Soviet Union agrees to a 50-percent reduction in offensive nuclear arms on both sides. In return for this United States concession, the United States agrees that we will renegotiate the ABM Treaty of 1972 to provide two changes. First, the United States will drop the treaty provision which permits either side to withdraw from the treaty on 6-months' notice. We agree to abide by the treaty through the year 2,000. Second, after that date the United States will be free to develop, test, produce and deploy its star wars antimissile defense. Of course, the Soviets would be free to do the same.

This is probably the best deal the United States could win. Star wars certainly cannot be deployed before 1996 in any event. Given the budget restraints, the recent spectacular disappointments in both space and nuclear technologies, and the colossal technological problems that lie in the way of the strategic defense initiative, the year 2000 would be just about the earliest the SDI project could move out of the laboratory, if it is to proceed in a measured and reasonably efficient way. So this kind of agreement would seem like a clear and decisive U.S. victory.

Now consider such an agreement from the standpoint of the Soviet Union. Why would they buy this deal? They would be giving up half of their highly respected offensive nuclear capability. What would they get in return? Answer: just about nothing. Even a delay in pushing star wars beyond the research lab until the year 2000 would mean nothing because from a practical standpoint it will be the year 2000 and probably much later—if ever—before star wars would be ready to ride out beyond the laboratory.

On the other hand, time is on the Soviet side and against star wars. Just think of all the likely developments that could kill star wars. First, of course, there is the judgment of the vast majority of American physicists as reported in exhaustive polls that star wars cannot and will not work. Second, there is a similar judgment of former Defense Secretaries that star wars is an impossible dream. Third, there is the widely reported view of most of the top experts in the American scientific establishment that star wars cannot do the job. Fourth, there is the abundant documentation that star wars will cost $1 trillion or more to produce and deploy and between $100 and $200 billion annually to maintain and modernize. Fifth, there is the conspicuous vulnerability of star wars to an offensive attack and the strong likelihood that the cost to the Soviet Union of researching, producing and deploying the weapons to make that attack would be a small fraction of the cost of the star wars defense.

There is a final and most decisive obstacle in the way of a star wars success. By the year 2000 there will have been four Presidential elections. If the victor in any one of those four elections opposes star wars, it is dead. The prospect that this enormously costly, technologically fragile, long-shot weapon system could survive each of these four Presidential elections is a very small, indeed.

Does Secretary Gorbachev know all this? Of course, he does. Then why does he concede anything to win an agreement that would give the appearance, but not the reality of slowing star wars? Answer: he might very well do so because the mutual reduction of 50 percent of the offensive nuclear missiles on both sides would also have no real strategic significance. We would give up nothing by a meaningless delay of star wars. The Soviets give up nothing by cutting their enormously excessive nuclear arsenal in half. The Soviet Union has 10,000 strategic warheads. The United States has 10,000 strategic warheads. Suppose the agreement cuts both sides down to 5,000 strategic warheads. Does that advance arms control one iota? No. Does it reduce the effective nuclear strength of the Soviet Union in any significant way? No. The National Academy of Science has found that if 1 percent of the Soviet's present arsenal strikes American cities, there would instantly be 35 to 55 million dead Americans. We could do the same to the Soviet Union with an equally tiny proportion of our nuclear arsenal. So what happens with the diminished arsenals? What happens is that it then takes 2 percent instead of 1 percent of the arsenal of each side to finish off the other. Big deal.

But do I hear those who differ argue that maybe a star wars defense will be able to stop 99 percent of the Soviet offensive missiles? Mr. President, let us assume that happens with respect to the present Russian stationary land based nuclear arsenal. But if we go ahead with the proposed agreement, we—under the rosiest conceivable assumptions—would not be able to finish the full deployment of our star wars defense until the year 2010. That is about 25 years from now. And what will the Soviet arsenal look like in the year 2010? Keep in mind that the Soviets will have had 25 years to prepare for star wars. So what kind of offensive nuclear deployment will they have? Stationary land based missiles sitting in the Soviet Union 6,000 miles away from their American targets? No way.

The Soviet arsenal, under those circumstances 25 years from now, would be largely submarine and bomber based. It would be entirely mobile. And how does star wars defend against such a nuclear arsenal? Can it reach such Soviet missiles in their burst phase, which is the heart of the presently conceived star wars? No. Can it plot the trajectory of missiles launched a few miles off our coast from submarines or from bombers that fly at the speed of sound anywhere in the Earth's vast air envelope? No.

So what will the proposed arms control agreement buy? It will cost a trillion dollars plus to build our star wars. The proposed arms control agreement may cut offensive nuclear missiles by 50 percent. But does it strengthen our national security? It does not, not one whit.

DR. CARY HAS SERVED THE SENATE WELL

Mr. PROXMIRE. Mr. President, the Attending Physician of the Congress, Dr. Freeman H. Cary, will soon retire

after 14 years of distinguished service here on Capitol Hill.

Mr. President, Dr. Cary has done a fine job. He has made himself available at a moment's notice. His attitude has always been a constructive, positive one. And make no mistake about it, dealing with 535 Senators and Representatives, most of whom have very definite opinions about the state of their health, is no easy task.

In short, I think we owe a debt of gratitude to Dr. Cary for his wisdom, his thoughtfulness, and his skill in coping with our physical problems.

MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, my myth of the day is that the steep decline in the value of the U.S. dollar will result in a dramatically improved U.S. competitiveness and the rapid end of record U.S. trade deficits.

In fact, the continued flow of red ink in the U.S. trade deficit has led to speculation that the 1986 trade deficit will exceed the record $148 billion deficit achieved in 1985.

Not only has the U.S. merchandise trade deficit continued but for the first time in almost 30 years, agricultural products recorded a monthly trade deficit in May.

Import-damaged U.S. industries continued to be battered by foreign competition this year in spite of the declining value of the dollar on world markets.

For example, U.S. production of nonrubber footwear decreased in the first quarter of 1986 by 6 percent while imports increased by 27 percent. This resulted in import penetration rising to a new record 82 percent.

When we look at the potential effects of the weaker dollar and stronger yen, a number of factors reduce the potential benefits to U.S. producers.

In a number of cases such as certain computer memory chips, video cassette, and compact disc players, the United States no longer produces these consumer items and U.S. manufacturers are unlikely to reenter the field.

This situation might well result in a greater trade deficit as U.S. consumers are forced to pay more for the imported products unavailable from domestic producers.

In a similar manner, the voluntary quotas on Japanese auto imports, when combined with the increased value of the yen, has resulted in Americans paying more for their Japanese automobiles but no decline in the number of cars being sold and exported to us by the Japanese.

Clearly, the weak U.S. dollar has not substantially improved the U.S. balance of trade and it is now evident that it is unlikely to do so in the near term.

RECOGNITION OF SENATOR PRYOR

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas [Mr. PRYOR] is recognized for not to exceed 5 minutes.

IT IS NOT JUST DOD THAT COULD USE A LITTLE REFORM

Mr. PRYOR. Mr. President, in the Congress, we have a procedure that is known as reprogramming. It permits executive branch agencies to shift money which has already been appropriated from one program to another. Sometimes this money is simply not needed for the original purpose. Sometimes a program has become such a high priority that funds must be siphoned off from other purposes. To allow what is called management flexibility, the Congress does not require a new law to be passed to permit reprogramming. Congress does not require a new law that does anything to invoke any rules relative to how we reprogram funds. We only ask that certain committees in the House and the Senate look at reprogramming requests to make certain that everything is OK.

I always thought of reprogramming as a rather simple and sensible process, Mr. President. Then my suspicions were aroused. Last summer, I learned that the Department of Defense had reaped itself a $44 billion windfall for inflation that never occurred during the past 5 years. Then I was told by Secretary Weinberger that $13 billion of that $44 billion had been reprogrammed. I thought this was a lot of money to be spent without full congressional review.

I decided to look into the reprogramming process. I found that the process was not as simple, nor was it as sensible, as I had originally thought.

I found that there were things about reprogramming I had never known—a lot of things.

I found that DOD did not reprogram $13 billion in the last 5 years; I found it had reprogrammed $29 billion.

I found that only half of that $29 billion ever had any congressional approval; the rest was only notified to Congress after the reprogramming occurred.

I found that since 1981, DOD had started 304 new budget line items through reprogramming and that it had terminated 261.

I found that the Defense Department's procurement accounts were the most common source of reprogramming—indicating that Congress may be overfunding those accounts.

To the Defense Department's credit, I found that it has been assiduously following its own reprogramming rules and regulations.

But, most interesting of all, I found that, while all the executive branch agencies had formal written rules to control their reprogramming processes, we in Congress have no written rules at all. We have only unwritten, informal procedures.

I found that each congressional committee that reviews reprogramming has different procedures.

Some committees have hearings; most have none.

Some committees have mark ups; most have none.

In some committees, all the Members take a look at the reprogrammings, but in most it is only a very select few.

Senators not on the right committees have no voice on reprogrammings at all.

In some committees, in some instances, the staff are the only ones who look at reprogrammings.

In some committees, the staff uses the telephone to approve reprogrammings.

Mr. President, how did these facts surface? I asked the GAO to conduct a study. It has just been completed. I am told it is the first comprehensive study of reprogramming ever printed. I found the GAO's report so fascinating that I have sent a copy of it to every Senator.

What the study tells us is that we do not have consistency in how Congress handles reprogrammings; we have chaos. We do not have thorough oversight; we have almost no oversight. We do not have accountability; we have an almost subterranean process where, for one agency alone—the Defense Department—$29 billion has been used up for purposes that 90 percent of the Members of Congress have no say in.

Many of us have been quite harsh with the Defense Department and have told it to reform. We have told it to clean up its procurement rules; we have told it to make officials accountable for their actions, and we have told it to reorganize.

It is very clear from the GAO study that Congress needs to engage in a little reforming of itself. The only reason why we have not broken any reprogramming rules is because we have none. Half the time no one in Congress has any voice on reprogrammings because they occur before we learn about them. The other half of the time most of us have no say either. When there is a review of reprogrammings, in some committees it is a review procedure that does not reach any Senators, and other times it gets to only a very few.

Mr. President, if these practices had been going on in some Federal agency, many Senators would be very critical, and we would pass laws to bring order, accountability, and oversight to the offender. But, in this case, the problem is in our own backyard. Unless we want to be hypocrites, we should clean

up our own mess, just as we demand that others clean up theirs.

I strongly urge all Senators to read carefully the GAO study that I have sent to them. In a short period of time, I will introduce a proposal designated to reform Congress's reprogramming procedures. Before that proposal reaches its final form, I hope Senators will join with me to put together a set of rules that will bring reasonable and effective reform to Congress itself.

Mr. President, Congress has no moral basis to criticize others for waste, sloppy procedures and the absence of accountability, unless its own house is in order. Right now, the House and the Senate are in a state of reprogramming disorder. If we cannot reform ourselves, what right do we have to demand it of others?

□ 0950

Mr. PROXMIRE. Mr. President, will the Senator from Arkansas yield?

Mr. PRYOR. I yield.

Mr. PROXMIRE. Mr. President, I commend the Senator from Arkansas. He is speaking on an extraordinarily important subject. He testified before the Joint Economic Committee a few days ago on this subject. He is right.

Twenty-nine billion dollars is reprogrammed and spent in areas where Congress has given no approval at all. This is a clear contradiction of our constitutional responsibility. There is no question about it.

Furthermore, on the inflation issue, the Defense Department has consistently overestimated the inflation. As a result, they have gotten funds that Congress did not intend them to get, and they reprogrammed them in any way they wished, without any real guidance by Congress. Sometimes a chairman of a subcommittee or a committee will approve and a ranking member will approve; sometimes they do not.

I would like to go on, but the time is limited. I do commend the Senator. He is talking on an extremely important subject.

I hope he will include me in working on any legislation he has in mind. I would like to work with him on it, because I think it can save Congress and the country billions of dollars a year.

Mr. PRYOR. Mr. President, I appreciate the remarks of the distinguished Senator from Wisconsin, who has led for a number of years—long years—the fight against waste.

What we are talking about here is not necessarily waste. I am not saying that it is absolute waste. But it is a circumvention of the right of Congress to use oversight and accountability as to how these programs and how these funds are totally taken out of the purview of the Congress of the United States and how they are spent—just about any way some of these agencies want to spend them.

I thank the very distinguished Senator from Wisconsin.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Does the majority leader wish to reclaim some of his leader time?

Mr. DOLE. Yes.

The PRESIDING OFFICER. The majority leader is recognized.

GOLDEN GAVEL AWARD FOR SENATOR GORTON

Mr. DOLE. Mr. President, as of 9:50 this morning, the distinguished occupant of the chair, the senior Senator from Washington [Mr. GORTON], has presided over the Senate for 100 hours in this Congress.

Senator GORTON will be awarded the Golden Gavel Award for the time and dedication he has given the Senate by presiding during the 99th Congress.

The senior Senator from Washington has been a Member of the U.S. Senate for three Congresses. This is the third Golden Gavel Award he has received during his tenure in the Senate.

I congratulate the Presiding Officer.

EXPORT ENHANCEMENT PROGRAM

Mr. DOLE. Mr. President, I should like to indicate very quickly that it is my understanding that on the House side there may be some action afoot to duplicate what happened on the floor of the Senate last week with respect to the Export Administration Act, in the Export Enhancement Program, with reference to trading with the Soviet Union, or the sale of grain to that country.

In my view, there has been a frank discussion of this program at the White House as recently as yesterday morning, and I hope that the administration will carefully review our trade with the Soviet Union.

Our amendment was crafted very carefully. It simply says that if we are going to trade we have to be competitive. So far as I know, no one objects to trade with the Soviet Union, depending on what we trade. If it is high technology or some other commodity that should not be in the hands of the Soviet Union, obviously we are not suggesting that. It seems to me that if we are going to trade, we have to be competitive, and that is the only argument.

I know that other countries which are now filling the market we have lost with the Soviet Union over the years are clamoring for no action. They do not want to lose the markets.

The Secretary of State discussed this, I guess, with the Prime Minister of Australia and others in the European community who have been busily engaged in subsidizing their own exports for a number of years. So I suggest that it is high time we become competitive. It is time to be aggressive in the administration of the export enhancement program.

This is not an effort to subsidize communism. This is an effort to be competitive.

I suggest that if Secretary Shultz or anyone else in the administration wants to vote on whether or not we should trade with the Soviet Union, that is another matter. So far as I know, that is not an issue. The issue is whether or not they should participate in a program passed by Congress last December, signed by the President; and so far as I know, it is still operative.

So I think that what should happen is that the House and the Senate conferees should go to conference and get it done; but I would rather have the administration get it done. In any event, one way or the other, we should have a movement.

I particularly want to thank my colleague from South Dakota, Senator ABDNOR, for his active assistance in getting this matter to the floor. A number of other Senators on both sides of the aisle participated—Mr. MELCHER, Mr. NICKLES, Mr. ANDREWS, Mr. DIXON, and others. I am not trying to pick out individuals, but we did have an earlier discussion with Senator ABDNOR, and I think the record should reflect that.

Mr. President, I yield any time I have remaining to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

□ 1000

WHITE HOUSE CONFERENCE ON ILLICIT DRUG USE AND CONTROL

Mrs. HAWKINS. Mr. President, I am today introducing a joint resolution calling on the President to convene a White House Conference on Illicit Drug Use and Control.

The President and the First Lady have shown admirable leadership on this issue. We are particularly grateful for the President's recent bold initiative committing U.S. military personnel and equipment in direct support of Bolivian military operations against cocaine laboratories and traffickers. This operation has been a great success. It has thrown the cocaine traffickers in the Beni and the Chapare regions into total disarray, according to news reports, with the price of coca leaves dropping dramatically. I hope we can build on the momentum from this successful initiative and expand our efforts, especially on the domestic demand side of the problem.

This joint resolution differs from earlier legislation calling for a White House Conference on Narcotics Abuse and Control in several ways.

First, I believe we need a White House Conference to facilitate implementation of existing recommendations, not to provide a forum for further study, rhetoric, and debate which would further delay action. Clearly another high level Government study producing yet another raft of recommendations far down the road is not what we need now.

The President's Commission on Organized Crime just spent over 2 years and about $3 million to conduct a comprehensive study of our Nation's drug problem. The results of this excellent analysis together with its recommendations were just released in March of this year in a report entitled "America's Habit."

These recommendations have not received the attention and focus they clearly deserve from the Congress, the executive branch, State and local officials, or the private sector.

In addition, the Congress has charged the National Drug Policy Enforcement Board to produce a national drug strategy this summer, which I understand we will be receiving soon. It makes little sense to call for another study until we use the studies we have already called for.

Second, I believe that this Conference should provide a forum for the President to motivate to explain, and to deliver marching orders to those key movers and shakers in our society who up to now have not been part of the solution. Therefore, my resolution would call for less representation at the Conference of Government officials, and more representation of key private sector leaders from sectors such as the news media, the entertainment industry, professional sports, the health profession, the legal profession, the business community, academia, labor unions, education, and so on.

This joint resolution is intended as a tribute to the leadership of President Reagan, in particular his leadership on the drug issue. But clearly more can be done, many Government officials and many key private sector leaders could be prodded to take more effective action against our drug problem. I believe a White House Conference will contribute substantially to this cause. I trust my colleagues will agree with me.

Mr. President, I ask unanimous consent to have Senate Joint Resolution 381 printed in the RECORD.

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

S.J. RES. 381

Whereas the damage to our society from the use of illicit drugs in the United States is increasing each year;

Whereas the social and economic cost in the United States of illicit drug use, including increased health care costs, lost productivity, and related crime and violence, is estimated to be more than $100 billion annually, and there is a direct relationship between narcotics abuse and criminal activity and street violence;

Whereas the President's Commission on Organized Crime, in its final report, stated that narcotics trafficking is the most serious organized crime problem in the world today and is the most widespread and lucrative organized crime activity in the United States, producing revenues exceeding $110 billion annually, and that insofar as the violence and corruption associated with illicit drug use and trafficking threatens the stability of friendly nations, our own national security is jeopardized;

Whereas President Reagan has repeatedly emphasized the importance of the fight against illicit drug use, demonstrated leadership, and taken some effective action against illicit drug trafficking and use;

Whereas the Office of Drug Abuse Policy in the White House has been refining our national strategy for reducing demand for illicit drugs;

Whereas the 1984 National Narcotics Act has charged the National Drug Policy Enforcement Board with producing a National and International Drug Law Enforcement Strategy which is about to be presented to the Congress;

Whereas the President's Commission on Organized Crime recently completed a thorough high-level comprehensive review and study of all aspects of our Nation's growing drug problem including the causes therefore and the strategy to deal with it along with important recommendations for future policy and implementation;

Whereas this President's Commission Report entitled "America's Habit: Drug Abuse, Drug Trafficking, and Organized Crime" was only recently completed and released on March 3, 1986;

Whereas many of these recommendations have not yet received the high-level attention and consideration and implementation that they deserve, either in the Congress or the executive branch, or in the private sector;

Whereas many of the causes and potential solutions to our Nation's epidemics of drug use lie within the scope of competency of the news media, the entertainment industry, the academic community, the sports profession, the health profession, the business community, the labor unions, the teaching profession, and other segments of the private sector; and

Whereas, in order to address these drug use and control issues in a more coordinated and higher visibility manner that responds to the crisis situation at hand, it is necessary to convene at the highest level of Government and the private sector, a conference: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "White House Conference on Illicit Drug Use and Control Resolution of 1986".

SEC. 2. AUTHORIZATION OF CONFERENCE.

The President shall call a White House Conference on Illicit Drug Use and Control (in this resolution referred to as the "Conference"), in accordance with this resolution, not later than 6 months after the date of the approval of this resolution in order to foster implementation of existing policy and consider recommendations from the March 1986 President's Commission Report, "America's Habit: Drug Abuse, Trafficking, and Organized Crime", and to consider additional recommendations for further action to control the illicit production, trafficking, and distribution of narcotics internationally and in the United States and to prevent illicit drug use and treat abuse.

SEC. 3. PURPOSES OF CONFERENCE.

(a) IN GENERAL.—The purposes of the Conference are—

(1) to assist in implementing and refining a national strategy (encompassing international, Federal, State and local, and private sector activities) to reduce demand for, to interdict trafficking in, and to suppress production of, illicit drugs.

(2) to increase public awareness of, and to focus attention on, various recommendations and policy initiatives on the problems of illicit drug use and control (including issues of enforcement of narcotics laws and of prevention, treatment, and rehabilitation of narcotics users);

(3) to pool information and experiences in order vigorously and directly to attack illicit drug use at all levels, local, State, Federal, and international.

(b) SPECIFIC CONSIDERATIONS.—The Conference shall specifically review—

(1) the National and International Drug Law Enforcement Strategy as presented by the National Drug Policy Enforcement Board.

(2) the National Strategy for Prevention of Drug Abuse and Drug Trafficking as prepared by the Office of Drug Abuse Policy in the White House.

(3) the recommendations of the President's Commission on Organized Crime as they relate to illicit drug use and control, and the private sector as well as the public sector,

(4) the impact of recently enacted laws (including the Comprehensive Crime Control Act of 1984 and the Balanced Budget and Emergency Deficit Reduction Act of 1985) on efforts to control trafficking in narcotics and to prevent and treat illicit drug use,

(5) the extent to which the sanctions in section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291) have been, or should be, used in encouraging foreign states to comply with their international responsibilities respecting narcotics control, and

(6) the role of the news media, the entertainment industry, academia, professional and amateur sports, the health profession, the legal profession, the teaching profession, the business community and labor unions, in contributing to our Nation's drug problems and solutions thereto.

SEC. 4. CONFERENCE REPORT AND FOLLOWUP ACTIONS.

(a) FINAL REPORT.—Not more than 6 months after the date on which the Conference is convened, a final report of the Conference shall be submitted to the President and the Congress. The report shall include the findings and recommendations of the Conference as well as progress toward implementation of existing recommendations and proposals for any executive, legislative, or private sector action necessary to implement the recommendations of the Conference or the March 1986 President's Report. The final report of the Conference shall be available to the public.

(b) FOLLOWUP ACTIONS.—The President shall report to the Congress, as appropriate,

following the submission of the final report of the Conference, on the status and implementation of the findings and recommendations of the Conference.

SEC. 5. ORGANIZATION OF CONFERENCE.

(a) PARTICIPATION OF APPROPRIATE CABINET OFFICERS AND OTHER OFFICIALS AND INDIVIDUALS.—The President shall—

(1) ensure the active participation in the Conference of appropriate cabinet officers, and

(2) shall provide for the involvement in the Conference of other appropriate public officials and private sector representatives.

(b) ASSISTANCE OF FEDERAL AGENCIES.—All Federal departments, agencies, and instrumentalities shall provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

(3) NO PAYMENT OF INDIVIDUAL EXPENSES.—Each participant in the Conference shall be responsible for his or her expenses related to attending the Conference and shall not be reimbursed from funds appropriated to carry out this resolution.

(d) DETAIL OF STAFF.—Appropriate cabinet officers may detail employees to work on the planning and administering of the Conference without regard to section 3341(b) of title 5, United States Code.

(e) RESTRICTION ON EXPENDITURES AND CONTRACTING.—New spending authority or authority to enter contracts as provided in this resolution shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

SEC. 6. EFFECTIVE DATE.

This resolution shall become effective on October 1, 1986.

SEC. 7. DEFINITIONS.

In this resolution:

(1) ILLICIT DRUG.—The term "illicit drug" includes—

(A) a narcotic drug (as defined in section 102(17) of the Controlled Substances Act, 21 U.S.C. 802(17)),

(B) a drug (as defined in section 1 of Article I of the Single Convention on Narcotics Drugs, signed at New York, New York, on March 30, 1961), and

(C) a drug or substance listed in a schedule under the Convention on Psychotropic Substances signed at Vienna, Austria, on February 21, 1971.

(2) APPROPRIATE CABINET OFFICER.—The term "appropriate cabinet officers" means the Attorney General, the Secretary of State, the Secretary of Health and Human Services, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Transportation, the Secretary of Education, and such other cabinet officers as have responsibilities respecting narcotics abuse and control (including combating illicit production, trafficking, or distribution of narcotics).

The PRESIDING OFFICER (Mr. STEVENS). The Senator from South Carolina is recognized.

RECENT ADMINISTRATION TEXTILE INITIATIVES

Mr. HOLLINGS. Mr. President, the moment of decision draws near with respect to international trade.

We have tried to impress over the years that it is not free trade, it is not fair trade, but competitive trade. No one in his right mind would think otherwise.

We live in a dynamic global community where one can produce anything anywhere: Electric subassemblies in Singapore, automobiles in Africa, high technology in Brazil, semiconductors down in Mexico. So the competition is not just between the cultural and natural resources of a particular country, but between governments. After the Marshall plan the governments of Western Europe and the governments of the Pacific Rim moved in and used their governments to set the pace, erect various tariff barriers outside the General Agreement on Tariffs and Trade, and over a 30-year period since President Eisenhower we have been in a struggle.

Under President Kennedy we got the seven-point program, one price cotton, later the multifiber arrangement, and at the moment we have withheld a vote for the override of President Reagan's veto of H.R. 1562, the textile bill, pending the administration's negotiation of a new multifiber arrangement. This has been proceeding over the past year. The administration was on notice that we expected some rollbacks in trade because the various textile agreements, some 34 agreements have been more or less violated. For example, Taiwan had agreed back in 1982 to limit their growth to 1½ percent. It has been 15 times that amount. Now we know it has been 15 percent. That is why we were asking for rollbacks, to bring back the flow of imports to what was agreed to in 1981.

Now we see with dismay the headline in the Washington Post this morning. It is dramatic in two respects. With respect to textiles and our bilateral agreement with the country of South Africa, we thought that with the violations and transshipments they would hold it down, and instead of holding it down, they have allowed a 4-percent increase in the items covered by the agreement.

President Reagan himself had promised this Congress, Senator THURMOND, and other leaders in the textile industry, in public statements to regulate and control the flow of imports in accordance with the increase in domestic consumption. The increase has been right at 1 percent, now South Africa gets a 4-percent increase. But it is four times the amount of one-third of South Africa's textile shipments. Two-thirds of their shipments, particularly yarns, coming into the United States of America are not covered whatsoever. So that is two-thirds that is unlimited and that is importing unemployment into the United States.

So that is all extralegal beyond the intent, beyond the promise of the administration. But more than anything else, the administration talked in categorical terms on economic sanctions, and while not coming out for those particular sanctions they said that they abhor apartheid in South Africa. They said, We were not going to use our economic policies here in the United States to sustain apartheid. And then have our negotiators instead of not economically sustaining it, giving absolute support and increases to it. They are rewarding South Africa, of all things. It is just incomprehensible.

We in Congress are thinking about competitive trade and thinking about the abhorrent policy of apartheid on the one hand and, of going to South Africa and increasing their ability to dump imports here on the other hand, realize this policy makes no sense.

I just cannot see the connection between the administration's statements, its rhetoric, and the policy itself.

It was John Mitchell in an administration past who said watch what we do, not what we say. I think perhaps Mr. Mitchell is back in the Government somewhere. I have not been able to find him, but I find that rampant with respect to international trade.

Here we have the so-called agreements with Taiwan and Hong Kong. The administration said it was seeking a freeze of textile apparel imports. Under the multifiber arrangement we allow them to negotiate agreements. No agreements are required.

The fact of the matter is that the European Economic Community, using their authority under the multifiber arrangement, started imposing restrictions on imports into the European Economic Community, and have cutback their deficit in textile trade by $2 billion.

Now that is all amidst the charge that any such actions would be in violation of GATT. That is all amidst the charge that any such actions to control imports into the European Economic Community would result in devastating retaliation.

We hear that in the United States all the time. If we do anything, there is going to be retaliation. Retaliation is competition. Competing is exactly what this economic contest is all about. We juse refuse to compete.

We have the high cards. We have the richest market in the world. We are the one that is in a position to retaliate. Actually, the retaliation already underway is against us.

And like Franklin Roosevelt during the days of the Depression, in order to keep the banks open he closed the doors; in order to save the farms he plowed under the crops. We, in turn, in order to remove the barriers, are going to have to raise certain barriers and then remove them both if we are going to get freer exchange.

□ 1010

All of us want a freer exchange in international trade. But Taiwan, Korea, and Hong Kong were supposed

to be treated the way the European Economic Community treated its trading partners in 1981. Instead, what we find here is an increase of 8.8 percent for Hong Kong over the next 6 years.

Now, the administration calls this a victory. They keep announcing these various victories right and left, in June and during this month of July, in order to lay the groundwork for the August 6 vote on the House side on the veto override. They say, "Look what we have done; what a wonderful job. We have got these very restrictive textile agreements with Taiwan and Hong Kong with growth rates of 0.5 percent, 1 percent, and 1.5 percent." All of those sound minimal, but those 3 to 6 years, they add up to 8 percent in the case of Hong Kong. And the increases keep right on going into the agreements with the approval of violations over the past 5 years.

Over the past 5 years, we have lost 250,000 textile jobs in America. These agreements only give the illusion of trade restraint. In reality, they allow Hong Kong and Taiwan to solidify the huge and ill-gotten gains that they have made in the market over the years. And, given the administration's poor record of enforcement, even these new higher levels are in danger of being exceeded. These agreements fall far short of a freeze, the objective the administration announced in February.

The agreements represent a slap in the face to 2 million hard-working American textile and apparel workers, who are writing me in desperation. My staff said we could bring out big stacks of letters that we have been receiving, which really show the workers' reliance on us up here. I do not want to try to demonstrate the number of letters.

The point is that they actually wrote 3,200,000 personal letters to the President of the United States, with yet a single letter to be acknowledged. The President says, "What letters?" when asked by Congressmen and Senators who visited him. He did not even know about the letters. But I wish to acknowledge that mail. I wish to acknowledge those letters.

I want to point out the problems with these agreements. According to Hong Kong negotiators, our agreement with Hong Kong gives improvements in flexibility. Well, you got to watch it when you hear that word and wonder what it means. Millions of yards that were allotted but not used under the old agreement, were not removed but were put into the new agreement. That is what they call flexibility. And, of course, the potential for damage there is enormous.

For example, in 1986, Hong Kong can ship up to 15½ million square yards of cotton twill fabric using their 1985 quota. This will result in an increase from 1985 to 1986 of 41 percent.

Now, let us emphasize that, because we are hearing about these small percentages for growth—0.5, 1.0, and 1.5 percent. The truth of the matter is, playing this percentage game, We must look at the actual facts and we find using flexibility within the agreement there is an allowable increase in cotton twill fabric of 42 percent.

We have had, Mr. President, as an aside, a 100-percent increase in textile and apparel imports over the past 5 years—100 percent increase—when we were experiencing, at best, a 1- or 2-percent increase in domestic growth. And, in this year, for the first 5 months, January through May, there was a 23-percent increase over the 100-percent increase. So you can understand the reason for these letters and the concern, because we are going out of business.

The agreement permits Hong Kong to borrow up to 5 percent each year in any particular category. Again, so-called flexibility. For example, a Hong Kong shirt quota of 684,479 dozen could effectively be increased in 1986 by 48,598 dozen shirts, and by the last year of the agreement could be increased by 109,027 dozen shirts.

Unless you get the trade experts and those who practice in Customs to read the fine print and understand the language, the administration can say: "Hail the conquering hero. Look at the small percentages." But, when you read the full text and the truth comes out, you can see that our negotiators have not negotiated. They have just sold out.

The administration tried to negotiate a textile agreement with the South Koreans this weekend in Berne, Switzerland, but were unsuccessful. They will be trying again in the next few weeks. If this textile agreement is anything like the trade package the administration announced last week—we're in trouble. Last Monday, the administration said that the Koreans had agreed to let us sell 40 million packs of cigarettes—about 1 percent of their market—in South Korea. The catch is our cigarettes will cost $1.50 a pack due to import tariffs and taxes, while Korean cigarettes cost only 60 cents a pack. What kind of a deal is that? The Koreans will permit us to sell cigarettes—at a price 1½ times the price of their cigarettes. How many packs does the President really think we will be able to sell at $1.50 a pack?

I think this is "Let's Make a Deal" time for the administration—any deal will do. They need to show some agreements to give the appearance of responding to the problem of our trade deficit—now running at an annual rate of $170 billion a year. They don't care what the deal is, just so they have a deal. Let me cite some further examples.

The United States also reached an agreement with Turkey recently. Imports from Turkey have increased astronomically since they started shipping to the United States in 1982. In 1985 alone, imports increased 54 percent. In the first 4 months of 1986, imports from Turkey have increased 70 percent. This new agreement places limits on 14 categories of textiles and apparel. In those 14 categories, the limits set were extremely generous to the Turks. In 1985, all of Turkey's shipments amounted to about 100 million square yards. Restraints on the 14 categories amounted to over 113 million square yards. As for the other 112 categories of textiles and apparel, there are no limits on the Turks at all.

Turkey had over 8 million square yards in embargo at the time of the negotiations. All over shipments were forgiven. Just like that. Forgiven. You've violated our procedures and agreements—we forgive you.

As the State Department put it, "Turkey is extending its market here for its textile products very rapidly." This is quite an understatement. The Turks had set a goal of getting a $400 million textile quota from us—in effect, more than tripling their trade. The administration acknowledged that Turkey can reach that goal in the next 5 years, if its imports continue to grow at their current pace.

Why has the United States been so generous to Turkey? I think the answer lies in a quote from an official at the State Department. This official stated, "We do not link the textile issue directly to the defense and economic cooperation negotiations, but it will improve the general atmosphere and make an agreement more likely." With that kind of thinking from Foggy Bottom, the U.S. textile and apparel industry will continue to watch their jobs shipped overseas—sacrificed at the altar of our State Department's foreign policy—to keep its friends happy.

Let me hit on a few more highlights of this administration's textile policy. On December 31, 1985, the United States textile agreement with Japan expired. At that time, the Government of Japan promised not to increase textile and apparel imports into this country while negotiations were underway. This year, we are still negotiating and Japan has increased its imports by 20 percent. We are being hoodwinked in international trade competition and unfortunately our own administration is an all-too-willing accomplice.

Let me point out what's happening with the President's new Caribbean Basin Initiative [CBI] Program for textile and apparel imports. The purpose of this new CBI Program was to encourage the Caribbean countries to use U.S.-made fabric, cut in the United States, in their apparel production. To accomplish this, the CBI countries

were to be given guaranteed levels of access for apparel made from fabric cut in the United States. Four CBI countries have negotiated new agreements with the United States. Restraints have been imposed in 9 of 116 product categories. In these 9 categories, these 4 countries have guaranteed growth of 350 percent. The agreement with Jamaica contains a quota on shirts, which is way over current trade and not 1 square yard of that fabric is required to be of United States origin. So much for the President's new CBI plan. There are now 20 more countries waiting in line for these agreements.

The State Department has no awareness whatsoever of the Government they represent. And the concern of the people they represnt is best evidenced by the South African agreement in textiles that surfaced this morning. It was negotiated at the end of June. Now they are trying to say it is not formalized and will not tell you exactly what it is. But we know now. We know now. It is at least a 4-percent increase and we are trying to cut trade to South Africa to bring an awareness of reality to the Botha government. And while we are trying to do that in every way practical and possible through Krugerrands, through trade, through the Export-Import Bank, through every device this National Government can think of, we have got the State Department negotiators saying, "Well, you know, there ain't nobody here but us chickens. We will continue to go ahead and negotiate and give away our textile market because, well, we are a rich country back there in the United States."

Let me say this. The true wealth of a nation is its capacity to produce. It is being reflected now in the stock market. We are beginning to understand that the most competitive of industries cannot compete on account of this lackadaisical giveaway attitude of the State Department and the Federal Government. Textiles has had an increase of productivity of 5 percent a year for the past 5 years. The industry itself has invested over $10 billion in new plants and machinery. They even have a new attitude—"Quality Is Free," the book by Phil Crosby is read by—I cannot call them now workers or employees—but associates. And I can tell you here and now they are very proud and very industrious and very productive. The industrial worker of the United States of America is the most productive in the world. The Japanese are not No. 1. They are always giving you that percentage, that they have increased by a greater percentage. Well, the Japanese are not near the U.S. industrial worker, and we are being sold a bill of goods in the political forum by those greedy industrialists, the multinationals, the retailers, the big banks, the big farm combines that babble this nonsense about free trade and protectionism. And we are going out of business and losing that capacity to produce, all in the zeal of making more and more money, losing the jobs, the backbone, economically and industrially, of this Nation.

Our agreement with Taiwan was referred to by the administration as a rollback of 7 percent from the level attained during the 12-month period ending May 1986. This agreement is not a rollback and it is not a freeze. The administration's attempt to characterize this as a rollback is deceitful. They are just playing with the numbers. They take an unorthodox baseline—May 1985 to May 1986—and say imports will decrease. This only masks a 21 percent surge in Taiwan's imports which took place in the first 5 months of 1986.

□ 1020

Using that period, they do not even talk of their 21 percent increase for the first 5 months.

Mr. President—These agreements are not a victory. Hong Kong and Taiwan will continue increasing their exports to us from 1986 on—and this is on top of the 104 percent growth that Taiwan has accomplished in the past 5 years. If this is their idea of success, it is time to bring the negotiators home. We cannot afford any more victories like this.

Make no mistake about it, there will be job losses in the United States due to these new agreements. Not just in South Carolina or Georgia or North Carolina or Tennessee, but all across this country.

Textiles are found in Alaska. They make garments in Alaska, in Hawaii, Texas, California, all of the States are involved here, and particularly the Midwest with the agricultural sector of our textile and apparel industry. It is truly a national industry that is suffering with a national impact. Countries violate thier agreements, and then our negotiators go around and confirm these violations.

From January to May of 1986, over $9.2 billion of textile and apparel imports have flowed into this country. Over 5.3 billion square yards of textiles and apparel have been imported so far this year—an increase of 23 percent over the same period last year.

If we keep up the record pace set in the first 5 months, imports of textiles and apparel will reach 12.7 billion square yards in 1986—a new record and almost a 20 percent increase over 1985.

Mr. President, since the beginning of this administration we have gone from a $4.1 billion deficit in the balance of textile and apparel trade alone to over a $21.3 billion deficit in the balance of textile and apparel trade. I remember just a few short years ago we had a policy of balanced trade and were worried about a $5 billion to $10 billion deficit. Now it is over $20 billion in textiles alone. It has got to be stopped. The only way to stop it is to get sobriety within the administration. They are on a binge. They are not administering.

One word—enforcement—is all the Congress is asking for. The truth of the matter is our textile bill is a culmination of 34 agreements that need to be enforced.

If we could get the enforcement of these particular agreements—bilaterals of the United States with the Philippines, the United States with Japan, the United States with Korea, Taiwan—we would withdraw our textile bill. The only reason for its introduction is to obtain a licensing system so that enforcement can be facilitated. We can look at it. We do not need any more trade laws in the Congress. What we need is enforcement of the trigger price mechanism, the antidumping provisions, the countervailing duties, and the escape clause. We have over the years in the Congress been spewing out various restrictions and controls trying to hold onto our automobile industry, hold our steel industry, hold our cameras, electronics, hand tools, machine tools, computers, semiconductors, and airplanes. It just pays not to produce in the United States of America.

It is a sad commentary on the attitude of the State Department and the administration, which has been typical of all administrations, both Republican and Democrat, that you see the surfacing of the terms of the agreement with South Africa. They are telling South Africa in essence formally just continue to let it flow—two thirds of your trade will not be controlled.

I only indulge the Senate at this time for the additional time of course in that the other Members are dutifully listening here and do not wish to speak. I do appreciate them listening and giving me their undivided attention, particularly the Presiding Officer.

Mr. President, let me make the observation again that America, the old Yankee trader, has just got to get back in the saddle now and start trading once again. Let us not have the fear about a war starting, a trade war. It is in the fourth quarter. It is absolutely ridiculous. You can produce anything anywhere and there is no way in the world to cutoff or wreck that so-called war. We have a mobile, modern-day industry with the capability of extending the technical and industrial arts and skills with training programs, we have done it with the most humble people in my own home State. The only way we could bring industry to South Carolina was to institute a technical training system. Now in a short period of time we can train and make robots, semiconductors, and the so-

called high-tech. Incidentally, high tech is not that high skilled.

So these individuals in South Carolina, in Korea, in Singapore, in Indonesia, or the world around can easily and quickly setup facilities anywhere, so that there are not any walls. They are talking about the days of David Ricardo in 1817 when trade was hardly a part of our gross national product—less than 1 percent. Today it exceeds 10 percent, and the deficit is over $150 billion.

The United States has become a debtor nation. The United States' industrial backbone and capacity to continue as a world power diminishes each day. This is not simply a textile problem or a single industry problem. It is a national problem of enforcement and awareness. We cannot be setting around like Fat Uncle Sam and not worry about it, let the Third World, let the Latin American nations, let the South Africans take over the industries, and we will make the airplanes and computers. I heard that 25 years ago. Now it begs the question. They are making airplanes in Japan. U.S. companies are now forced to go over where they cannot only produce but receive protection.

The fundamental of Government is to protect. We have the Army to protect from enemies without, the FBI to protect us from enemies within, the environmental laws to protect the air we breathe and the water we drink, OSHA to protect the working place, Social Security to protect from the ravages of old age, and unemployment compensation to protect from the loss of a job.

These are the fundamentals of Government, to protect, and what we are doing is we are failing in our duty. We act like simpletons. The distinguished President on January a year ago raised his hand, "I pledge to preserve, protect, and defend." Down in the Senate Chamber he is talking protection. Protectionism—and they have some kind of silly ideology or philosophy that is unrealistic and totally nonsense. They all jump up and down and say, "No, we cannot start protectionism." What they are saying is we cannot start competing. We are going to continue the giveaway with the State Department.

Well, it has been surfacing in South Africa, and perhaps for different reasons, we will get more attention given to this particular problem. It is a desperate circumstance for the United States with not paying our bills and running $220 billion deficits on the one hand; and even if we balance the budget and get the dollar down to its proper value, we would not increase one item of trade in the Pacific rim.

□ 1030

It is not the dollar value there. It is the nontariff barriers that have been raised by way of competition. Their governments are competing; ours is not.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

(During the foregoing remarks the following occurred:)

The PRESIDING OFFICER. If the Senator will suspend for just a moment, please, under a previous order there will now be a period for the transaction of routine morning business not to extend beyond the hour of 10:30 a.m. with statements therein limited by Senators to 5 minutes each.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

SOVIET JEWRY

Mr. DIXON. Mr. President, I rise today to join my colleagues in the "congressional call to conscience" vigil for Soviet Jews and to express my profound concern about the continuing plight of the Soviet Union's Prisoners of Conscience. It is distressing that the Soviet Union not only refuses to increase the rate of Jewish emigration, but over the last 6 years it has sharply cut the rate.

As Americans, we are accustomed to rights and freedoms that Soviet Jews can only dream of. We cannot ignore the plight of Soviet Jews. It is not merely an internal matter for the Soviet authorities. The magnitude of this violation of fundamental human rights is too great. The civilized world's outrage will continue as long as the Soviet system denies basic freedoms to this oppressed minority.

An examination of the emigration statistics proves how grave the situation is. It indicates steady and severe decline in Jewish emigration from the Soviet Union. During the era of détente, emigration expanded until it peaked in the late 1970's and then began its rapid fall. From the peak of 51,320 in 1979, the number of Jewish emigrants plunged to a scant 896 in 1984. In 1985, only 1,139 people were allowed to gain their freedom. From whatever motivation the Soviet Government has, it has decided to deny thousands of suffering would-be emigrants the opportunity to leave the country.

The tragedy, however, does not end there. Not only do thousands of Jews have to suffer the pain of being denied emigration, but they are also endlessly harassed. Immediate and unfavorable consequences befall those who seek to emigrate, including economic reprisal, educational discrimination, physical violence, and alienation. As the effects of discrimination have increased, the situation for Jews in the Soviet Union has further deteriorated.

Mr. President, it is essential that we demonstrate our continued concern with the human rights situation in the U.S.S.R. and we focus the world's attention on the plight of the Soviet Jews. We can no longer remain silent while human rights are clearly being violated in that country. The Soviet Union must be made aware that the American people and their Government are deeply concerned. Soviet Jews do not have any allies in their country. They look to us as their only hope.

EULOGY FOR JOHN P. EAST

Mr. DIXON. Mr. President, today, I join with my fellow Senators in expressing sorrow at the loss of our friend and colleague, Senator John P. East. Although we sometimes disagreed on issues, those differences never diminished the degree of respect that I held for his intelligence and integrity.

Senator East was well aquainted with Illinois. He was born in our State capital, Springfield, and he earned his law degree from my alma mater, the University of Illinois.

I had the opportunity to get to know Senator East best from my service with him on the Armed Services Committee. I learned that Senator East was a man deeply committed to the security of our Nation. He was guided by his conscience, and was unswerving in his determination.

This determination went far beyond his political life. John East was, as his colleagues from North Carolina has called him, "a profile in courage." He was able to rise above his disability to pursue a distinguished academic and political career, in addition to raising a family.

The loss of Senator East has left a void in this Chamber. His friendliness, sincerity, and courage to stick to his conscience will be sorely missed.

Mr. President, my sincere condolences go out to his wife Priscilla, his two daughters, and other family members during their time of mourning. They should be comforted by the knowledge that John East was a man dedicated to his God, his country, and his conscience.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RADIO AND TELEVISION COVERAGE OF SENATE PROCEEDINGS

The PRESIDING OFFICER. The question before the Senate is, Shall radio and television coverage continue after this date and shall the rules changes contained in Senate Resolution 28 continue?

There shall be 12 hours of debate on this question to be equally divided and

controlled by the two leaders or their designees. Who yields time?

Mr. FORD. Mr. President, I ask unanimous consent that the time for a quorum call be equally divided, and I suggest the absence of a quorum.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1050

Mr. FORD. Mr. President, I ask unanimous consent that the call for the quorum be dispensed with.

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

□ 1100

Mr. MATHIAS. Mr. President, we have arrived at the final step in a long journey. I do not want to take the time of the Senate to repeat all the details of the history of that journey, but it might be useful, as we begin this discussion, to touch on some of the recent highlights.

That recent history began when Howard Baker, then majority leader, submitted a resolution, Senate Resolution 20, on January 6, 1981, calling for both radio and TV broadcast of the Senate. The Rules Committee held several hearings on Senate Resolution 20 and, on September 31, 1981, reported it favorably without amendment. After extensive consideration in February and April 1982, Senate Resolution 20 was amended, and approved as amended by a vote of 95-1. The amendment required the Rules Committee to return to the floor within 60 days with a resolution containing regulations and/or rules changes felt necessary for implementation of the coverage. TV could not begin until the second resolution was approved.

The committee held hearings on the regulations necessary for TV and reported a new resolution, Senate Resolution 436 on June 27, 1982. The 97th Congress adjourned sine die before that resolution was adopted.

Senate Resolution 66, substantially the same as Senate Resolution 436, was submitted in the 98th Congress, received hearings, and was reported without recommendation on June 28, 1983. The 98th Congress adjourned without taking action on Senate Resolution 66.

A number of resolutions proposing approval of radio and TV broadcasting from the Senate were submitted during 1985, and hearings were held on September 17 and 18, 1985. Members of the Senate and representatives of the media from both Washington, DC, and elsewhere testified.

On November 19, 1985, Senate Resolution 28 was reported with amendments. One of the amendments was to strip all of the rules changes from the resolution. It was the committee's desire that the rules changes be considered during an initial test period of broadcasting. On February 20, 1986, Senate Resolution 28 was recommitted to the committee with instructions to report back forthwith, with an amendment. On the same day, the resolution was reported back with an amendment.

On February 27, 1986, Senate Resolution 28 was agreed to by the Senate as amended, placing the Senate in the television age.

Senate Resolution 28, as amended and agreed to, has a number of significant provisions: It approved TV as a test only in the initial stage; final approval would not come until the Senate considered the results of the test. Some, but not all of the proposed rules changes originally contained in Senate Resolution 28 were restored to the resolution. The test, limited to in-house distribution over the congressional cable, could—and did—begin on May 1. Public access to the broadcast could—and did—begin on June 1. The television coverage was to end on July 15, and did. However, on the same day, by agreeing to Senate Resolution 444, the Senate authorized that "television coverage of the Senate shall resume July 21, 1986, under the same basis as provided under section 5 of Senate Resolution 28 unless the Senate votes pursuant to section 15 of Senate Resolution 28 to end coverage."

That brings us to today, July 29, when the Senate is to consider if the rules changes and radio and TV are to be made permanent. That is the business at hand. The test period is concluded, and the Senate is to now decide, based on 2½ months of actual experience, if the rules changes and radio and TV broadcast should continue.

ACTIONS OF THE RULES COMMITTEE

Mr. President, Senate Resolution 28 charged the Rules Committee with responsibility for several activities during the test period. Section 4 states, "The Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution."

COMMENTS AND SUGGESTIONS ON TV

In carrying out those duties, we sought the advice and comments of Senators and other observers. Many of these comments were very astute, and they were compiled in a document titled "Comments and Suggestions on TV." I am not going to take the time of the Senate to read that document at this time. Instead, I request unanimous consent that it be printed in the RECORD.

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

COMMENTS AND SUGGESTIONS ON TV

From Senator Dole: (Comments and suggestions from the Democratic ad hoc committee are included in Senator Dole's comments and suggestions.)

Special Orders.—Should consideration be given to continuing present practice of granting Special Orders at a fixed hour in the morning, set a fixed hour at a different time of day (or night), or should they be permitted on a scattered basis at various intervals during the day (for example, while the Senate is conducting lengthy quorum calls). Alternatively, consider Special Orders two mornings per week, so as not to interrupt the committee hearing process.

CHAMBER-PHYSICAL FACILITY AND DECORUM

Staff Conduct on the Floor.—Request the Rules Committee review Senate Rule XXIII and existing Regulations Controlling the Admission of Employees of Senators and Senate Committees to the Senate Floor, with a view toward eliminating unnecessary personnel on the Senate Floor, and specifically to restrict movement of staff near or behind speaking Senators. The Sergeant at Arms should be instructed to strictly enforce the existing regulations and review the number of outstanding unlimited floor privileges granted to staff. Staff has been too visible on TV, particularly when the camera is focused on Senators speaking from the back rows.

Consideration should be given to removal of the two staff couches on each side of the Chamber and the remaining couches and chairs should be moved closer together. This will help eliminate congestion near doors to the Chamber.

Visual Aids.—Should consideration be given to the limitation (size, types) on the use of visual aids? There is particular concern about the display of commercial products that are visibly recognized by product name.

Physical Appearance.—Should color of walls in the Chamber be changed as well as the color of the drape behind the Presiding Officer and should the carpet on the Chamber floor be changed?

Presiding Officer.—Should the President pro Tempore be requested to develop guidelines of decorum for the Presiding Officer. Specific recommendations include removal of the telephone, installation of a small TV monitor so that the Presiding Officer can observe when he or she is on-camera, and/or installation of a red light which will be illuminated whenever the Presiding Officer is on camera.

TECHNICAL PROBLEMS

Cameras.—Camera Angles are bad. Consideration should be given to lowering the cameras into the Chamber itself while insuring that such movement does not destroy the aesthetics of the Chamber. Camera crews should be instructed to "tighten up" shots of Senators so that to the extent possible, the picture does not include staff or other individuals in the background.

Consider placement of small compact TV monitors within the Chamber, particularly at a spot visible to the leadership.

Consider the addition of a red light, or other device, attached to the TV cameras in the Chamber, to indicate when individual cameras are actually broadcasting the picture.

Audio.—Quality continues to deteriorate. Consideration should be given to purchasing a new audio system, possibly a cordless one, capable of screening out as much background conversation as possible. Senators should be reminded that the existing system picks up much background noise and conversations. It is understood that some of the difficulties with the sound in the Chamber relates to the fact that the P.A. system in the Chamber is not tied in with the TV audio system.

Develop a lavaliere or necklace apparatus for mikes for Senators Kassebaum and Hawkins to free their hands from having to hold a mike.

Place a speaker, with on/off and volume control knob, on the desk of the Presiding Officer. Some Senators have complained about difficulty in hearing while presiding, particularly since the speaker at the desk is off when the microphone is on.

Eliminate audio coverage during Roll Call votes. (Senator Dole is personally opposed to this suggestion.)

The suggestion of providing an audio-link between the Parliamentarian and the Presiding Officer is opposed by Senator Dole.

An audio-link between the Parliamentarian and the camera crew or TV control room is also objectionable to Senator Dole.

Graphic/Captioning.—Stop displaying "Time remaining on vote" during Roll Call votes.

Captioning.—The Rules Committee, working with the legislative staff of the Secretary of the Senate, should develop standard language for captions to be displayed for Quorums Calls, Roll Call Votes, Recess, etc. Language describing specific provisions of legislative measures, however, should be developed by staff more familiar with the legislation—such as the Party Conferences or Policy Committees.

Consider the desirability of displaying a running summary of Roll Call Votes as they occur, and/or a breakdown of the totals on each vote by party affiliation.

Other.—There is an immediate need to clarify what uses are permitted of the videotapes of the Senate proceedings, specifically by: Senators, Party Conferences, incumbent and non-incumbent candidates for the Senate, independent expenditure organizations, and the TV networks.

Request that the Rules Committee gather the information necessary to allow us to examine the possibility of having closed captioning for the deaf.

From Senators Ford, Bentsen, Pryor, DeConcini, Gore (Combined letter):

Graphics.—Stop displaying "Time Remaining on Vote". Rules Committee should draft standard graphics language to describe legislation, amendments, motions and votes. Consider the desirability of displaying a breakdown of vote totals by party affiliation.

Audio.—Provide a "necklace" for the female members so that they do not have to hold the mike in their hands. Purchase a new audio system for the Senate floor. Shut off audio coverage during roll call votes. Install an audio link between the Parliamentarian and the Presiding Officer. Install an audio link between the Parliamentarian and the camera operators. Caution Senators that background conversations often are picked up by an open microphone.

Decorum.—Prohibit the display by Senators of commercial products on the floor. Ask the President pro tempore to establish new guidelines of decorum for occupants of the Chair. Guidelines for staff conduct on the floor should be strictly enforced.

Quorum Calls.—Majority Leader should encourage Senators to come to the floor and speak as if in Morning Business when a quorum call of long duration is expected. Extended quorum calls will remain the most difficult problem with which the Senate must deal as it adjusts to TV coverage. The Leadership should engage in early discussions of TV coverage with representatives of C-SPAN, and the subject of quorum calls be addressed. The music is entirely too loud. It should be continued, although at a lower volume.

Paint the walls of the Chamber.

Encourage all Senators to remain standing at their desks while speaking.

From Senator Stevens and Senator Ford:

Resolve the question of whom the cameras should follow in a situation where one Senator has the floor and another Senator asks him or her to yield or answer a question, nor does it indicate whom the cameras should follow when several Senators are seeking recognition.

Supplementary guidelines should be developed to guide the camera operators. Idea of setting up an audio link between the Parliamentarian and the director of the camera operators should be investigated.

The Rules Committee staff has developed captions to be used during TV coverage of the Senate. Rather than just announcing the final result of a particular roll call vote, the TV crew might provide a running summary of the vote similar to the one provided during TV coverage of the House. Senator Stevens believes that the majority and minority managers of the bill before the Senate should be identified in addition to the two Leaders.

All Senators be encouraged to remain standing at their desks while speaking; a roaming speaker will draw attention to empty seats in his or her vicinity.

Recommend that a request be made to the President pro Tempore to set guidelines of decorum for the occupant of the Chair. Issues to be addressed should include use of the telephone, reading, writing, and communicating with the Parliamentarian. The Parliamentarian should communicate with the Presiding Officer electronically through an audio link.

Consideration should be given to beginning every day with Pending Business, rather than with "Special Orders." "Special Orders" could begin at noon each day, or at 1 p.m. when the Senate convenes at noon. This would convey a more positive image of the Senate to the viewing public. Such Orders should not be scheduled late in the day so as to lead to their proliferation.

From Senator Kassebaum:

Microphones.—Small clip on mikes are easier to use and produce better sound than those mikes now being used.

Small wireless mikes in the portable lecterns used by some Senators when they speak from their desk have a wider range and would be able to pick up statements even when Senators walk around.

Audio Controls.—Audio to the Chamber's public address system and the audio being fed to the TV audience should be separated. That would enable an audio engineer to filter out unwanted noise and boost the quality of TV sound where necessary.

Background.—Make people more aware of their conduct in the Chamber.

Portable Lecterns.—The camera angles tend to be quite severe. Portable lecterns help to reduce that angle.

Presiding Officer.—Some type of warning light has been suggested to let the Presiding Officer know he or she is on TV. The danger of this lies in the Presiding Officer jumping to attention like a person being awakened by an alarm clock. Perhaps the director can hit the warning light ten seconds before the Presiding Officer is about to go on the air.

From Senator Wilson:

Limit the number of staff in the Chamber.

The Rules Committee should exercise authority over admission to the Floor by permitting staff on the Floor only when accompanying a Senator.

Remove the couches from the rear of the Chamber.

Abolish the use of charts in the Chamber.

Schedule Special Orders and the end of the day.

From Senator Harkin and Senator Dole:

Suggested the advisability of doing captioning for the hearing impaired.

From Senator Rudman and Senator Heflin:

Does section 6 of Senate Resolution 28, prohibit Senators from using tape duplications of such coverage outside the Senate? Concerned that the plain meaning of S. Res. 28 would seem to prohibit any outside use of video tapes of floor proceedings and that such tapes are being used in violation of the resolution.

From Senator Weicker:

Recommends that the Committee prohibit the use of all charts, graphs or other visual aids on the Senate floor. The Committee, in conjunction with the joint Senate leadership should make all necessary charts or graphs available on every Senator's desk, much the way bills and committee reports are made available, prior to consideration of a measure. The burden of providing each cloakroom with a particular graph or chart would fall on the Senator who wishes to refer to it during the course of a debate.

From Senator Levin:

If the use of tape duplications is going to be allowed it is important to place restrictions on their use which will prevent abuse. An important precedent applies in the case of franked mail (Section 3210 (f) of Title 39 of the USC). The same restriction should apply to the use of tape duplications of floor proceedings. Senators should not be able to use personal or campaign funds to pay the cost of preparing or sending videotapes by satellite. Only official funds should be used. This would also prevent the development of two classes of Senators—those who have access to personal or campaign funds to supplement their official allowances, and those who do not.

From Senator Proxmire:

Gavel-to-gavel coverage is unnecessary. If coverage was limited to major bills the American people could see that Senate at work while having the boredom factor lowered by a factor of 10.

Visual aids should be permitted. What constitutes an "acceptable" visual aid should be left to the discretion of each Senator. If that approach is not acceptable, then a prohibition of these aids would be preferable to the maze of bureaucratic rules which would surely be circumvented.

To help resolve the issue of political use of tapes of Senate television simply prohibit the use of broadcasts, except by accredited news organizations, of a Senator speaking unless the Senator in question had given his or her express permission. Then, if a tape were misused for political purposes, it would be clear who was responsible.

One way to improve the quality of live in the Senate would be to turn off the cameras

after 7 PM. This would be a powerful incentive to use time wisely during the day.

From the Honorable Jo-Anne L. Coe, Secretary of the Senate:

It is the National Archives' practice to maintain 1" broadcast tape as the permanent "archive-quality" master recording and to use a ¾" tape as a reference copy. In addition to a 1" master video tape, the National Archives would like the Senate to provide the ¾" tape on the assumption that making a second copy at the time of broadcast would save the government a substantial amount of money.

The Archives does not require a separate audio tape.

Coe memo to Dole re memo from Senators Stevens and Ford:

Reservations about having an audio link between the Parliamentarian and the camera crew and between the Parliamentarian and the Presiding Officer. Have the cameras shoot only the head and shoulders of the Presiding Officer and not include the Parliamentarian and the Clerks in the TV picture.

Opposed to including a display of a running summary of roll call votes. This is one step closer to electronic voting.

Agrees that all Senators be encouraged to remain standing at their own desks while speaking and encouraged to remain as stationery as possible while speaking. Also supports the recommendation that the President pro Tempore be asked to establish guidelines of decorum for the Presiding Officer, including possibly the elimination of the telephone from the Chair.

From The Honorable Ernest E. Garcia, Sergeant at Arms:

Cameras.—During active debate on the floor six cameras are inadequate to cover all 104 vital positions. In order to avoid missed shots, or shots of Senators with the extreme profiles, eight cameras are necessary.

Camera Capability.—It is my understanding that a camera will be available later this summer that can be chip charted and registered from the control room (remote CCUs).

Camera Location.—Severe angles on the Majority and Minority Leaders can be corrected by lowering the cameras located in the press gallery.

The cameras could either be placed on platforms hanging over the railing beneath the press gallery, or on pedestals on the floor of the Senate, or behind slots in the wall; or one camera could be placed behind the curtain behind the presiding officer.

The area in the gallery in which the cameras are located should be secured from visitors in order to reduce the likelihood of picture interference.

Camera Heads.—Shot boxes should have the ability to preset at least 100 shots and contain joy sticks instead of knobs. Also, digital pads should be large enough to be easily read and touched.

Camera Operations.—Every camera should have an operator.

Senate Chamber.—Recommended that the walls around the chamber be painted a light blue or buff and that the curtain behind the presiding officer be changed to a more elegant fabric. A new carpet should be installed.

Switcher.—A new switcher would have to meet the needs of the Senate and be able to accommodate eight cameras, provide two mix and effects banks, furnish a clean feed to the networks, and have the ability to easily split screens.

Video Tape Machines.—There should be three one inch video tape machines and three VHS recorders/players.

Character Generator.—The RGU2 Chyron now being used is adequate and should be continued. There should be a backup character generator to identify the members in the event the Chyron were to fail.

A separate audio system exclusively for television is necessary.

In order to accommodate the requirements of the Library of Congress and the Archives, three reel of reel recorder/players, having the capability to record sessions at very slow speeds should be purchased for the new control room.

Some modifications in the design of the control room would make the operation more efficient.

Recommends that the Recording Studio be authorized to produce ½-inch tape copies for the Archives and Library of Congress at a cost of approximately $140 a day. As an alternative, the Senate would provide the Archives with a one-inch video tape copy and the Library of Congress with an audio tape copy—at a cost of approximately $580 a day. Recommends that transfer of the tapes occur 30 days after production.

CURRENT STATUS OF RULE FOR ADMISSION OF STAFF TO THE FLOOR

Each Senator and Committee Chairman has submitted to the Sergeant at Arms a list of staff who can apply for a floor pass. The only requirement, according to Rule XXIII, is that the staff listed be on the Senate payroll. Thus, the number of staff on each Senator's or Committee's list varies greatly. Admission to the Senate Floor is allowed as follows:

Committees—4 cards to each Committee having jurisdiction of pending legislation.

Committees—2 cards to each Committee with a 15 minute limitation.

Staff of Senators and Vice President—2 cards for each Senator and Vice President (1 for Senate Chamber and 1 for Senate Lobby).

An exception is made if an individual Senator requests unanimous consent to allow additional staff on the floor.

Admittance to the floor without a pass has been granted as follows:

	Staff
Leadership offices:	
Vice President	3
President pro tempore	5
Majority leader	9
Assistant majority leader	12
Minority leader	1
Minority whip	5
Secretary of the Senate	30
Sergeant at Arms	13
Democratic policy	22
Republican conference	3
Republican policy	9
Legal counsel	8
Legislative counsel	4
Office of classified security information	1
Committees:	
Appropriations	84
Agriculture, Nutrition, and Forestry	1
Armed Services	3
Budget	7
Commerce, Science, and Transportation	4
Energy and Natural Resources	3
Environment and Public Works	4
Finance	4
Foreign Relations	4
Joint Committee on Taxation	2
Judiciary	4
Veterans' Affairs	2
Total	247

From Robert Vastine, Staff Director, Republican Conference:

A quick route to some minimum protection for incumbents against "unscrupulous" challengers would simply be to pass a Senate Resolution, or an amendment to S. Res. 28, which would provide for disciplinary action against a newly seated Senator who has made political use of videotapes against an incumbent. The challenger would enter the Senate under a cloud.

It would do nothing to prevent the independent political action committees from making use of the tapes as they are not inhibited by any provision of a Senate rule.

From Phil Jones, Chairman, Executive Committee, Radio-TV Correspondents' Galleries:

Take shot of a Senator who is being addressed by another colleague.

Provide reaction shots of members who may be listening intently to a speaker, or other reaction shots that add to the drama and flavor of the debate.

Helpful if more medium and wide angle shots were taken during the debates.

Address complaints about floor sound quality.

Do something about wall colors and carpet.

Staff should be aware that they are often seen on camera and should not talk and fool around.

Whatever you do, don't start limiting the shots or trying to control what the viewer sees.

It would be most helpful if the broadcast news industry could be provided a clean feed without the character generated captions or crawls. This would enhance the quality of the excerpts that are to be used in TV news stories and could be provided without interfering with the information that would continue to be seen on the closed circuit system.

From Adoreen M. McCormick, Legislative Liaison Officer, Library of Congress:

PROPOSED METHODS FOR TRANSFER OF SENATE VIDEO RECORDINGS

1. Original recordings made avaiable to the Library of Congress on 1" type "C" videotape 90 days after the initial recording, in batches of two months of recordings.

The Senate Recording Studio will provide service to the public for the initial 60 days. If they follow HOR hoperating procedures, they will cease service at that time. An additional 30 days will enable personnel to prepare for the transfer. Every 90 days, the Library will pick up 60 days of recordings in progression.

2. The Senate Recording Studio will notify the M/B/RS Divison of the count of tapes delivered every six months and the Division will purchase replacement tapes for the Senate Recording Studio using the American Television and Radio Archives funds appropriated for this purpose.

3. The Library may make the recordings available for scholarly use at viewing stations on the Library premises as soon as the processing of the videotapes is completed by the Division. The Division will make reference copies for such scholarly uses.

4. The Library will make duplicates of videotapes available to the public using the pricing structure established by the Senate Recording Studio, requiring those who order copies to sign the order form listing restrictions to the use of such duplicates, including a statement explaining that the video copy is not the official record of the

Senate, but is the record of words spoken on the floor of the Senate.

5. The Library will not use the original tapes given by the Senate for reference purposes, but will make duplicate copies for that purpose. The originals will be considered master copies and will be preserved for posterity using technology appropriate at the time of need.

6. Loan of original tapes back to the Senate Recording Studio will be made only after the Library makes a copy for safekeeping.

Mr. MATHIAS. Mr. President, these comments were summarized into major categories. I will report on action taken by the committee on each category.

An original resolution (S. Res. 447) was reported on July 16, 1986.

The first action was taken on July 16 and concerned the use of copies of video tapes. The committee voted to amend section 6 of Senate Resolution 28 to return it to the original language adopted by the committee on November 19, 1985, and to make the change effective June 1, 1986. The wording in section 6 had been changed by the final amendment of February 27, 1986.

I will read section 6 as it now stands in Senate Resolution 28 and then the wording the committee recommends, and as contained in Senate Resolution 447, which has been reported by the Rules Committee and is now pending in the Senate for action after the vote on Senate Resolution 28:

SEC. 6. As Agreed to (February 27, 1986): The use of tape duplications of radio coverage of the proceedings of the Senate for political purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political purposes. The use of tape duplications of television coverage for any purpose outside the Senate is strictly prohibited until the Senate provides otherwise.

SEC. 6. As Reported (November 19, 1985): The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

Again, this latter version is contained in Senate Resolution 447, whose approval will restore the original language.

□ 1110

Major items on which the committee acted on July 25:

First. Equipment—cameras and sound system—and a permanent control room:

The Architect of the Capitol was authorized to install a new sound system, to move the TV control room to a permanent location, and arrange it for eight cameras but buy only one additional camera at this time. This will keep the costs within the $3,500,000 originally authorized in Senate Resolution 28. While the committee agreed with recommendations from both the Sergeant at Arms and the Architect of the Capitol that eight cameras are desirable, the committee did not wish to exceed the budget at this time. The committee compromised on seven cameras because it was felt that to continue operating with only six cameras jeopardized the capability to produce an adequate picture during times of possible camera failure.

Second. The committee approved procedures for the preparation and archival storage of tape copies of the proceedings and limits which may be placed on their use. These procedures must be approved by the Senate. An amendment to Senate Resolution 447 which was filed on July 28 will accomplish that purpose.

Mr. President, I will summarize those procedures and ask unanimous consent that they be printed in their entirety in the RECORD.

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

PROCEDURES FOR VIDEO AND AUDIO TAPE COPY AND ARCHIVAL STORAGE

The Senate Recording Studio may make video and audio copies for Senators and the Senate Radio and Television Correspondents Gallery, and such other news gathering, educational, or information distributing entities as may be authorized by the Committee on Rules and Administration to receive such broadcasts.

Members of the galleries may make recordings at the actual time of occurrence.

After a 30-day holding period in the Senate:

Records (archival quality tape containing sound and video) will be transferred to the Library of Congress and the National Archives.

Records will remain the property of the Senate, permanently.

Records will be made available for public viewing under normal Library of Congress and the National Archives practices.

Copies of audio and video tape may be made for the general public, researchers, and other users under the following conditions:

The Library of Congress and the National Archives may charge a fee that recovers the cost of copying.

Persons obtaining copies must sign a waiver that states: "The video recordings of the United States Senate that are deposited in the (National Archives and Records Administration or Library of Congress) were made to facilitate broadcast media coverage of Congressional proceedings and serve as historical records for research purposes. Any reproduction that may be made from the sound or picture or both shall not be used or made available for use as partisan political campaign material to promote or oppose the candidacy of any person for elective public office. In addition, reproductions may not be broadcast with commercial sponsorship except as part of bona fide news programs and public affairs documentary programs. No reproductions shall be used in any commercial advertisement.

"The signature below indicates that I have been informed about the above restrictions and that I (and the organization that I represent) will comply with them."

Signature.....
Organization.....
Date.....

Mr. MATHIAS. The recording studio is authorized to make copies for the media. Members of the radio-TV gallery may make copies as the proceedings occur. After 30 days the Secretary of the Senate will transfer tapes to the Library of Congress and the National Archives. Both the Library and the Archives may provide tape copies, upon request, and can charge for their cost. Persons receiving copies will be required to sign a waiver stating that they will not use the tapes for political or commercial purposes.

Third. The committee dealt with the use of display materials on the Senate floor by issuing a regulation under the authority of Standing Rule XXXIII. That provides for some control of graphics that are used by Senators during the course of debate.

Mr. President, I will summarize that regulation and ask unanimous consent that it be printed in its entirety in the RECORD.

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

REGULATION ISSUED BY THE COMMITTEE ON RULES AND ADMINISTRATION UNDER AUTHORITY OF STANDING RULE XXXIII, JULY 25, 1986

THE USE OF DISPLAY MATERIALS IN THE SENATE CHAMBER

Graphic displays in the Senate Chamber are limited to the following:

Charts, photographs, or renderings:

Size—No larger than 24 inches wide by 30 inches high.

Where—On an easel stand at the rear of Chamber.

When—Only at the time the Senator is engaged in debate.

Number—No more than two may be displayed at a time.

Mr. MATHIAS. The regulation limits displays to charts, photographs, or renderings no larger than 24 inches high by 30 inches wide. They must be on easels at the rear of the Chamber. A Senator may display no more than two such graphics while he or she is actually engaged in debate.

Fourth. The committee disposed of the other major categories as follows:

OPERATOR PROCEDURES

The committee staff will draft general directions for the guidance of operators of television cameras.

DECORUM

The comments relating to presiding officers will be referred to the President pro tempore with a request for his comments. A signal light will be installed at the desk so that the presiding officer will be aware that the camera is about to be focused on the chair.

A letter will be sent to the Sergeant at Arms requesting his suggestions for maintaining decorum of members of the staff who may be present on the floor.

FLOOR PROCEDURES

The comments relating to floor procedures and special orders will be referred to the Majority Leader for his information.

GRAPHICS

The Rules Committee staff will review the wording of banners to insure precision of definitions. The Rules Committee staff is surveying systems for captioning for the hearing impaired and will report findings to the committee when they are complete.

AUDIO

The improved audio facilities were under consideration by the Architect and they are included in the Architect's plans for permanent facilities as approved by the committee.

FACILITIES

The other facilities that are required for broadcasting are also included in the Architect's plan and have been considered and approved by the committee.

Mr. President, that brings us up to the present time.

I reserve the remainder of my time and yield to the distinguished Senator from Kentucky, the ranking minority member of the Rules Committee.

The PRESIDING OFFICER. The distinguished Senator from Kentucky is recognized.

Mr. FORD. Mr. President, I thank the Chair, and I thank my distinguished friend and chairman of the Rules Committee and, Mr. President, I compliment Senator MATHIAS for his description of the facts leading up to this point today in our consideration of TV in the Senate.

Not only has he given a vivid description of the facts, but his patience and leadership I think have played a vital part in our arriving at this point today.

Mr. President, I am very pleased to join with my friend, the distinguished chairman of the Rules Committee, in urging our colleagues to approve the permanent continuation of television coverage of Senate floor proceedings. Like life itself, television broadcast coverage of Senate proceedings is not perfect, but during the recent test period it has clearly proven itself a worthy method of enlarging the public viewing audience of Senate action.

On April 8, 1981, when the Rules Committee first began serious consideration of the proposal to televise Senate proceedings, I said:

> The principal present consideration, it seems to me, is whether this vast increase in the public gallery audience to the debates in the Senate chamber can be made without harmful impact on the important work that goes on there. Because we all recognize the great value of a fully informed public, the decision to make the Senate's proceedings accessible to the the television viewing public should be affirmative unless the evidence is clear that either financial costs exceed potential benefits, or that the deliberations of the Senate will be materially harmed by such televising.

The test period results, I feel sincerely, have demonstrated that we can televise our proceedings without material harm. I am also pleased to report to the Senate that the Rules Committee has managed, in my opinion, to develop and approve a budget for the continuation of television and radio coverage on a permanent basis which is less than previously estimated and that is within the amount approved in Senate Resolution 28.

There are some troublesome questions incident to TV in the Senate for which totally satisfactory answers are still not in hand. I am confident, however, that with time and experience, we will find those answers, and the step we now take will become more and more a useful and constructive extension of democracy in action for the American people.

There will probably be problems along the way. Progress is never easy. Nor is it always universally acknowledged to be good. I predict, however, that TV in the Senate, this marvelous extension of the Senate Gallery, will prove to have lasting usefulness to our people, and, on balance, to be beneficial to the function and durability of our form or government.

That durability of our form of Government, Mr. President, I think is extremely important. The more the general public understands and deliberations of this body the more they will come to support, I think, the efforts that are being made here and the more input they will have as it relates to the decisions that we make.

So, Mr. President, I am very pleased to stand here today and to have been a part of the proceedings that bring us to the point of making television permanent in the U.S. Senate.

Mr. President, I yield the floor.

□ 1120

Mr. MATHIAS. Mr. President, the Senator from Kentucky is very modest in saying he was a part. He was an extremely important part of bringing broadcast coverage to the Senate floor. His thinking on this subject was critical. He moved with the times. We at one time thought we might be limited in our coverage to Radio FORD.

Because at the time when it seemed like a hopeless dream to get television coverage, the Senator from Kentucky had proposed that at least we go to radio coverage and see how we liked the electronic age in that manifestation. But, with his help and guidance, we were able to provide for full electronic coverage. And that is and has been an extremely important factor in reaching this point.

I would agree with him it has been a satisfactory test, satisfactory from the point of view of the American public, because we have had reactions from all over the country, from all parts of America, people who have visited the Senate in a very real way sitting in their living rooms, looking at their televisions, understanding how the Senate works, getting some sense of what kind of people Senators are and thereby engaging in a realistic way with their Government. And that is an important and essential feature of democracy.

I do not believe that very many Senators now would want to turn off the lights. Perhaps it is useful for us to say at this point just a few words about what we may expect in the next few hours.

Under the provisions of Senate Resolution 28, we do not have very many options. We are precluded from amendments, so this debate, although we have provided 12 hours for it, is a rather simple debate; 12 hours of debate on the subject, equally divided, and then the question is whether we shall continue this coverage and the rules changes.

The resolution does not provide for amendments, so it is an up or down question. But there are, as we all know, some changes that should be made. And at some point after the action on Senate Resolution 28, we will then move to Senate Resolution 447, which makes some alterations which we believe to be desirable. That resolution would in fact be open to amendment, and that is the point at which Senators who wish to offer amendments may do so.

But the important thing is to get the vote on Senate Resolution 28 as quickly as possible. I hope we would not need to consume the whole of the 12 hours, but we will have to wait and see about that. We will be guided by the wishes of the majority leader and minority leader and other Members of the Senate.

But at this point, I think we would invite other Senators to comment on Senate Resolution 28 and on the experiences they have observed on the actual coverage of the Senate up to this point.

Mr. FORD. Mr. President, let me just compliment my colleague for explaining the parliamentary procedure as it relates to the position we are in. We have one question to answer today, and that question is: Will we continue to have television in the Senate? The answer will be a yes or no, without any amendments before that vote. We also then have a procedure in the Senate which says that we can amend. That will come after we have made the decision whether we will have TV permanently in the Senate or not.

So, I hope that our colleagues that have something to say about TV in the Senate will come forward and make

their statements and, hopefully, Mr. President, before too much longer, say 5 or 6 o'clock, that we could have the final vote on Senate Resolution 28. I would be hopeful that that would come very quickly and would be overwhelming in its support.

Mr. President, I will suggest the absence of a quorum and I ask unanimous consent that the time consumed by the quorum be equally divided.

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

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

The PRESIDING OFFICER. The clerk will now call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MATHIAS. Mr. President, I ask unanimous consent that during the recess of the Senate today between the hours of 12 noon and 2 p.m. that 2 hours be considered as having been consumed with respect to the time limitation on the question pursuant to section 15 of Senate Resolution 28, the television in the Senate resolution.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, reserving the right to object, and I will not object, we have cleared this unanimous consent on our side. There are no objections and so, therefore, I will support the Senator's request.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum and ask that the time 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.

□ 1130

Mr. MATHIAS. 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 Maryland.

Mr. MATHIAS. Mr. President, I ask unanimous consent that I may proceed as if in morning business.

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

DEATH OF W. AVERELL HARRIMAN

Mr. MATHIAS. Mr. President, when the news of the death of Averell Harriman was broadcast on Saturday my first impulse was to think that a remarkable life is over, a great career is ended. But after a moment I reflected that it was not quite so because so much of Averell Harriman's work will live on for many years.

In the first place, he provided an example for several generations of Americans; an example of what public service can mean. He undertook public service because he felt it was the thing that he should do. He was not required to do it. He was not under any obligation or necessity to do it. But he did it and he did it superbly. He set for all of us a standard for public service; public service that he carried on far beyond the normal years in which people seek relief from public responsibility. He did it with grace, and with dignity, and I am sure with a certain degree of pleasure and satisfaction to himself.

I recall on one occasion when he went to West Point to receive the Sylvanus Thayer Award. He was required to go through a number of complicated evolutions during the drill, and after it was over, I asked him how he knew what to do. He said at his age he simply had to conclude that what he did was the right thing.

With Averell Harriman, what he did usually was the right thing, and that has made him a remarkable American and much admired by his fellow countrymen.

In the area of foreign policy, he has made unusual and distinguished contributions. He was what I might call a pragmatic idealist or perhaps an idealistic pragmatist.

□ 1140

He had no illusions about foreign policy questions because he was very clear-sighted. He felt it was important that the United States have the best possible relationship with the Soviet Union, but he was under no illusions about the difficulty of achieving a satisfactory relationship with the Soviet Union or about the problems that would be created by the Soviet Union itself in working toward a better relationship.

But he hung onto the job. He maintained an open line of communications with people in the Soviet Union as well as with the Soviet leadership. He was viewed there as an open-minded and fair observer and, therefore, he was treated with rare courtesy and great respect whenever he visited the Soviet Union.

But he could be tough. I remember on one occasion in a meeting at which I was privileged to be present he was talking with the leader of an African republic about the standards of conduct that the United States expected for the protection of human life and respect for human dignity. It was as tough and direct and forceful a statement as I have ever heard—face to face, eyeball to eyeball, conveying a message that was understandable and understood.

In a very real way, Averell Harriman's influence and work in foreign policy will be carried on, particularly through the Harriman Institute which he founded and generously endowed. I am sure that the work of the institute will perpetuate many of the themes in which he was interested in his life and maintain many of the fields in which he was particularly active.

In domestic politics, Averell Harriman had a strong sense of public responsibility and compassion. He was deeply troubled by what he considered to be the insensitivity of Government to human problems, and some of his most fundamental decisions with respect to political issues and his own participation in political life stemmed from this personal perception of what a government owed to its own people in terms of care and concern.

He was a great friend. He never was too busy to talk, to listen to a problem, or to give the advice that he drew out of his long experience. He was a generous host. There gathered around his table some of the most interesting people of his generations—not a single generation but the several generations with whom he had shared most of the century. For himself, he had a wide circle of acquaintances, all of whom will miss his presence and his influence and his friendship.

He was interested in art, and he had an intimate knowledge of art. He had a superb collection and he enjoyed living with pictures. It was not a collection assembled on the recommendations of others; it was a collection of pictures that he liked and which he knew and appreciated. It was a collection that reflected his interests and his taste and his knowledge. It was a remarkable kind of mirror of himself and one that helped to illuminate the extraordinarly person that he was.

His interest in art was something entirely personal and yet will continue to be reflected in the pictures which he collected. It is an impression that will last for years to come.

Mrs. Mathias joins with me in expressing to Mrs. Harriman our sympathy on the death of Averell Harriman, but also in expressing our great appreciation for the privilege of having been his friends.

Mr. President, I yield the floor.

THE DEATH OF W. AVERELL HARRIMAN

Mr. FORD. Mr. President, it is difficult to be as eloquent as my good friend from Maryland has been about his knowledge and association of years with our departed friend. Averell Harriman's life was a constant reflection, in my opinion, of the best in what a dedicated public servant can give to his country. Blessed with a long life, he remained active almost up to his

last breath searching for new answers and new policies. I refer to him as a big D and a little d Democrat.

I had not had the opportunity to know Averell Harriman, except by reputation. I was somewhat concerned about my first visit with him. He made me feel at ease. We chatted about many things. I felt fortunate to have the opportunity to listen to what he had learned and what he thought was in the best interest of this country and his ability to express that in terms all could understand. As my distinguished friend has said, during his life when he used diplomacy, it came in various forms, whether it was gentle persuasion or a stern discussion.

I am proud to say that Mr. Harriman was virtually Mr. Democrat to many of his countrymen. A man of brilliance, a man of culture and dignity. He served with humility, with persistence, with compassion, and, above all, with grace.

His friends were many and, like myself, I am sure all join in expressing our sorrow at his passing and our sincere sympathy to his family.

RECESS UNTIL 2 P.M.

Mr. FORD. Mr. President, I ask unanimous consent that the Senate now recess until the hour of 2 p.m., and that the time for the recess be equally divided and charged against the 12 hours under Senate Resolution 28.

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

Thereupon, the Senate, at 11:49 a.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MATTINGLY).

□ 1400

RADIO AND TELEVISION COVERAGE OF SENATE PROCEEDINGS

Mr. FORD. Mr. President, now that the Republican conference is over, the managers of the bill are very hopeful that those who would have remarks as it relates to TV in the Senate would come to the Chamber and do that, particularly between the hours of 2 and 4 o'clock. I do not see anybody here who would like to make a speech. I waxed eloquent before lunch, and I am sure that you would not want to hear the same speech twice.

So I encourage my colleagues now to come to the Senate floor and make their statements on how great television in the Senate will be and how well it has done and then we can vote an overwhelming majority later on today and proceed with TV in the Senate, of which I am very much in support.

Mr. President, seeing no one present, I ask unanimous consent that both sides be charged equally, and I suggest the absence of a quorum.

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. Parliamentary inquiry, Mr. President. Am I correct in assuming that there is assigned time on each side at this point?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. How much time do we have on our side?

The PRESIDING OFFICER. Four hours and 10 minutes.

Mr. DOMENICI. I ask unanimous consent that I be permitted to use 15 minutes of the time allotted for matters not pertaining to the matter before the Senate.

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

RELEASE OF FATHER JENCO IN EASTERN LEBANON

Mr. DOMENICI. Mr. President, the parishioners of Our Lady of Belen Catholic Church in Belen, NM, have a very special connection to this past weekend's release of Father Jenco in eastern Lebanon. These parishioners have prayed hard for their former—1979-81—parish priest, Rev. Lawrence Jenco who was captured in Beirut by Shiite Moslems and held prisoner for exactly 563 days.

The great joy and new hope for the release of the remaining captives is shared by all those around the world who believe in the power of prayer and positive action. Father Jenco's release is the answer to these prayers. The wonderful parishioners in Belen, NM, never gave up, even when they heard the official policy pronouncements that the administration would not negotiate with terrorists. The hope for release has seemed virtually hopeless as no earthly avenue seemed to be open for his release by terrorists who were demanding the release of 17 of their own kind from prison in Kuwait.

In Belen, NM, parishioners formed a Free the Captives Committee to keep world attention focused on the fate of the captive Americans, especially their former parish priest, Father Jenco. I met with one of Father Jenco's sisters, Mihelich Franceschini. She had been in Albuquerque for a music and prayer festival honoring the captives and multiplying the prayers for their release. She saw, firsthand, the effects of the powerful prayer effort from nearby Belen. She told me about the great impression this special New Mexico effort made on her. Our meeting gave me a special quiet kind of hope for a release that seemed impossible, given the tough demands and record of previous killings by the Shiite Moslem kidnapers.

I joined the many prayers emanating from the focal point in Belen, NM. It is my true belief that the selection of Father Jenco as the prisoner to be released was directly affected by the sincere and constant vigil held on his behalf in Belen and in churches and homes throughout America and the believing world.

We are now receiving conflicting signals from the Moslem captors. Some believe that the release of Father Jenco is an important gesture of the Lebanese people's "great desire for healing and to see peace" between warring Christian and Moslem groups. On the other hand, the tape of hostage David Jacobsen conveys the message from the captors that Father Jenco's release was a final "goodwill gesture," and the lives of the remaining hostages would be at risk if Islamic Jihad's—holy war—conditions were not met.

Today, I ask my colleagues to join the many prayer groups worldwide asking for the release of all the hostages. In Father Jenco's words, "Don't forget—there are three more to come." Today is a day of great joy and gratitude for the first release. May we turn this joy into a renewed prayer effort targeted at the healing of the deep and ancient wounds in the fractured Middle East. I also thank the beautiful parishioners at Our Lady of Belen Catholic Church for their fine example, and I ask them to continue their special efforts on behalf of peace and healing in the entire Middle East. We are uplifted by the first success. Careful action, backed by powerful prayer, can bring new hopes and more releases of innocent victims.

□ 1410

MONETARY POLICY

Mr. DOMENICI. Mr. President, I want to talk a little about the Chairman of the Federal Reserve Board and his statements a few days and some statements he made today before committees of Congress.

I want to say right up front that there is probably no one serving the public for whom this Senator from New Mexico has more respect and admiration than Paul Volcker. I think economic historians will put him down in the history books alongside the truly great Americans in terms of exercising discretionary powers in difficult times to solve some of our most difficult economic problems.

However, last week, Chairman Volcker appeared before the Senate

Banking Committee for his semiannual report to Congress, and just today, he testified on the House side. In his testimony, the chairman provided little reason to expect that interest rates would drop significantly or soon.

I fear the distinguished Chairman of the Federal Reserve Board, in that regard, may be on the right track, but inclined to move too slowly. In my judgment, the risks to our own and the world economy are too lightly regarded.

Mr. President, we need lower interest rates in this country and in the rest of the world—not just somewhat lower interest rates but much lower interest rates. Instead, real interest rates—that is, interest rates adjusted for the inflation rate—are higher today in every major industrial country than they were at the time of the G-5 meeting last September. There is a false euphoria around that interest rates have fallen. The simple fact is that over the past 10 months, inflation has fallen much faster in the United States and worldwide than have interest rates. Thus, we still have among the highest real interest rates in any economic period in America's modern industrial era.

In my opinion—and I say this reluctantly because, as I said, I have the highest regard for the Chairman of the Federal Reserve Board and for what he has done—this is unacceptable in a world that is dragging the bottom, in terms of real economic growth. There is no question that our economy and the economies of most of our industrial allies are dragging the bottom. Growth was actually flat or down in most of Europe and Japan in the first quarter. The second quarter appears to be only a little better.

The Commerce Department reported last week that the U.S. economy was up only 1.1 percent in the second quarter. Frankly, this is with very little momentum to take us into the second half of 1986.

Without any disrespect for the Chairman of the Federal Reserve Board, he and his central bank counterparts, in my judgment, are fighting the last war. We have allowed the fight against inflation to go on too long. We need a policy which recognizes that the delicate balance of economic forces in the world is gradually tipping in favor of deflation, not inflation.

There is certainly a tendency to see the recent oil price drop as a short-term event and one whose effects will pass very quickly. This is both wrong and dangerous. The process of adjustment to lower oil prices is just the beginning, and we have a long way to go if OPEC is to take 4 million barrels a day out of non-OPEC world production. This they would have to do in order to cause oil prices to spiral upward, as some fear to be right around the corner. Actually world oil production is higher today than it was a year ago, and consumption has changed very little.

In this long process of adjustment, the recent drop in inflation is not temporary, but one which will be with us for many months, if not years. Indeed, the story is just the reverse of the 1970's. In the 1980's, lower oil prices will lower production costs, and the slow transition of resources out of the energy sector will hold down the overall economy. In this world, inflation could be 2 to 2.5 percent, rather than the 4-percent rate of recent years.

Yes, it is possible that the lower value of the dollar will raise the prices of imports. But, looking at a slow growth world, the consensus seems to point to most foreigners holding down prices and taking the economic losses rather than losing U.S. market share.

Yes, it is possible that the lower dollar will take the lid off of the prices of our own domestically produced goods, but that is hard to imagine in a world in which our own exports will still face intense competition abroad.

Yes, it is possible that higher import prices, or the fear of higher import prices, will get into our wage base. But that is not likely, with better than 7-percent unemployment—and much higher unemployment rates abroad.

Yes, it is true that we have not made as much progress on the deficit as some would like. But the fact is that high real interest rates and low economic growth make it virtually impossible to show dramatic progress on the deficit—or, in these difficult economic times, to get the necessary support to cut the deficit.

The simple fact is that today the world economy is running on empty. The drop in oil prices represents a potential shift of some $300 billion in world trade to nonoil world trade 2 to 3 years into the future.

Yet, slow growth here in the United States and in the other industrial contries make it difficult to see how we get from here to there.

Indeed, slow growth in the industrial countries is not very encouraging for the developing countries who depend on strong export growth.

□ 1420

Whatever the Federal Reserve's concerns, the passage to a better economic future is not through real interest rates or, said another way, we cannot get there with real interest rates as high as they are. It seems to me to be asking more than any economic system can produce.

We can look for inflation in every corner and at every turn. We can always find a "what if." But, in so doing, as I have said, we are "fighting the last war." We are adopting a "Maginot Line" approach to economic policy with outdated tactics and misdirected strategy. We should be concerned, in this very fragile world, with the need to strive for progress and, in, so doing, we must take some chances.

These chances may entail some inflation risk, but so be it.

The preponderance of economic evidence points to the risks of lower, not higher prices and, unfortunately, to lower, not higher, economic growth.

In 1982, we easily recognized the economic dangers because we were in a recession. Today, the dangers are disguised in a veneer of prosperity, and a very thin veneer at that.

The chairman is rightly concerned that other countries change their economic policies before we change ours.

But, it is neither constructive, nor is it realistic to look to our industrial counterparts for economic leadership. We need to take the lead. We must insist that other countries follow. But, we must take the lead in lowering interest rates and lowering them far more aggressively than we have to date.

The world needs lower real interest rates. We must take the risks in establishing this new interest rate environment. Although these risks may appear great to some, they are not truly great considering the alternative.

OIL IMPORT FEE

Now, Mr. President, just as an aside, I would like to take a minute to discuss one possible way to link the need to reduce the budget deficit with our problems in the energy sector.

As I indicated earlier, the current oil contract price is about $12 to $13 per barrel and the spot market price for Brent North Sea crude is less than $9 per barrel.

U.S. oil production will be devastated at such prices. And, it clearly appears to be OPEC's intention to force a substantial amount of non-OPEC oil out of production.

One way to protect our own domestic oil industry and slow the transition to lower oil prices is an oil import fee.

We could raise $7.4 billion in revenues in fiscal year 1987 alone with a $5 per barrel fee and $22.1 billion over 3 years.

If we put on only a $3 per barrel fee, we could raise $4.4 billion in fiscal year 1987 and $13.2 billion over 3 years.

These are substantial amounts of revenue and the burden such a fee might impose on consumers would be offset dramatically by the relief it would provide to the energy sector of the United States.

I have talked about an oil import fee many times in the past. It may be that now is the appropriate time to consider this proposal again in a serious manner.

Mr. President, I yield the floor.

Mr. FORD. Mr. President, I yield 10 minutes to the distinguished Senator from Illinois [Mr. DIXON].

Mr. DIXON. Thank you, Mr. President.

I thank my distinguished colleague from Kentucky.

RECENT ICC DECISION SOUNDS THE DEATH KNELL FOR NS-CONRAIL MERGER

Mr. DIXON. Mr. President, last Thursday the Interstate Commerce Commission, by a 4-to-1 vote, turned down the merger of the Santa Fe Railway Co. and the Southern Pacific Transportation Co. As a result, the Santa Fe will be forced to sell SP, an almost unprecedented action in modern railroad merger history.

I am not here today, however, to discuss the Santa Fe merger. Instead, I would like to comment on what this decision means for the Norfolk Southern's proposal to purchase Conrail.

As you know, in January of this year, the Senate decided in S. 638 to sell the federally owned Conrail to Norfolk Southern. I thought this decision was a mistake at the time and I still believe it is wrong. Rather than selling Conrail to Norfolk Southern and creating the largest railway in the Nation, I believe that Conrail should be sold to the public. A public offering avoids the serious antitrust problems which flow from an NS-Conrail combination, while still providing well over $1 billion—and more likely close to $2 billion—in cash to help meet our Gramm-Rudman-Hollings obligations.

When the sale legislation was before the Senate, I argued, along with many of my colleagues, that a Conrail-Norfolk Southern merger would never pass muster under the antitrust laws. The Department of Transportation, joined by the Department of Justice, has consistently stated that any antitrust concerns could be taken care of. However, one of the main reasons the ICC seems to have denied the Santa Fe-Southern Pacific merger was that they could not find a reasonable and workable package of conditions.

Secretary Dole may now regret offering to send the Norfolk Southern-Conrail transaction to the ICC for its review because the anticompetitive consequences presented by the Santa Fe case are less than half as large as those problems presented by the Norfolk Southern proposal. According to the Department of Justice, the Santa Fe merger presented antitrust problems of approximately 6.2 million tons of freight, or about $240 million in revenues. In comparison, a Conrail-Norfolk Southern merger creates serious antitrust concerns for over 19 million tons of freight, or about $527 million in revenues, over three times as much tonnage and over twice as much revenue as the Santa Fe merger.

Although the ICC's written decision will not be out until fall, two Commissioners, Malcolm M.B. Sterrett and J.J. Simmons, specifically commented on the competition issues. As Simmons reported, "the anticompetitive effects outweigh the public benefits." Given this background, it is simply not reasonable for anyone to further contend that the Interstate Commerce Commission or any other independent antitrust review authority would approve the Conrail-Norfolk Southern merger. If the Santa Fe decision means anything, it means that the ICC would not approve a Conrail-NS combination.

The ICC decision, however, is not the only blow the Norfolk Southern proposal has suffered in recent months, Mr. President. Recent developments involving the Guilford system, which under the NS proposal is to play a key role in addressing antitrust concerns by acquiring significant NS-Conrail mileage, further serve to demonstrate its fundamental flaws.

As I have stated before, Guilford is in a very weak financial situation and could not possibly handle the competition that a Conrail-Norfolk Southern merger would create. Furthermore, statistics show that the railroads that now form Guilford reported a net loss from 1982 to 1984 of nearly $30 million, even after employee wage holdings and Government subsidies. In 1984, the first full year of Guilford's merged operation, its net railway operating income declined, its fixed charge coverage declined, and its operating ratio worsened.

Today, Guilford is in even more serious shape than it was when the Senate evaluated it in January. Its basic financial weakness is no longer the only reason it is hopelessly unsuitable to acquire lines from a combined Conrail-NS, it is also now facing serious labor problems. Recently, the U.S. district court found Guilford in violation of the Railway Labor Act and collective-bargaining agreements. It makes no sense to even consider giving Guilford a key role in any Conrail sale; its labor problems, and the way it has chosen to address those problems, make any Guilford involvement impossible.

The ICC decision and the Guilford labor problems, therefore, sound the death knell for any proposal to sell Conrail to the Norfolk Southern. But even though the Norfolk Southern proposal is dead, Conrail must still be sold and can still be sold. A public offering will still work. Indeed, it offers the only chance to return Conrail to the private sector quickly. I urge my colleagues, therefore, to take another look at the public offering proposal, and then to join me in working to see that we use that means to return Conrail to the private sector this year.

Mr. President, I thank my distinguished friend from Kentucky and yield back the remainder of my time.

□ 1430

Mr. FORD. Mr. President, I yield 10 minutes to the distinguished Senator from California [Mr. CRANSTON].

Mr. CRANSTON. I thank my friend from Kentucky.

PROPOSED SOUTH AFRICA SANCTIONS LEGISLATION

Mr. CRANSTON. Mr. President, I rise to speak on the subject of apartheid and the need for strong sanctions against the Government of South Africa until it ends the abomination of that violent racial discrimination.

Mr. President, the Senate Foreign Relations Committee will begin Thursday the important process of advancing a meaningful South Africa sanctions bill.

I want to pay tribute at the outset of this process to our chairman, DICK LUGAR, who has been responsive to my request that our committee act with dispatch, and who has agreed to move up the markup to this week at my request.

The time has come to call the roll on this issue.

We must vote in the Foreign Relations Committee—as we will this week.

We must vote in the full Senate—and I for one will do all in my power to ensure that the Senate votes on the South Africa issue and sends a bill to the White House before we break for the August recess. In pressing this effort, I will be backed by a strong bipartisan coalition absolutely committed to prompt Senate action against apartheid.

The failure of the President to lead on this issue has left it to Congress to give voice and legislative meaning to Americans' repugnance of apartheid. It is time for us to move beyond the White House policy of do-nothingism and to act in a considered, constructive, and effective manner. I am hopeful that the Foreign Relations Committee can reach a bipartisan agreement on an effective anti-apartheid sanctions measure, one that will merit the support of a substantial, veto-proof majority of the full Senate.

I am proud to be the author of the strongest anti-apartheid measure pending in the Senate, S. 2570, which is identical to the House-passed bill. And I have been pleased to work with Senators KENNEDY and WEICKER and other colleagues on related proposals.

I believe that in confronting an evil as clear as apartheid, no half-way measures will suffice.

American action against apartheid is a strategic imperative—we must let the oppressed black majority who will inevitably come to rule in Pretoria know that America stands with them, that we stand for democracy and against facism, racism, and oppression. The future standing of America

throughout the African continent hangs in the balance. Today the racists in Pretoria are the Communists' best allies—for in the perpetuation of apartheid lies the most certain path to an ultimate takeover of South Africa by forces hostile to the United States.

Of equal importance, American action against apartheid is, I believe, a moral obligation. U.S. Senators have only a limited influence over events in South Africa; the oppressed black majority is virtually powerless as it is beaten, whipped and denied even the most basic and fundamental human rights. We have an obligation to use our limited power as a progressive force, to use our power to make peaceful democratic change possible lest we make violent revolution the only means by which repression can be ended.

Americans, ultimately refused to do business with the Nazi Germany of Adolf Hitler. So, too, must we now declare that we will no longer profit by and conduct commerce with racist South Africa.

I regret that, in my judgment the measure advanced by Chairman LUGAR—while a constructive step forward—will not have sufficient impact on those who monopolize political and economic power in Pretoria. Therefore, at an appropriate point in the committee proceedings, I will call for a vote on my bill, S. 2570—which would establish an embargo on all United States trade with South Africa and provide for an orderly withdrawal of American investments there. I believe this is the most desirable action for the Senate to take and I am prepared to take this issue to the floor.

This bill, the measure that I will offer in the committee, the measure that has passed the House, contains three sanctions effective 6 months after enactment:

First, a total trade embargo on imports from and exports to South Africa, including South African-occupied Namibia.

Second, a total ban on U.S. investment, including bank loans; disinvestment would have to occur within 6 months.

Third, a ban on landing of South African Airways in the United States.

There are virtually no exemptions or loopholes, other than a proviso allowing exports of medicine to South Africa and imports of those strategic minerals which the President certifies are in short supply.

In the event S. 2570 is not adopted by the committee, I am also prepared to advance other proposals for the committee's consideration, based upon the work of the Eminent Person's Group and of the Commonwealth of Nations. Some of these provisions—such as the ban on intelligence cooperation—are even stronger than S. 2570.

These amendments, which have been developed in close consultation with Senators KENNEDY and WEICKER, will be designed to strengthen the markup vehicle before the Foreign Relations Committee, the proposal of Chairman LUGER. I am pleased that the chairman's proposal crosses the legislative Rubicon and finally comes out in favor of—albeit very limited—punitive economic sanctions.

The purpose of the strengthening amendments which I will offer is quite simple: in order to protect America's strategic interests, we must increase the cost of perpetuating apartheid for the white minority regime in Pretoria. As a package, my substitute proposal seeks to accomplish the following:

First. Makes new investment ban total, covering reinvestment and bank loans.

Second. Extends ban on imports from parastatals—steel, some coal—to include ban on imports from sectors of South African economy largely controlled by monopolies—all steel, coal, uranium, agriculture, food, textiles.

Third. Makes ban on computer sales total and requires United States computer companies to disinvest their South African holdings.

Fourth. Limits visas to those Secretary finds necessary to help end apartheid.

Fifth. Bans all banking between United States and South Africa, including freeze on South African individual assets in United States.

Sixth. Bars United States-South Africa military and intelligence cooperation.

Seventh. Cancels tax agreements.

Eighth. Prohibits any military/paramilitary exports or imports.

Ninth. Makes landing rights ban two-way.

Tenth. Prohibits assistance to South African energy companies.

Eleventh. Bars United States Government contracting with, procurement from South Africa and bars United States Government promotion of trade and tourism with South Africa.

Twelfth. Bars all United States petroleum exports to South Africa.

The Cranston substitute would provide for the lifting of all sanctions in the event the South African Government releases Nelson Mandela and all other political prisoners, unbans political organizations and enters into negotiations with truly representative leaders of the black majority.

I look forward to working with Chairman LUGAR in the days and weeks ahead to pass a strong economic sanctions bill and to place our Nation back on the right side of history.

RADIO AND TELEVISION COVERAGE OF SENATE PROCEEDINGS

Mr. FORD. Mr. President, I see no other Senator who wishes to speak. We have had some time that has been available to Senators. They have been able to come to the floor and speak on various and sundry issues. I have absolutely no objection to that.

But I certainly hope that some who are favorably inclined toward TV in the Senate or even those who oppose it would come to the Senate floor and make some kind of a comment.

Mr. MATHIAS. Mr. President, if the Senator from Kentucky would yield, I am wondering if he would reflect the sentiment on his side of the aisle as to any early vote on the subject. If there is no desire to speak, if minds are made up, if speech is unnecessary, we can dispose of this matter.

□ 1440

Mr. FORD. I say to my distinguished colleague that I, for one, am perfectly willing to vote now. But it is not possible for me to give that assurance to the distinguished Senator. We have some Members, I believe on both sides, who have asked that we not have any votes until somewhere after 4 o'clock.

So under those circumstances, we have about 1 hour and 15 minutes before serious consideration can be given to a time certain.

Mr. MATHIAS. I understand the necessities, but I think Members either should speak now——

Mr. FORD. Or forever hold their peace.

Mr. MATHIAS. If not forever hold their peace, at least not to let the time get away from us at this point, and come in at the end of the day, who want to argue about this subject. There is opportunity now to come to the floor. I hope they will do it promptly.

Mr. FORD. Mr. President, I certainly agree with the distinguished Senator from Maryland that time is available. He and I both are here on the floor as managers of the bill. Those who would like to speak, I wish would come on, rather than wait until after 4 o'clock, 5 o'clock, 6 o'clock, and decide they want to make a speech.

I am hopeful that we can hear from our colleagues in the next hour or 1 hour and 15 minutes.

Seeing no one wishing to speak, Mr. President, I suggest the absence of a quorum. Mr. President, I ask unanimous consent that the time be equally divided.

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. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescined.

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

Mr. FORD. Mr. President, I yield from our side 10 minutes to the distinguished Senator form Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair. I thank my colleague from Kentucky.

Mr. DOLE. Does the Senator want 10 more minutes?

Mr. EXON. No; I think 10 will be quite adequate. But I thank the majority leader for his usual courtesy.

Mr. ARMSTRONG. Before the Senator begins, would he yield to me perhaps 15 or 20 seconds?

Mr. EXON. I am happy to yield to my friend from Colorado.

Mr. ARMSTRONG. I thank my friend for his courtesy.

PERMANENT, GAVEL-TO-GAVEL TELEVISION COVERAGE

Mr. ARMSTRONG. Mr. President, it was Victor Hugo who wrote "There is one thing stronger than all the armies in the world: and that is an idea whose time has come." Very clearly the idea of televising the Senate has come.

Mr. President, today the Senate has the historic opportunity to permanently establish gavel-to-gavel broadcasts of its debates to the American public. I urge my colleagues to vote in favor of broadcast coverage.

This is an important matter for the country and one the Senate has given the utmost care and consideration. Indeed, the cautious, deliberative nature of the Senate has been exhibited to the fullest in the 40 years the Senate has discussed placing television cameras in the galleries. The Senate first allowed cameras in committee hearings in 1948, but despite countless commission recommendations and legislative proposals for fuller coverage, a Senate debate was not broadcast even by radio until the 1977 Panama Canal Treaty debate.

As the years went by however, the body of evidence in favor of televised debate became overwhelming, since State legislatures, national legislatures in other countries, and the House of Representatives all successfully adopted television coverage. In 1982, the Senate by an overwhelming 95 to 1 vote authorized radio and television coverage of Senate proceedings, but legislation to implement the coverage was not approved in subsequent years.

This year the efforts of the past coalesced with renewed interest among Senators, and cameras are now in the galleries and there seems little doubt they are here to stay. Even in this dramatic year, though, the Senate has introduced the cameras in a step-by-step approach that has examined the consequences at every juncture.

In February, the Senate debated for 25 hours over a 9-day period many questions and concerns about the impact of television on the Senate. Many Senators were rightfully concerned about changes to an institution crafted by our Founding Fathers to balance the interests of the small States and minorities against those of the more populous States and majorities. These Senators appreciated the Senate's longer election cycles and rules that allows the body to thoughtfully examine the issues of the day. Also, Senators had healthy concerns about the power of television—a medium that the average child will spend more time watching than will be spent in the classroom.

Concerns were voiced that cameras would compel Senators to talk on every subject endlessly and disrupt Senate operations. Others felt the public might not understand peculiarities of the Senate—long quorum calls, nongermane amendments, filibusters, and the general difficulty of accomplishing business in the Senate.

On the other side, Senators argued the impact of the cameras would be slight or maybe even improve the Senate. Rather than leading to showboating, the cameras would restrain Senators, make speeches more concise, limit sloppy practices, and increase the Nation's understanding of the Senate's business and practices.

The Senate debated these matters at length and proposals were put forth on ways to accommodate the intrusion of the cameras in the Senate's business, by altering Senate rules and limiting televised debates. But, some proposals to change the Senate often went to the heart of the Senate and would have affected exactly those changes some feared from the presence of the cameras. In the end, no one could say exactly what impact the cameras would have on the Senate or what the best remedy would be if there was a problem.

At the same time, I believe the ideas took hold that there was nothing happening in the Senate that the people should not know about—that, in fact, the people have a right to know. The only way people are going to know is by using television, the most up-to-date communications technology and the principal source of news for most people. It was time to take a chance.

Nine amendments were considered and five adopted, and six rollcall votes were taken. Finally, by a vote of 67 to 21, the Senate agreed to permanently establish radio coverage and embark on a series of test periods for television coverage. The first test period broadcast just to Senate offices and began May 1. The second test period inaugurated public broadcasts and began June 2.

During the test periods, Senators have learned much about camera angles, lighting, and background. Ad-hoc committees of Senators have been formed to gather comments and suggestions on improving the broadcasts. The Rules Committee has reviewed these proposals and adjustments have been made in a variety of ways from a lighter blue curtain behind the Presiding Officer to regulations on the size and number of charts and graphs.

Frankly, though, the cameras have had negligible effect on the operation of the Senate. During the test period, the Senate has worked on measures ranging from Smithsonian laboratories in the Canal Zone to a historic revision of the Tax Code. The fundamental principles that established the Senate have continued to operate and affirmed in a recent report by the Congressional Research Service:

> * * * television coverage has changed the patterns of the Senate floor activity very little. The results of this study show the Senate to be a selectively deliberative body rather than a generally deliberative one. Most of the Senate's floor time was, and continues to be spent, considering only a few measures at great length.

The American public seems to be the greatest beneficiary of Senate television broadcasts. While not all areas of the country yet have the cable hookups to watch Senate debates, coverage will increase through time and all areas benefit from news organizations' greater access to the debates. Where service has been established, positive response have included these respondents to a C-SPAN call-in:

> I hope the Senate * * * keeps the TV coverage, because I'm sure there are a lot of people who think the way I do—they'd like to be able to see and judge for themselves.
>
> I've been dying to watch the Senate—they have more time to deliberate, discuss * * *
>
> I can't describe the sense of pride I felt in an institution that I'd given up on—let me correct that—two institutions I'd given up on: Televison and the U.S. Senate.

The comments from the public are backed by the public opinion polls. A Washington Post/ABC survey found that 41 percent of the people watch "very frequently" or "fairly frequently" the Senate broadcasts, and that 54 percent of those had a favorable impression of the Senate. A more recent Harris Poll found that 75 percent approve of congressional broadcasts.

In urging my colleagues to take this final—almost inevitable at this point—step for full and permanent coverage of televised coverage of the Senate, I quote Senator Howard Baker who urged the Senate in this direction for so many years:

> Ours (the Senate) is intended as a moderating influence on the nation. Ours is a forum in which the rights of minority opinion are accorded greater weight than anywhere else on Earth * * *. If this special character is lost in the public debate of significant issues, the country will be much the poorer for it.

I again thank my friend for yielding.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank the Chair very much.

PROFESSOR ANATOLY RABEN, AND A CONGRESSIONAL CALL TO CONSCIENCE VIGIL

Mr. EXON. Mr. President, Jewish emigration from the Soviet Union reached a high in 1979 when 51,320 men, women, and children were allowed to seek new homes overseas. Since that time, however, the number of emigrants has declined dramatically, reaching a low of only 896 in 1984. In 1985, the number was 1,140, a very small number but the first positive trend since 1978.

This behavior by the Soviet authorities is perplexing to Americans and, indeed, people around the world. Equally perplexing is the manner in which the Soviet officials deal with those who request permission to emigrate. A case in point is that of Prof. Anatoly Raben.

Here is a man who has not only served his nation well, and his family, but he served well his nation in time of war and peace. But this man also followed a career in medicine to help his fellow man. Professor Raben was born in 1923 and first experienced the hardship of life under the Soviet system when in 1932, his father was arrested and served 4 years in prison. In 1937, his father was again arrested and then executed.

Shortly afterward, the terror and confusion of the Stalinist period was interrupted by the Second World War and Anatoly Raben found himself in the Soviet Red army. He served 3 months as a private in 1941 before attending medical school. From 1944 to 1945, he was the chief physician of a tank regiment which fought in the Soviet Union, Poland and, eventually, Germany. He was wounded in 1945 and received the order of the red star and eight military medals.

In October 1950, Anatoly was arrested and accused as the "son of an enemy of the people." He was held at several prisons and tortured. After refusing to sign any confession, he spent nearly 4 years in a labor camp for political prisoners. Anatoly's mother, Sophia, was also arrested 2 weeks after Anatoly's arrest and internally exiled for 4 years.

Upon his release, Professor Raben embarked upon a medical career that earnd him great respect for his expertise. He was a highly prolific writer and published about 200 scientific papers and 7 medical books. His youngest daughter, Nina, also followed him into the medical profession.

Then, in 1979, everything changed when Professor Raben applied for permission to emigrate from the Soviet Union. As punishment for seeking to join relatives in the West, this renowned specialist was forced to resign from his positions at the Moscow Cancer Research Institute as well as his numerous editorial posts. Not until 3 years later, in early 1982, did he learn that his application had been refused on the basis that he had "no grounds to apply for an emigration visa."

Mr. President, I find it incomprehensible that a man such as this, one who fought so long and hard for his nation and whose family suffered so horribly under the Stalinist system that even the Soviets have repudiated, should be so sadly mistreated. Yet Professor Raben is one among many hundreds of thousands who have been victimized by Soviet repression.

The Soviet Union wants to rank among the great and respected nations of the world. Membership in this club, however, requires the consent of its members. Yet no nation which values its people could grant the Soviet Union the respect it wants. The Soviets must learn that respect must be earned; it cannot be bullied no matter how many thousands of tanks and missiles are built or millions of innocent people oppressed.

This is the point I wish to emphasize to the Soviet leadership. I ask, what threat can Professor Raben pose to the Soviet Union? If a man who has so nobly served both his nation and fellow man is a threat to a nation, where is the strength of that nation? I urge the Soviet leadership to live up to the international commitment they made under the Helsinki accords and allow Professor Raben, his family, and others who may also desire it, the right to emigrate.

I simply conclude, Mr. President, by saying the case history that I have referred to is not just one individual in the Soviet Union today. It is countless individuals, thousands of individuals that are being treated unfairly by that Government. I think it is particularly important to those of us who have a legitimate concern in this area as all Americans should, and as most Americans do that we speak up from time to time when it is appropriate and at times when it is not appropriate to keep the pressure on the Soviet Union to make changes in their emigration policies.

□ 1450

Mr. DOLE. Mr. President, I understand there are still two or three speakers on the question of TV in the Senate. Senator BYRD will be back about 4 o'clock. He wishes to speak. If there is no further request, I understand we can have a vote on Senate Resolution 28 which would occur before 5 o'clock.

I can also inform my colleagues that Senators DOMENICI and CHILES have been working on a modification of Gramm-Rudman-Hollings. I am uncertain of the status of that, but hopefully there will be some word on that in the next hour or so.

There is a chance we could have completion of Senate Resolution 28 and really go to work on the Gramm-Rudman-Hollings amendment, which I know will please the Senator from Nebraska who is anxiously awaiting the opportunity to call up his amendment.

Mr. EXON. Will the Senator yield for a question?

Mr. DOLE. I am happy to yield.

Mr. EXON. Could the majority leader be any more specific than what he just related with regard to when we might have some kind of an agreement by all of the powers that be? Are they any closer to coming up with the latest unabridged fix, tinkering, with Gramm-Rudman-Hollings, or are they still in the disarray that we heard about yesterday?

Mr. DOLE. I think it is somewhere in there.

Mr. EXON. Would it be fair to say it is in that general area?

Mr. DOLE. I mean somewhere and somewhere.

Mr. EXON. I thank the majority leader for his usual candor. I would only say that we have been marking a lot of time, in the opinion of this Senator needlessly, when we have a lot of work to do. I think possibly that probably is the opinion of the majority leader. But I understand the difficult circumstances that the majority leader finds himself in today and probably could not say any more if he wanted to.

Mr. DOLE. Mr. President, I have indicated that we really need to get moving on the debt limit extension because there are a lot of Senators who have some ideas about additional amendments. Some relate to the debt ceiling and some do not. But if, in fact, amendments are to be offered, we need to bring them up and vote and go on to something else.

I am sympathetic with the Senator from Nebraska, who has been waiting patiently—well, maybe not patiently—since maybe Thursday or Friday.

Mr. EXON. Wednesday, I believe.

Mr. DOLE. Maybe last Wednesday.

Mr. EXON. Right.

Mr. DOLE. I would say in defense of the principal authors that they are, of course, meeting with the Budget chairman and the ranking member of the Budget Committee in the hope that they will support their amendment. As I understand, there are only a couple of little things they need to work out. That may not be magical. There may still be opposition.

Mr. President, I ask unanimous consent that I may proceed with the time to be charged against the resolution.

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

ORTEGA AT THE UNITED NATIONS

THE IRONY OF ORTEGA'S PERFORMANCE

Mr. DOLE. Mr. President, Sandinista Leader Daniel Ortega's performance during his current stay in the United States is raising irony to an art form.

After spending the last 3 months cracking down on the church in Nicaragua and forcing some of its most prominent leaders into exile, he went to services last Sunday in New York to show us what a pious fellow he really is. After spending the last 7 years building up his military machine, attacking his democratic neighbors, supporting subversion and sowing unrest in Central America, he took to the podium at the United Nations this morning to accuse us of aggression. And after scuttling the latest and most promising negotiating proposal from the Contadora nations, he blames us for sabotaging a peaceful settlement in Central America.

WE KNOW THE TRUTH

And, you know, when you have the complete freedom to speak, even to speak total bunk, as you do at the United Nations or here in our Democratic system—the freedom which is so totally lacking in Ortega's Nicaragua, I might add—then you can fool some of the people some of the time. And at the United Nations I often have the feeling you might even be able to fool most of the people most of the time. But let Mr. Ortega understand this. He is not fooling the Senate of the United States. And he is not fooling the American people.

We know the root of the problem in Central America. It is growing right there in Managua, where the Sandinistas are hatching their plans for the continued suppression of their own population, the continued intimidation of their neighbors and the continued cozying up to Moscow and Havana.

A FAREWELL MESSAGE FOR ORTEGA

And we know the solution to the problem, too. It is to support the democratic resistance forces who want to take their country back from Kremlin control and Sandinista repression. It is to force the Sandinistas into a negotiated settlement which ends Nicaragua's military alliance with the Soviets and Cubans, reverses its military buildup, stops its attacks on its neighbors and leads to the establishment of a democratic political system.

I presume Mr. Ortega will be packing up soon to return to Managua. In all honesty, I cannot say that I am sorry to see him go. But I do hope that we can soon get to work on the most appropriate farewell message for him that I can think of—a quick, affirmative vote on the assistance package for the Contras.

Mr. President, I suggest the absence of a quorum and 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 legislative clerk proceeded to call the roll.

□ 1500

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

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

Mr. FORD. Mr. President, I yield to the distinguished Senator from Wisconsin [Mr. PROXMIRE] 20 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

HOW SENATE TV WILL NOT WORK IN THE PUBLIC INTEREST

Mr. PROXMIRE. Mr. President, if television in the Senate were not controlled by Senators, for Senators, and obviously under those circumstances to make Senators look as good as possible, it might serve the public interest. At times it might serve the public interest well. How could it do this? Here is an example. As we all know, Senators are elected and reelected very largely on the basis of how much money they can raise to tell their story on commercial television. An increasing amount of that money is raised from political action committees. Those political action committees, in most cases, have a definite, clearcut, economic interest in how Senators vote on legislation. The head of one political action committee, representing the home builders, once put it bluntly: "When I make a contribution from my PAC, I buy legislation."

Of course, that is not always the situation. But it is a rare day when a PAC donates to a candidate's campaign chest when they know the candidate will vote against their legislative interest. It is an even rarer day when they donate to a candidate when the candidate has opposed or has promised to oppose their legislative interest. Let us not kid ourselves; political action committees have prospered and multiplied because those who organize them and those who contribute to them believe they can advance their special economic interests.

Many defenders of PAC's answer that these organizations represent their right of petition and free speech at its most wholesome. They argue that contending and competitive PAC's provide the practical basis for public debate that can, through commercial television, reach into millions of American homes that otherwise would not know anything about many issues that are fundamental to their lives. They argue that this is democracy at work. This is democracy at is practical best.

Mr. President, this is nonsense. PAC funding is overwhelmingly one-sided. There are, for example, 10 times as many business PAC's as there are labor PAC's. That force has been a far more important element in shifting the Congress from a favorable view of labor's interest to a favorable view of business' interests than the so-called Reagan revolution. That force, the PAC revolution has been coming on with a rush. In the past 12 years, the number of labor-union-sponsored political action committees has increased very little. On the other hand, the number of PAC's has exploded, and their financial resources have exploded with them. Occasionally the principal legislative contention may represent a dollar-for-dollar standoff between rival PAC's of roughly equal financial strength. More often, the differences are between groups like the National Association of Realtors that make huge PAC contributions and the fair housing groups, who have no PAC's and make no contributions. And regardless of the public interest merits of the case, the well-heeled, freely contributing PAC's almost always win, especially if they are up against public interest groups that have little or no PAC funding.

What has all this to do with TV in the Senate? How can Senate TV overcome this? Here is how: The prime defense of PAC's is that they are required to make full disclosure. So its supporters claim the public knows what kind of contributions they make. They know to whom the contributions are made. If the public feels that a Senator has been influenced to vote for a measure because of PAC contributions, it can and often will vote against the Senator when he runs for reelection.

How about this? Is this not an effective safeguard? The answer is: No, it is not. It is not, because the record of PAC contributions is never publicly related to a Senator's votes on the floor of the Senate except by a rival candidate, who obviously has a special personal interest in discrediting his opponent.

Here is where TV in the Senate could and should come in. This Senator has been working on a requirement that every Senator be required to furnish to the Secretary of the Senate a list of his PAC contributions on any legislation called up that relates to which the leadership has indicated will be the PAC's legislative interest. When the Senator casts his vote on the issue, the contribution would be disclosed on television.

For example, if the Senate voted to delete an amendment to the pending housing bill to insert guidelines into the law that were sponsored by the National Association of Realtors and opposed by fair housing groups, the

television monitor would carry a subtitle at the time of the vote: "Senator Smith votes aye for the amendment. Senate Smith received $12,000 in PAC contributions from Realtor PAC's."

This would make PAC disclosure timely and relevant. It would provide an opportunity for the viewing public to get an instant and direct understanding of whether, in their judgment, contributions from PAC's do buy legislation. It would also tell them something, perhaps, about the motives of their elected representative.

So why do I not offer this amendment? I do not offer this amendment because I have talked to a number of my colleagues about it, and I have achieved a few laughs, a few eye-rolling, "Oh, no's" and no encouragement. I have not offered it because I now know it would not pass. If it did pass, it would make television in the Senate serve a real public purpose.

But it could only hurt incumbent Senators. And who will vote on these TV rules? Incumbent Senators, and only incumbent Senators. So, yes, indeed, TV in this body will serve the interest of Senators. But in doing so, it will not serve the interest of the public on those many occasions where a frank and full disclosure of what really motivates Senate performance would serve the public interest.

OPENING PANDORA'S BOX

Mr. President, let me speak more generally on this subject. The Senate will vote to continue televising its proceedings. There is no question about it. It will do so by a thumping majority, a thumping majority of both Republicans and Democrats. We know that.

Those of us who oppose this measure will be characterized as behind the times. No more telling criticism can be made in today's society, where toddlers play with computers, teenagers program them, and their parents see a generation gap opening in front of their eyes.

□ 1510

Many people will even wonder why it took the Senate so long to approve of television. When historians look for a phrase to characterize the last 40 years, they may well call our era the age of television. This Senator cannot think of any other technological innovation which has had as great an influence on the daily lives of Americans.

It has changed everything from how we pray to how we play. Someone once wrote that if you visited an undeveloped country, gave every resident $1,000, and returned after a year, you would not see much of a change. But if you gave every family a television, then after a year that society would be changed in the most fundamental ways.

Television is the Che Guevara of modern society. It is a revolutionary tool of such power that even those firebrands of the American revolution—Patrick Henry and Sam Adams—would think twice before approving it. Little wonder that in most of the world, even in those countries with a free press, television remains firmly under the Government's control.

Why, then, has it taken the Senate four decades to get with it? Here is a natural. Politicians make a living by influencing the public. And television is the most influential medium the mind of man has yet invented. Why, then, did we decide to stay off the tube for 40 long years?

The answer to that question, Mr. President, comes in two parts. First, in general, television is powerful but it can be powerfully bad as well as powerfully good. Second, to be specific, we have yet to decide how the Senate as an institution will deal with television. In our rush to be televised, we have swept aside the contentious questions of how to change our rules.

Look first at the question of television in general. It is a medium which will reward the demagogue. Recall those flickering films of Adolf Hitler speaking at Nuremberg. Fifty years later, with full knowledge of the evil to come, those films of Hitler still have an intense, fascinating quality to them.

Yet no demagogue of comparable power has come to power in the age of television. Why not? In this country the networks have controlled access to television. And in other countries, the government has performed the same function.

Even as I am speaking, however, technology is changing. The networks are not as dominant as they once were. It is easier and easier, meaning cheaper and cheaper, to televise something.

Many of my colleagues are worried about the effect of this trend on political debate. They look at the television evangelists and mutter. They criticize the administration because of its emphasis on imagery. Perhaps they want to get on television themselves and stem this tide. They hope that the cool, rational discussion of public issues on the floor of the Senate will serve as a counterweight to the fire and brimstone of the evangelists.

What a vain and false hope. Assume that two new Senators came to this body. On the one hand, you have a clone of, say, Tom Brokaw or Dan Rather or Peter Jennings—handsome, cool, rational, and extremely skilled on television. On the other hand, you have a twin of the evangelist Jimmy Swaggert—handsome also but passionate, a true believer, and just as skilled on television. Who would make the more effective Senator in the age of television? I would place my bet on the passionate true believer.

There's a simple explanation for my bet. In the old days, taverns used to display a sign—"No arguments about religion or politics." They enforced this rule for a good reason. Such arguments might start rationally but they usually became passionate. And they ended in a good brawl. Political opinions are held passionately and true believers will often win an argument, even when the facts point the other way.

This Senator believes that television will make it easier for demogogues to win election to the Senate. Instead of an institution where sharp differences are ground down and compromised, this floor will become a place where they are sharpened. This change will not take place suddenly, but take place it will.

What about the Senate rules, Mr. President? Will they not make it more difficult for the demagogues?

Well they might, but we have not really debated how television will affect the rules which govern our debates. We have not because that would be controversial. We have gone on television, knowing that it will result in rules changes but with no knowledge of where we will end up.

Let me raise a couple of caution flags. I have said that the Senate is going to make boring TV. If proof of that statement is needed, look at what happened on the Senate floor on Wednesday and Thursday of last week. We were supposedly going to be debating an issue of great moment—how to repair the Gramm-Rudman law.

That debate, as we know, never took place. In its place, we substituted long quorum calls. Senators were not loafing. They were off the floor privately negotiating how to resolve differences over the proposed fix. For viewers who tuned in, expecting a lively debate, what they got was boring, boring, boring.

That set of circumstances is not unusual in the Senate. But I predict it will become so. Long quorum calls, while Senators negotiate among themselves, what many see as the essence of the Senate, will become obsolete. They do not make for good television.

We are going to have to make other changes to deal with the political use of Senate television. Incumbents will vote for this measure on the theory that television exposure cannot hurt them. I believe it can and will.

Here is how. We are an incumbent holding a slim but solid lead in the polls as the campaign enters its final 2 weeks. Yet all is not calm because you hear disquieting rumors that your challenger is making large buys of 30 second spots in the major TV markets in your State.

Then the first commerical goes on the air and it is a bombshell. Your op-

ponent has gone through all the Senate television tapes for the past 5 years. From them, he has assembled a 25-second pastiche of times when you stumbled verbally, were inarticulate, or looked bad. Then, to end it, he found a section where you turned to a staff member, with your microphone inadvertently live, and asked, "What's going on in here?" Bloopers programs already draw good audiences and this cleverly done commercial is a raging hit.

It is unfair. Who does not make 25 seconds worth of verbal blunders over 5 years? Yet the commercial is funny and you have almost no time to respond. Your lead evaporates. Another incumbent bites the dust.

Now, Senate rules say that no political use is to be made of Senate television. That is what the rules say. How does the Senate enforce this rule? Refusing to seat an elected Senator seems to be a drastic remedy but the only one available.

Mr. President, will any of this come to pass? Well, maybe not. Maybe the Senate rules will evolve so the Senate can control television and not the other way around. Maybe the demagogues will exercise their talents elsewhere but maybe not.

These are serious issues. We have not debated them. I hope we have not blindly opened a Pandora's box. But I am afraid we may have done exactly that.

□ 1510

Mr. President, I thank my good friend from Kentucky for so generously yielding me time. I told him I might take 20 minutes. I have taken less than that. I am happy to yield back the time to him.

Mr. FORD. Mr. President, we have two other speakers who will be here. We should be ready shortly, but while we wait I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

□ 1520

Mr. MELCHER. 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. MELCHER. Mr. President, I am informed that for the first 5 years of the Senate, from 1790 to 1795, the public did not attend the sessions. I do not think they were invited. I do not think there was any room for them. I do not think there were any provisions made for the public to view the Senate in action. But in 1795, that was corrected, and galleries were provided for the public so that they could witness the proceedings of the Senate.

Of course, in our lifetime, we expect these galleries to have some people up there, some citizens, watching us and determining for themselves how the debate unfolds and which side they are on. It is the public's right to know. This is public business that we conduct in the U.S. Senate.

Now we are starting to catch up with technology that is available. It took us several years to decide that what the House had started to do in televising their proceedings was absolutely correct. We are now on the verge of making that determination for the Senate, and I am glad we are. I am very pleased that we are. It has been a long time coming for most of us who have advocated this step to utilize the opportunity, over radio and television, to let more people in on the proceedings here on the floor of the U.S. Senate. I believe there are two basic reasons why that is necessary.

First of all, there are issues of great substance that are discussed here, debated on the Senate floor, before we arrive at a vote to determine what the course of the country will be.

□ 1530

And those issues of substance cannot be comprehended or understood without a great deal of explanation. That explanation unfolds here in the course of the events as we debate amendments to bills and arrive at final passage of bills.

The tax bill, for instance, that we just passed in the Senate that is now in conference committee, how would people in various parts of the country have any indication of a particular portion of that bill unless they were able to watch either the procedure in the House or the procedure here in the Senate as the bill itself was debated? Thre are so many provisions in it, so many different areas of the country where a provision this way either helps them or hinders them.

While we cannot lay it all out there for the public to comprehend and to realize what is in the proposed bill, we lay out a great deal more for the public to understand and comprehend through televising the procedures or on radio than was possible ever before except through the means of reading the CONGRESSIONAL RECORD afterward.

I think the preference of the public is obvious that they do want radio and television. I think radio and television are here to stay in the Senate and there will be an overwhelming vote in favor of it.

Besides that test of how can the people clearly understand what the issue is and what both sides of the issue are, there is second the most important reason why we need to take this step. It is fundamental. It is fundamental in our country as it should be. That is simply this: An informed people of the United States are better off and we have a stronger democracy as a result.

Mr. President, I shall certainly vote for this proposal, and I will do so with the feeling of our time has come, the people will be better informed and the country will be better off because the people are better informed.

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

The PRESIDING OFFICER. Will the Senator withhold the request for a moment?

Mr. MELCHER. Yes, I withhold the request.

The PRESIDING OFFICER. Is the Senator's request that the time for the quorum call be equally divided?

Mr. MELCHER. Yes. Mr. President, I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. The Chair thanks the Senator. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

□ 1540

Mr. HEFLIN. 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. DANFORTH. Mr. President, I have presented my arguments against television in the Senate during debate and at hearings conducted by the Rules Committee. In a nutshell, my position is that televising the Senate will make it more difficult to address the issues. I believe we will find it is more cumbersome to conduct the people's business. Why? By their nature, politicians transform their behavior to be on television. I believe that television will put a premium on amendments, speechmaking, and 30-second reactions to the day's headlines—on behavior designed to get us on the evening news. The nature of the Senate's rules would exacerbate the effects of television. The rules are very open with respect to the recognition of Senators to speak and with respect to amendments, and we are not making significant changes in the rules. For the foregoing reasons, I will vote against permanent television in the Senate.●

● Mr. GORTON. Mr. President, Senate Resolution 28 requires the Senate to review the test of public broadcasting we have engaged in during the last few months. I am convinced that we have provided the American people with improved access to their Government, and that the Senate should stay on the air.

I would remind my colleagues that this is not the first instance in which the Senate has taken a hard look at opening its proceedings to the public. The Senate's original deliberations

were closed to all public scrutiny. The rules of the First Continental Congress in 1774 required Members "under the strongest obligation of honour, to keep the proceedings secret until the majority shall direct them to be made public."

This was a legitimate and necessary precaution for patriots who could be subject to prosecution for treason under the laws of England. The Senate, however, maintained this cloak of secrecy long after the end of our Revolutionary War.

In a 5-year long discussion of whether to open the Senate gallery, this body was faced with many of the arguments now posed by Senators who argue against televising Senate proceedings. Our predecessors were told that opening the Senate to the public would encourage Senators to make oratorical speeches to display their eloquence. It was argued that the Senate could not function properly without some procedures being held in confidence. We know that these arguments were rejected by those Senators, and that they voted in favor of opening this Chamber to the people of the United States in 1794.

Mr. Samuel Harrison Smith, one of the first true reporters of Senate debate, heralded the Senate's actions during this post-revolutionary period. He noted that opening the doors of he Senate marked the beginning of a new era in the Senate's history. Mr. Smith wrote that opening the Senate was "prelude to a more genuine sympathy between the Senate and the people of the United States" and that each supporter of an open Senate was to be congratulated as a "friend to the true principles of our republican institutions."

Mr. Smith's statement is as pertinent today as it was in 1802. We, in this age, also have engaged in a debate on open Government that has stretched over several years. We have argued over whether television will destroy our traditions of unlimited debate, and whether the access to television will change our debates into a sideshow of Senators scrambling to appear in front of the camera. I believe that Mr. Smith would agree that adoption of provisions to open the Senate Chamber to the American public promotes the true principles of our republic.

The evidence from our public broadcasting test period proves that most of the concerns expressed in debate over this issue last February were unfounded. A study conducted by the Congressional Research Service shows that there has been only one significant change in our floor proceedings attributable to live television coverage—an increase in the number of special order speeches.

Leadership action to cut the length of special orders from 15 minutes to 5 minutes, however, has ameliorated the impact of this increase in special orders. Additionally, should growth in the number of special orders affect the Senate's schedule, leadership can take the simple step of changing the time slot for special orders to cut their burdensome impacts. In any case, I do not believe an increase in special orders is sufficient reason to deny the public access to the proceedings of the U.S. Senate.

Other deliberative bodies have extended the opportunity for their citizens to monitor their proceedings through public broadcasting. International bodies such as the United Nations General Assembly and Security Council provide continuous live television feed for use by networks and other interested parties. Our neighbors to the North in Canada are allowed to watch the proceedings in their national legislature on television. The same opportunity is offered to the Japanese people by the Japanese National Diet. In all, more than 20 national legislatures now permit television coverage of floor proceedings.

I can think of no better way to let the American public reach reasoned opinions on national issues than by providing them with the opportunity to listen and watch as this body debates those issues. And this is an opportunity we can provide using modern television and radio systems.

Mr. President, the test period has dispelled the concerns expressed by many Senators that television would disrupt our proceedings. It has proven that we are capable of restraining our tendencies to extend debate in order to take advantage of camera time. This trial period has shown that vital Senate traditions are not threatened by our move into the electronic age. I believe it is time for the Senate to accommodate the American people and open itself to full public access. I urge my colleagues to take a step toward this goal by supporting a permanent extension of public broadcasting.

Mr. DURENBERGER. Mr. President, I rise to share a few comments with my colleagues on the subject of television coverage of the U.S. Senate. My feelings on this particular technological revolution in the life of the Senate were lukewarm when the Senate voted to begin this process. Today I want to say that the test period has done little to warm me on this idea.

During the so-called test period, I have made a point of asking people I come in contact with in my travels around Minnesota and Washington how they feel about Senate TV. I would say my constituents, on the whole, have not yet made up their minds, or haven't had sufficient exposure to it to make a choice. So there is no clear message there. A lot of highly paid lobbyists apparently are now charging their clients for many hours they now spend peering into the tube at those they have lobbied. I don't know if that's good for the Nation or not. And I understand that we may even need to bring on new staff in the Senate Parliamentarian's office to satisfy a growing need among the populace to understand such weighty matters as the debatability of motions to recommit with instructions. Maybe I'll have to learn myself.

My underlying concern for televising the Senate has been that the American people may be buying a better look at a worse Senate. My mandate from the people of Minnesota was to come here and change Government, to make it both better and cheaper. That policy imperative sometimes conflicts with the PR imperative that says, "If it wasn't on TV it didn't happen." In my personal experience, hearings have been delayed, sessions have been prolonged and logistics have been complicated because of TV. I am also concerned that TV, which prefers truth and justice in 30-second bites, may lead us to trivialize our debate. It is not without reason that TV has been called chewing gum for the eyes.

Maybe these are temporary or isolated problems, but I think they will further complicate the already complicated existence of U.S. Senators. I am aware that this is a minority view among the Members of this Senate. TV is here to stay. Realistically speaking, this was not a test, per se, which was passed or failed. It was a probation period, during which we could keep an eye on a potentially dangerous child.

TV in the Senate is certainly not without value. The accountability of Members of Congress to their electorates may well be enhanced by increased exposure to floor activity and/or inactivity. It may also serve to stimulate and lead the American people on matters of national policy, as they are given instant access to debates they only read about previously. The problem is we hardly know at this point the amount of either the cost or the benefit.

So the question before the Senate today will be whether to make TV permanent or to eliminate it. Given that choice, I will vote reluctantly to continue TV coverage. But I state for the RECORD that my preference would be that we look at TV over a longer period of time before we make a final decision.

Mr. President, a century ago, Henry David Thoreau lamented: "Lo! Men have become tools of their tools." I sincerely hope that years from now we are not echoing those same sentiments around here with regard to TV in the Senate.

Mr. HEFLIN. Mr. President, since June 2, 1986, the American public has

had a unique opportunity to view the actions and debates of the U.S. Senate on television during the test broadcast period. Citizens have been able to watch the formation and development of an historic effort to reform the Nation's tax laws. They have been able to watch as the Senate adopted the extension of the Higher Education Act of 1965, as the urgent supplemental appropriations bill was debated and passed. In other words, American citizens, young and old, in various parts of the Nation, with different backgrounds, education, and concerns, have had the privilege to watch as their elected U.S. Senators pass legislation which is crucial to their lives, futures, families, work, and well-being. But I do not believe that this is a privilege that should be questioned. I believe that the ability of the citizens to view the business and actions of this body is a right to which they should be entitled.

Many opponents of television in the Senate have claimed that Senators will grandstand and show off before the newly acquired cameras. Certainly there may be some of this, but the business of the Senate has not and will not be substantially altered.

Many critics of television in the Senate have alleged that the citizens of the Nation would be bored by the action of this body. I do not believe that has been true. We have had a lot of fun about this; nevertheless, I think it has been serious business. I have had a lot of fun about it. I have talked about it. On opening day, I talked about the various drugstores in this area that might have increased sales of hair spray and styling mousse and Ultra-Brite toothpaste and other various items like that. You can talk about the fact that there would be a lot of blue shirts worn and things of this sort. I think we have had some fun in the beginning, as we were dealing with something that was novel.

I also, as we have gone along, have seen a great number of visual aids presented, visual aids in the form of graphs and posters. And I humorously have said that, since the onset of television in the Senate, I have seen more posters than at any time since I was in the fifth grade.

But I really feel that, while we have had fun about it, it is something that is novel, that, nevertheless, it has proven itself to be worthy. I think that we could all agree that the result has been that the people have not been bored.

I have noticed an interest in the legislative process and a knowledge of Government among my constituents in certain letters and inquiries which did not exist before we opened this Chamber to the TV public. Such enthusiasm and zeal as I have seen, in my judgment, is beneficial to America and is beneficial to democracy.

I urge my colleagues to vote to make television in the Senate permanent. Such is the right of the public, to view our actions and proceedings.

I yield the floor.

Mr. FORD. Mr. President, I yield 15 minutes to the distinguished Senator from Louisiana, Mr. LONG.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, the reservations about television which I have expressed in the past have been on two levels. On a functional level, I have expressed concerns about the impact of television for reasons including its cost and the likelihood that it will encourage a surplus of speeches which do not further the business of the Senate. In larger terms, I have expressed my firm conviction that televising Senate floor proceedings will not help the Nation because it will result in greater political expediency at the expense of statesmanship.

The test period under which we have been operating was established with the goal of determining the practical consequences of broadcast coverage. This test has been a partial success in this regard.

The test period has helped us identify where cameras should be placed in the Senate Chamber and how many of them there should be. It has helped us determine how much lighting is required for our broadcasts. It has helped us identify a portion of the costs associated with television coverage and has even shown that television encourages Senators to give speeches which they were not as inclined to give prior to broadcast coverage.

However, the most important issue in this debate is one which cannot be readily identified on the basis of a test. The fundamental issue before us should be the effect that television will have on Senate business. Is televising floor proceedings in the best interest of the Nation? These concerns of mine and of other Senators cannot be readily tested.

It may first be advisable to discuss what the test period has actually shown. For one, the test period has shown us that television is costly. We will be spending at least $3.5 million this year to implement radio and television coverage of Senate proceedings. While most of this is a one time cost, if the recommendations of the Architect of the Capitol for improvements to the system are accepted, this figure may increase in the future.

These expenditures do not even include the recurring costs in terms of additional personnel, equipment, and other items that television will cause us to fund on an annual basis. It is my belief that the taxpayers do not want television at this high price.

The test period has also shown us that television encourages additional speeches and that more of these speeches are intended primarily for "home consumption." One has only to look at the dramatic increase in the number of special order speeches to know that that is the case.

In its study of the impact of television on Senate floor proceedings, the Congressional Research Service determined that since television the number of special order speeches increased by nearly 250 percent over prior years. Over 250 percent.

There are those, Mr. President, who would argue that the impact of this increase in special orders has been mitigated by the fact that the time allotted for each special order speech has been reduced from 15 minutes to 5 minutes. This may do something to address the scheduling problems that would otherwise result if the Senate adhered to the old 15-minute rule. It does nothing, however, to address the concern that television will foster an increase in speeches which do little to further the business of the Senate.

Special order speeches are by definition those which fall outside the ordinary course of Senate business and debate. While special orders serve an important role in the Senate, they do not typically concentrate on an issue that is then being debated by the Senate. Rather, they enable Senators to address issues of personal interest, without limitation that might be the case on other pending Senate business. As such, they provide a perfect forum in which a Senator may speak solely for the purpose of appealing to the voters in his State on whatever issue he desires.

We have seen that television has resulted in this nearly 250-percent increase in the number of these special orders. The CRS study refrained from concluding that this quantum increase in the number of special order speeches was reflected in other areas of floor activity and debate. Nevertheless, it seems obvious to me that certain parallels can be drawn between the increase in the number of special orders and an increase in the number and length of speeches given in debate on pending matters.

Mr. President, it should be stated that this Senator is not objecting to lengthy debate as such. Thoughtful speeches which advance debate on the floor or which persuade one's fellow Senators of the merits of an issue should always be encouraged.

What causes this Senator concern is the likelihood that television will lead to an increase in the number of speeches whose primary purpose is to appeal to the voters back home or to ensure one's reelection. In my mind, the dramatic increase in the number of special order speeches during the test period shows the potential for this to occur in all areas of debate.

Herein is the cause for concern. My fundamental objection to television is rooted in my deep concern that television in the Senate will result in an increase in political expediency at the expense of statesmanship. The Nation will not be a better place for this, Mr. President.

As we are all aware, the Senate was intended to serve a unique role. Unlike the House, whose Members are called upon to face the voters every 2 years, Senators serve 6-year terms. The drafters of the Constitution created this distinction with a specific purpose in mind. That purpose was to insure balance. Ideas which through popular appeal might gain acceptance in the House are always subject to scrutiny in the Senate, only one-third of whose Members are up for reelection at any time.

Because of this distinction, the Senate can more easily serve as a thoughtful citadel in which all ideas enter but, hopefully, only the good emerge. This is the role the Senate should play and it is this historical role which may well be compromised by television.

Mr. President, there are those who argue that televising the Senate opens our proceedings for the first time. This is not the case. For all practical purposes, Senate proceedings are open and have been open since early in our history.

The Senate gallery is open to the public. Reports from throughout the Nation monitor and cover everything that goes on in this Chamber. The question of television is not an issue of access; it is simply an issue as to the form that access takes.

In this Senator's opinion, by allowing access in the form of television we will be jeopardizing the unique role of the Senate and the national interest. Senators will find it increasingly difficult to avoid the understandable temptation to use regularly televised floor proceedings to appeal to the public, to campaign for reelection or to campaign for higher office. All of this will be at the expense of the American taxpayer.

The primary purpose of Senate floor debate is to insure that a pending measure is properly considered. It provides Senators with the opportunity to attempt to persuade one's fellow Members about the wisdom of a particular point of view, to influence the course of legislation. Yet, it is precisely this quality of debate, which should be the hallmark of the Senate, which will be placed at serious risk if television is permanently authorized.

In this Senator's opinion, the price we will pay for television in terms of loss to the Senate and to the Nation is simpy too high. For this reason, it is my intention to vote against continuing regular television coverage of Senate floor proceedings.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. FORD. Mr. President, I ask unanimous consent that—does the Senator want the floor? The quorum call is coming out on this side. I want to make it equal. But the Senator from Alaska can get the floor in his own right and it can be charged to his side.

Mr. STEVENS. Mr. President, I would like to yield myself some of our time on this resolution if that is agreeable. I believe it is.

Mr. President, as one who remembers the many days that our former leader, Howard Baker, stood before the Senate and asked for television in the Senate. I am pleased to see us coming to the final vote on the issue. I intend to support television coverage as I have since the very first time it was proposed.

I do so as a Senator who represents a State that is 4,500 miles away. Very few of my constituents ever get the opportunity to come to the Senate, sit in the gallery, and observe the Senate in session. I view Senate television coverage, as I said repeatedly here on the floor of the Senate several months ago, an extension of the gallery to those people throughout our country, if not the world, who are interested in what is going on in the Senate and desire to be informed on our deliberations.

For that reason, I think it is a very, very salutary step that we will take today. I believe we will take the step of making television in the Senate permanent.

Having said that, however, Mr. President, I also have been one who has raised questions about the conduct of television coverage. I have, as the President knows, suggested some changes in the rules that I think should be made. And I believe eventually they will be made to assure that coverage of the Senate is fair for all concerned.

I particularly applaud the action of the Rules Committee this past Friday when it, under its power to issue regulations concerning the Senate Chamber, decreed new restrictions on the use of physical evidence on the floor of the Senate. As I said to the Senate once before, I do not believe this Chamber is a place where show and tell ought to take place. We should not by virtue of having the television cameras here be induced into using procedures or devices that we would have considered to be contrary to the rules and traditions of the Senate prior to the advent of television.

I might add that many people forget that radio came on at the same as television and will be made permanent as far as the Senate is concerned under the resolution before us. I believe that permanent radio coverage is a great advantage to individuals throughout the United States who may be unable for one reason or another to view the proceedings on the floor on television. I am sure local radio stations will become adept at making available debates on the floor, for instance, that pertain to Alaska issues, and people at home will hear the statements of not only their own elected representatives here in the Senate, but also the words of representatives of other States on issues that vitally affect our future.

I am still disturbed about one thing that has not been adequately taken care of in my judgment. That is the question of communications with the expanded gallery. I have discussed this issue with the Parliamentarian. It is my judgment that the current rules prohibit a Senator from directing any particular comments to a member of the gallery who is physically present here and observing from the gallery. If I am correct in that, then I think a Senator ought to be similarly prohibited from directing comments to the television audience and attempting to use the television audience to sway the votes of the Members here on the floor.

Television coverage is a communication device. It is a device for providing information to people and letting them decide whether or not they want to use their right—as a matter of fact, their constitutionally guaranteed right—to contact a Member of the Congress, particularly the Senate, to express their point of view.

□ 1600

But to use this newly available medium for the purpose of advocating a course of action directly to the television audience would be just as contrary to our rules, Mr. President, as my urging individuals now in the Senate gallery to go out in the halls, catch the Members of the Senate, and somehow or other try to change their point of view on what is going on here on the floor would be.

Television coverage is intended to provide information to the American public so they can use that information under their constitutional guarantees. It is not right for us to use this medium to directly urge them to take action in my judgment, any more than it would be right for a Senator to do that with persons who are physically present in the gallery.

The Parliamentarian will have to contend with that issue when it is pre-

sented here on the floor of the Senate. I do believe it will be presented.

I am pleased, as I said, that the Rules Committee has taken action now to limit the use of physical evidence on the floor, and I hope that every Member of the Senate will understand that new regulation and abide by it.

Meanwhile, Mr. President, there is still another issue to be raised, and I think we should raise that issue in the course of debate here on the question of whether television coverage will become permanent. When I vote for this resolution, as I will, I will do so believing that there is a gap as far as communications are concerned, that is, the use of the floor for photographs. I believe the time will come when we will recognize that there is still a portion of the communication media that has been denied access to the floor. We will examine the question of how photographers, an essential part of the media of our country, will obtain access to the floor.

I am not going to raise that issue in connection with this resolution. I do not believe I could anyway under the fast track provisions that put the resolution before the Senate. I do not believe that it would be proper to raise this issue now. But I intend to do so in the future. I think some provision must be made for access to the Senate Chamber for some type of photography for bona fide news purposes. I will be addressing that subject in the future months, Mr. President, but for now I am pleased to be one who will vote for the resolution before the Senate.

Mr. President, let me address one further question before I yield the floor.

That question relates to a resolution which is not before us now. I believe it is Senate Resolution 447. It came out of the Rules Committee and deals with the subject of the use of tapes. It is not before the Senate in connection with this vote but it will be called up, I understand, after this vote. I intend to oppose that resolution. I want to tell the Members of the Senate why.

Mr. President, I voted against that resolution when it came out of the Rules Committee because I believe it perpetuates an unfair dual standard as far as the use of videotapes is concerned and attempts to impose restrictions on the use of videotapes that are unenforceable.

This resolution, which would prohibit political and commercial use of tape duplications of television and radio coverage, would perpetuate a bad decision. I must say that I was part of the ad hoc committee that sent that decision here to the floor in the first place, but now I do not think we thought it through. That is the restriction on the use of the videotapes for any purpose outside the Senate. I do not believe there should be any restriction on any tape duplications. I think the Senate and all people who view the Senate should live under the first amendment. Anyone who has access to a videotape of a public debate ought to be able to use it for whatever purpose they wish.

After thinking about it long and hard, I think we were wrong to attempt to restrict the use of those videotapes.

The original report that we sent out with our original rule said that anybody who wanted to use a videotape or copy a videotape should sign a certificate that the person would not use the videotape in violation of the rule.

Well, that was fine for the people who went to the office and said, "Please sell me a copy of a videotape." But millions of people have videotape machines, and I think every Member of the Senate has one. I am sure anyone smart enough to think about running for the Senate has one.

There can be no restriction put on those tapes that will be effective except for tapes that are used by current Members of the Senate.

Senate Resolution 447 would prohibit political use of videotapes.

I think there is also an implied restriction in the resolution on the use of those tapes for what I would call semipolitical purposes. A video consultant who makes up a tape of presentations here on the floor and uses it to demonstrate to candidates how not to use television would, in my judgment, be in violation not only of the original Senate Resolution 28 but also of Senate Resolution 447. I do not believe that the original bad decision in Senate Resolution 28 should be perpetuated in any way. I do not believe the Senate should adopt Senate Resolution 447 which has been reported out of the Rules Committee.

As I said, it is not a subject for debate now, but I mention it because some people apparently have misunderstood what I said in the Rules Committee over the past couple of weeks. I said that I was going to oppose Senate Resolution 447. They assumed that I was going to oppose television in the Senate, although anyone who has been around here for the last 10 years would have a hard time understanding why I suddenly decided to become an opponent of the television in the Senate after I supported the position of the former majority leader for so many years as assistant majority leader. I worked very hard to try to get television coverage established before Senator Baker retired. I think it is a great tribute to his foresight that television coverage finally came to fruition here in the Senate.

The question of what can a person do with tape duplications is a question that must be addressed by the Senate, and I hope that Members of the Senate will think twice about putting into effect an extension or even a revision of the rule that was in effect during the test period. That rule, in my judgment, has not worked and cannot work fairly and should not be put into effect. We should not put any restrictions on the use of either the tapes from radio or from television as far as this Senate is concerned.

As I said, I want to tell the Senate as someone who has looked into it that I do not think such restrictions could be effective in the long run against anyone, even including a Member of the Senate. If one of our Members goes out and uses a clip from television in the Senate on videotape in his election campaign and is reelected I do not think we are going to stand around and chastise that person, nor do I think if someone challenges a current Member of the Senate using a videotape and finds that he or she is successful and reports here to the Senate that we are going to chastise that person either. It is an ineffective restriction. It will not be possible to fairly administer it. I intend to oppose it.

If my good friend from Kentucky wants to do so, I think we could put into effect a quorum call with the time to be charged equally, if that is his desire.

Mr. FORD. First, Mr. President, may I have a moment or two on my time?

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I sympathize totally with my distinguished friend from Alaska as it relates to trying to work out the use of how the use of taping of proceedings of the Senate should be handled. We are trying to plow new ground, if I can use a Kentucky term. We are somewhat different from the House in our debate procedures, in our rules, et cetera, such as we must speak from our desks. There are a lot of things that are different here in the Senate than in the House.

But it is my understanding that the language in the House legislation providing for TV in the House has been very effective. That means cooperation, cooperation from both sides, that we are very careful with the responsibility we have in representing our constituency and our responsibility to the ongoing demand for confidence in this Chamber.

□ 1610

I think we have to be very careful that a challenger in a political campaign, or an incumbent should be very careful, that we not use just the words from radio tape or the words and the imagery from TV, that they are not taken out of context. I think there are a lot of things that we have to do.

I also agree with my distinguished friend that not everything is thought through. Those things come by experience. We find that something we are doing is utterly wrong so we have the opportunity, as Members of the Senate, to make those changes.

My friend served on what we refer to here as an ad hoc committee viewing TV in the Senate during the in-house use of TV before it went public. I served on a small ad hoc committee from our side of the aisle. We tried our best to help the situation as it relates to our ability to use television, if I could use that term, so we can extend the Senate Chamber beyond the galleries of the Senate.

I think as we move into the direction of additional time on television, we shall find some things we have done that we want to correct and things that we have failed to do. We want to correct that also. There will be rules changes we will want to visit as they relate to television in the Senate.

The point I want to make, Mr. President, is not until we have some experience with TV in the Senate, will we be able to make a final judgment. We cannot think of everything that might happen. We cannot find the crystal ball that will give us all this information. We are human. TV in the Senate is not perfect because we are not perfect, but we can make the effort to improve it as we go along.

I am very pleased that the distinguished Senator from Alaska is going to vote in favor of the resolution for the continuation of TV in the Senate. The resolution of the Rules Committee, on which he serves as a very strong member, Senate Resolution 447, will be available for amendments, where Senate Reolution 28 is only for debate and a vote to continue TV in the Senate or to halt its use. I know the Senator from Alaska will have adequate opportunity and there will be others who will have an opportunity to offer amendments to the proceedings of the Senate related to television.

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

Mr. FORD. I shall be delighted to yield to my friend.

Mr. STEVENS. Mr. President, I have listened to my good friend from Kentucky. He is my good friend, and we have worked on this issue a great deal off the floor. I do not think there is anyone who deserves more credit than the Senator from Kentucky for our finally reaching the day when we will vote on approving permanent coverage of the Senate by television and radio. So I want the Senator to realize that I make my statement on the basis of that good friendship.

I do believe that it is time that we consider where we are going in the future as far as the use of this coverage and that we opt now, rather than restrict the use of this coverage, to open it up to all under the full concept of the first amendment. I believe when the Senator really has reviewed the period that we have been through and the indecision and confusion that the temporary rules in effect during the trial period has produced, he will see the factors that are motivating this Senator to say that we should not have any restrictions on the use of this coverage.

I also hope, just in closing, once again, that perhaps I shall enlist my good friend from Kentucky in the whole subject of when and how photographers may have access to our floor. I would like to suggest that if we ever do that one of the most distinguished photographers I know is our former majority leader. Perhaps, we could invite him back for the privilege of taking the first commercial photograph on the floor of the Senate at some time when we are both here. I am not suggesting that it is going to happen overnight, however, Mr. President.

Mr. FORD. Mr. President, I thank my distinguished friend. I was privileged to yield the floor to him.

We have eloquent debate in this Chamber and that debate sways individuals from time to time. I am sure that the distinguished Senator from Alaska will be eloquent in his debate and I am sure that he would like to sway many Members. That is the name of the game. I would be one of the first to join him in asking the former majority leader to come and take a photograph of the Senate Chamber. As the distinguished Senator from Alaska said, it will not be in the next day or two and I hope both of us will be here to observe the former majority leader taking the first photograph in the U.S. Senate.

Mr. STEVENS. I thank the Senator very much.

Mr. FORD. Mr. President, I see no other Senator at the moment. It is my information that all Senators who have been mentioned, with one exception, have spoken. It appears that we are moving along. I do urge my colleagues, if there are others who are within the sound of my voice who would like to make a statement that relates to television in the Senate, that they move quickly to the Senate floor because this Senator, as I believe other Senators are, is anxious that we proceed with the vote and move on to the other items that will take the rest of the afternoon and some have said into the evening. So the sooner we can vote on this question, the sooner we shall be able to debate and vote on those other items.

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

I ask unanimous consent that the time be equally divided between both sides on the quorum call.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1630

Mr. HATFIELD. 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. HATFIELD. Mr. President, I ask unanimous consent that I be permitted to speak for 10 minutes.

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

Mr. HATFIELD. Mr. President, I find myself once again casting a vote of dissent in the Senate, this time on the issue of televising the proceedings of this Chamber. At this moment, we are being asked to rush this resolution through because who in their right mind could possibly be opposed to "Government in the sunshine," to "Government out in the open"?

Mr. President, let me make this point very clear. There is a big difference between Government in the sunshine and Government in the bright lights of television. The former seeks the truth; the latter panders to political posturing, to electioneering, and to the predictable inclinations which attend any forum that involves TV cameras. Television in the Senate will not bring Government out into the open. What television brought to deliberation to the Senate is more form and less substance, less actual debate and, of course, more press consciousness, which already threatens to paralyze the Senate.

We can look back to the crime package that came up during the early days of Senate TV. Where was Government in the sunshine when the provisions of this mystery bill were being formulated? The TV lights were not shining when the details of the bill were being cranked out off the Senate floor. No, the TV lights were shining when everyone met on the floor, to give a Madison Avenue glitz to the bill, for the consumption of the public, with congratulations enough for everyone.

Those who doubt the impact of TV on the quality of debate in the Senate need only look to the recent tax bill proceedings. What a coincidence that we had a record number of requests for special orders the first day! The special orders alone would have carried us into the night if we had not shortened the durations given to those press statements known as special orders. Or take the recent supplemental appropriations bill. Look how long this relatively noncontroversial bill sat on the floor. In the case of neither the tax bill nor the supplemental bill could any objective observer fairly de-

scribe the debate as spirited or enlightening. Debate in the Senate now is but a chain of monologs. While I have been discouraged at the decreasing quality of debate this institution has seen for quite some time, TV has pushed us from bad to worse.

This brings to mind a very obvious permanent change which television in the Senate will bring: Prime time proceedings. It was our experience that both the tax bill and the supplemental could not move until the Sun was about to set each day. It only makes sense: If you are going to go to the floor, do not compete with the soap operas. Get your shot at prime time publicity when the voters are home and primed for live drama. That thinking makes good press sense, but it makes bad legislation.

So, Mr. President, the trial period of television in the Senate did not move me in any direction other than further away from the proposition.

I believe the Senate is adopting this change with great haste because of the immediate benefits which accrue to all incumbents and others with political ambition. There is nothing wrong with that so far as personal politics are concerned, but does it enhance the proceedings of the Senate?

There is a Chinese proverb which reads: "Fishes see the worm, not the hook." Mr. President, the hidden hook here is further deterioration in an institution which is quickly losing its claim to being the greatest deliberative body on the Earth. The hook is a hoax on the American public that television will pull the "deal cutting" out of the back rooms of the Capitol and bring Government out into the sunshine.

Mr. President, I share the frustration that the majority leader has felt, that Senator PRYOR, Senator DANFORTH, and others who are reformists have felt, about the dysfunctioning of the Senate. But instead of being a cure, instead of being tough medicine, television in the Senate has further eroded the deliberative process by making press considerations the overriding concern of an institution which is already press conscious to a fault. I dissent from this resolution and must oppose it.

Thus ends my monolog in prime time TV.

Mr. GORE. Mr. President, I ask unanimous consent that I be allowed to proceed for 10 minutes and that it be charged against the time allocated to this side of the aisle.

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

Mr. GORE. Mr. President, I did not want the Senator from Oregon, my friend, to leave, feeling that he had engaged merely in a monolog, because his words are always listened to very carefully. Although I am going to proceed to disagree with the conclusions he reached, I did not want him to feel that it was a monolog.

I think the experiment we have just completed has been a spectacular success. In just 3 months on the air, the overwhelming opinion among our colleagues is that this experiment has succeeded, and succeeded magnificently. Televising the Senate was an experiment in democracy—one of many since our forefathers took a chance on open government. Through the years, our political systems has thrived on its ability to adapt and grow.

Over the last decade, the chief obstacle to televising Senate proceedings was the fear that television would change the nature of the institution, that Senators would make long-winded speeches and that significant rules changes would be needed for the Senate to make the adjustment to television.

I think the test period has shown us all that television poses no such threat to the Senate's cherished traditions and time-tested procedures. In an effort to allay these potential concerns, I asked the Library of Congress to do a comprehensive study of Senate proceedings during the test period and to compare it to similar periods in previous Congresses.

□ 1640

The Congressional Research Service report, which was released last week, confirmed what most of us have felt all along and I quote from a conclusion of that report: "Television coverage has changed the patterns of Senate floor activity very little."

CRS examined 20 categories of floor activities and found one one—special orders—that had changed as a result of television. Special orders increased by 250 percent from 1984 to 1986. However, because of a rules change suggested by the minority leader limiting the length of each special order, the overall time spent on special orders during the test period increased by an average of only 17 minutes per day, just a little over a quarter of an hour each day in additional time spent on special orders.

In fact, special orders have given Senators a chance to make short topical speeches in areas of special concern. Many have felt this is a beneficial change. In fact, it is precisley what happened with 1-minute speeches when cameras were introduced in the House of Representatives.

The report determined that the Senate is "spending a higher proportion of its session time on legislative business," after the introduction of television. During the test period the Senate spent 61 percent of its time actually debating pending measures, that is, a third more than it spent on legislative matters during the comparable period in 1982. Television has forced us to focus more intently on the job we're here to do.

CRS also found that:

First, while session time increased over the periods studied, this trend had started in 1984 and is largely due to the extensive debate on the tax bill;

Second, the time spent on quorum calls declined sharply; and

Third, the number of unanimous-consent requests declined significantly, although CRS does not attribute that change solely to television.

When I first offered a compromise proposal in the Rules Committee to televise Senate proceedings, I urged the Senate to proceed in measured steps so that Senators could decide for themselves how little or how much effect the cameras would have.

The CRS report provides the analytical proof that most Senators have felt intuitively during the test period that television has not disrupted this institution. If anything, television has helped keep this institution on its toes.

On March 19, 1979, when the other body opened up its proceedings to television coverage, I predicted that television had the potential to transform the democratic process in our legislative branch of government.

Now, throughout Congress, it is in the process of doing just that. Americans today know more than ever before about their country, their Government, and themselves. Here in the Senate we have given the people a chance to see and hear for themselves exactly what their elected Senate is doing. We recognized that the democratic process of participation in self-government should not come to an end on election day; it should begin there—for the challenges we now confront are far too great to give the American people a voice only once every 2 years.

The miracle has just begun. We have unleased a revolution in democratic participation. And best of all, it will only enhance the accomplishments and prestige of this remarkable institution. In time, we may find that we need to make a few changes. But our political system will always be better off for what we have done. The Senate is nearly 200 years old, and yet it is even now being revitalized by this new era in representative democracy. It remains as fresh and vital as our founders imagined and more responsive than they could ever dream.

So, Mr. President, I hope that my collegues will look carefully at the CRS analysis of what our experience has been during the test period, but, of course, no analysis is as important as the intuitive feel that a majority of the Members of this institution have about the effect television is having and will continue to have on this institution. I am comforted that in conver-

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sations with my colleagues on both sides of the aisle I have found an overwhelming support for the continuation of open television and radio coverage of the Senate. I certainly urge my colleagues to vote "aye" on the resolution when the final vote comes.

Mr. President, later on we will be considering some questions related to Senate Resolution 447 which will address some suggested changes in the rules governing the use of tapes and the manner in which the television proceedings are carried out, and I will have other thoughts to express on this occasion.

But at this time I commend all of those who have had a part in making this experiment possible and urge my colleagues in the strongest possible terms to vote in favor of making television and radio coverage of the Senate permanent.

I yield back the remainder of my time.

Mr. President, I ask unanimous consent that the quorum call that I am about to suggest be divided equally between the time allocated to the majority and minority leaders.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1720

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

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

Mr. DOLE. Mr. President, I hope we can vote on this resolution quickly. I know some Senators are involved in the Rehnquist hearing. I just left there myself and I know there are some Senators involved there, making statements. It is hoped the witness will be able to make a statement sometime later this evening.

TV IN THE SENATE—MAKE IT PERMANENT, WITH CHANGES

Mr. President, later today, the Senate reaches an historic crossroads: Will the television cameras and microphones that have been allowed to enter this Chamber after so many years be permitted to stay, or will they be switched off, perhaps forever?

That is exactly the question we face as our grand experiment with the electronic media comes to its conclusion today. However, I believe we can tell the Senate technicians they will not have to roll up all that cable, or that the local TV guides will have to scratch out next week's listings. In my view, television and radio are here to stay.

Mr. President, we are about to vote on whether or not we are going to continue television. As I have said, I do not think there is any dispute about it. As far as this Senator knows, the vote will be overwhelming. But we do face the question whether we are going to make this experiment permanent or more or less permanent. We can always change it. It seems to me that we have had fairly good success.

MEETING THE GOALS

We have had a 5-month-long experiment. For the most part, it has been a good one. We set out, first with radio, then with television, to build an "electronic bridge" to the American people, to open this Chamber to the electorate, and to make certain that the debates that help shape this Nation are only a dial away. Thanks to the efforts of many of my colleagues, and scores of people behind the scenes, we are meeting those lofty goals, slowly but surely.

I know some Members have a different view of that. I heard the statement of the distinguished Senator from Louisiana [Mr. LONG]. There is no one in this body I respect more than the distinguished Senator from Louisiana. But I know that if we discipline ourselves and work together, we can continue to provide information to the American people. I think we can help shape the debate. I think the American people will also be helpful and be a discipline. So I hope the resolution is approved with an overwhelming vote.

In my view, the sooner we vote to make the cameras and the microphones permanent, the sooner we ensure that the "eyes and ears of the people" will have a permanent place in the halls of their democracy.

SOME GLITCHES

That is not to say we have not had some glitches along the way; we have, and they will need fixing. The distinguished members of the "ad hoc" study committees, on both sides of the aisle, have done a splendid job bringing some of these problems to our attention.

First, there are some technical questions: We know that the sound system in the Chamber should be a lot better. We know that there have been complaints about the color of the walls, and how it makes some Members look like they are standing in "split-pea soup"; and that the camera angles for many Members—particularly the leadership down in front—are not exactly flattering. But these are mainly cosmetic concerns.

We also have real legal and political issues to address.

I thank the distinguished Senator from Alaska [Mr. STEVENS] for focusing on this, as well as the Senator from Kentucky [Mr. FORD] and others. I am not sure what the resolution will be. The questions are: Who can use these videotapes? Can they be used by political opponents, news organizations? Who can use the tapes? Nobody? Anybody? We need answers to these questions as quickly as we can obtain the answers.

There are also questions about what kinds of visual aids should be permitted on the Senate floor. Because of television, we have seen a proliferation of graphs and charts, almost to the point that we may soon consider selling advertising space on the back walls. That question will be addressed by the Rules Committee.

In any event, these questions will be addressed on a continuing basis by the leadership, the Rules Committee and other concerned colleagues. I know that the distinguished minority leader, and the chairman and ranking minority member of the Rules Committee, have been real leaders on the TV issue, and I shall continue to work with them to turn our experiment into a "day-to-day fixture" on Capitol Hill.

TV AND RADIO FOR THE PEOPLE

Above all, let us keep in mind our bottom line: We are here to serve the people, and in my mind, making television and radio permanent is the way to go.

Mr. President, let me read just a brief excerpt from one of the many letters I have received on our experiment. It comes from a gentleman in New York who writes: "We Americans have the right to see and hear our people in Washington * * *."

That's what it's all about. So I suggest we not pull the plug.

I also suggest that, if at all possible, we have a vote on this matter in the next few moments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

W. AVERELL HARRIMAN

Mr. PELL. Mr. President, I deeply grieve at the news of the death of Averell Harriman. From our Nation's viewpoint, I grieve that a man who has given so much prescience and leadership is no longer with us to be honored. And, from a personal viewpoint, I grieve that a friend, who has played a very real role in my own life, is no longer with us.

The thread of Averell Harriman's work and wisdom is woven into much of our Nation's fabric. Since World War I, he has been part of its warp and woof. From childhood he was educated and expected to be a leader, and

as a young man at college or in business or later, in Government, he always was. No matter whether he was engaged in athletics, business or Government, he exhibited the same winning qualities of persistence and patience, a thorough and detailed knowledge of the subject at hand, and a steadfastness and singleness of purpose. He believed, as do I, that financial freedom and the possession of money should not be just enjoyed or used to make more money, but rather, for the governance and benefit of one's community and country.

Speaking in a personal vein, I know that I have long considered him as something of a role model from the day in 1952 when I resigned from the American Foreign Service to be deputy director of his campaign for the Presidency in Washington. I found myself sympathizing with him as he sought public approval of his quest for the Presidency, whether here, in the District of Columbia, or at the Chicago Democratic National Convention. While we won the District campaign by a very substantial margin, good fortune did not smile on our Chicago efforts.

I truly mourn his death and his departure from our national stage and extend my wife's and my deepest condolences to his wife, Pamela, and his daughters, Kathleen and Shirley. And I add that I thought his funeral at St. Thomas' Church in New York was a marvelous sendoff for a great gentleman.

□ 1730

RADIO AND TELEVISION COVERAGE OF SENATE PROCEEDINGS

Mr. FORD. Mr. President, apparently we have just one more Senator who wishes to speak on TV in the Senate, and I think there could be an agreement made that whatever time remains will be yielded back and we then go to a vote, I would hope probably half an hour earlier. But I know of no other Members who wish to speak other than the Democratic leader, and he would be the last speaker on this side. I have not had any indications from the other side. So, Mr. President, I ask unanimous consent that the time be charged equally and suggest the absence of a quroum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

□ 1740

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. BYRD. Mr. President, I yield myself such time as I may require.

I make a parliamentary inquiry: What is the question that will be before the Senate at the close of the 12 hours or the yielding back of time?

The PRESIDING OFFICER. The question before the Senate is, "Shall radio and television coverage continue after this date, and shall the rules changes contained in Senate Resolution 28 continue?"

Mr. BYRD. I thank the Chair.

I ask for the yeas and nays on the question.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I will not speak long. I have just gotten back to the Senate a little while ago, after attending the funeral services in New York for the late Averell Harriman, and I understand that, in all likelihood, I am the final speaker on this matter today. I should alert Senators that I will not be long and that, in the event there is no other speaker on this matter, the final vote will probably occur within a half hour.

Mr. President, since the opening day of this Congress, when I introduced legislation to broadcast Senate proceedings, I have spoken many times on why I believe TV and radio in the Senate have been long overdue. I will not go over those reasons at length again today.

There are some questions that have arisen with regard to the test period. The test period for television coverage, as shown publicly, began on June 2 and closed as of July 15, for 3 days of Senate session, and, then subsequent thereto, has continued.

One question is, "Was the test period that began on June 2 a success?"

Another question: "Were the fears of opponents borne out?"

Another question might be: "Were the hopes of proponents fulfilled?"

To answer these questions, we have a large number of sources on which to draw. The Congressional Research Service, at the request of Senator ALBERT GORE of Tennessee, has produced a study of the effect of television on Senate proceedings during a test period. C-SPAN again polled Senators to guage support.

We have heard from some of the 8 million homes now getting C-SPAN II. We have heard from news directors of some local stations around the country. We have read the editorial pages of newspapers from around the country.

First, the statistics—the Congressional Research Service study and the C-SPAN poll:

The Congressional Research Service found that the only significant change in our proceedings attributed directly to live television coverage was the 250-percent increase in the number of special order speeches over the same period in 1984 and 1982. While the authors of the report will not link two other changes directly to televising of Senate proceedings, they are worth noting.

Given those last two points, I am sure that we will be able to cite television in the Senate as one of the reasons why 1986 proves to be a year in which the Senate began to streamline its proceedings and began to clean up its act. It has made some progress. There is still some way to go.

As to the increase in special orders, we need to remember that the time for special orders was reduced from 15 to 5 minutes.

In the face of the old "grandstanding charge," I will say what I have said before: The people who watch television know posturing when they see it, and take that into account in judging the speaker. New York Times columnist James Reston echoed just that sentiment when he wrote:

> Television, with its daily pictures of what happens in the House and Senate, can identify better than print journalism the political frauds, merely by putting them on the screen and letting them talk.

The C-SPAN poll shows that the number of Senators favoring televised proceedings has increased by 10—from 67 to 77—since the test period began. We will soon have a rollcall vote and will know what the final returns are. So I would say that some of our colleagues must be reading some of the same kind of mail I have been reading from my constituents and have been hearing some of the same comments that I have been hearing. The judgments on us were tough but not harsh, and they showed that people were watching and reacting.

What did they tell us?

First, a strengthened Senate voice is now heard in the national debate. Individual citizens, like a viewer in Colorado Springs, CO, wrote C-SPAN:

> I can't describe the sense of pride I felt in an institution that I'd given up on—let me correct that—two institutions I'd given up on! Television and the U.S. Senate.

A news director from Tallahassee, FL, told the National Association of Broadcasters that TV in the Senate "will be positive in the long run * * * most useful to us for daily news coverage on monitoring critical issues."

The Utica Daily Press (N.Y.) editorialized: "For those who may be interested in what happens to their country and themselves, however, the 'U.S. Senate Show' may prove to be one of the most important shows on TV."

Second, our constituents wonder what took us so long. They see this as their due. Or, as a recent retiree from Dayton, OH, wrote C-SPAN: "I hope the Senate * * * (keeps) the TV coverage, because I'm sure there are a lot of people who think the way I do—they'd like to be able to see and judge for

themselves." That view is echoed by a free-lance interior designer in Clarkston, MI: "I'm totally fascinated. I can't believe there's a discussion about taking them (the Senate) off the air. I think, as a public citizen, we have a right to see our politicians in action."

□ 1750

We have finally caught up with the technology that has allowed the American people for 30 years to share their successes and their failures, their hopes and their griefs. Our action comes just in time, and not just for the immediate debates on South Africa, Contra aid, defense spending priorities, and SALT II. Surely, those are issues our constituents deserve to see debated.

But the Senate action today also will allow us to honor the 200th anniversary of the U.S. Senate in a way appropriate to the democracy it serves.

I met last Friday with Senators DOLE, THURMOND, STENNIS, SIMON, and HATFIELD to discuss plans for the celebration of the 200th anniversary of the U.S. Senate and the U.S. House of Representatives. The conversation turned not to the immediate debates before us, but to the uniqueness of the institution of the Senate, and the importance of conveying that uniqueness to the people. The public will help us celebrate the Senate's 200th year.

I believed from the beginning of the TV debate that the Senate's unique role in our Government, and as compared to other legislative bodies in the world, could be preserved * * * even with the cameras on. The test period has proved that that is the case. Now the cameras and microphones can help us convey that uniqueness and our pride in it to the world.

Mr. Presidents, William Gladstone, who was Chancellor of the Exchequer three times and Prime Minister of Great Britain four times, referred to the U.S. Senate as "that remarkable body, the most remarkable of all the inventions of modern politics." It is a remarkable body because it is a unique body.

I have been confident and I am still confident that even with televised coverage of Senate debates and deliberations, the Senate will not give up its uniqueness.

In addition thereto, Mr. President, the people of this country are entitled to see their elected representatives in the U.S. Senate in action, are entitled to hear the debates, are entitled to see and watch their Senators as they speak on subjects of importance and as their Senators offer amendments and cast votes. The people are entitled to know, and that is the essence of our representative democracy. Televising the Senate debates and deliberations strengthens that representative form of democracy. Talleyrand was the most influential figure in Europe for almost 40 years, second in his time, only to Napoleon I. Talleyrand said, there is more wisdom in public opinion than in Napoleon, Voltaire, or all the ministers of state, present and to come. Talleyrand might very well have been speaking for all time, and he was right.

There is wisdom in public opinion, but it must be an informed opinion. That is the essence of what we are voting on here. What we are about to vote on accommodates an informed public opinion.

Woodrow Wilson said that the informing function of the Congress was more to be desired than the legislative function. That is what we are talking about, the informing function of this body.

Television, that new medium that has not been around very long, is the medium by which the American body politic can be best informed.

I am confident that the Senate will vote overwhelmingly to permanently provide for television and radio coverage of Senate debates. With that permanent coverage, the permanent changes in the rules which have been embodied in Senate Resolution 28 will stand.

Mr. President, I yield the floor.

TIME LIMIT ON EXTENSION FOR SUBMISSION OF RECOMMENDATIONS TO BUDGET COMMITTEE

Mr. WEICKER. Mr. President, I ask unanimous consent that Senate committees have until 12 noon Wednesday, July 30, 1986, to submit recommendations to the Senate Budget Committee pursuant to section 2 of Senate Congressional Resolution 120.

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

□ 1800

RADIO AND TELEVISION COVERAGE OF SENATE PROCEEDINGS

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Mr. President, I yield 2 minutes to the Senator from New Hampshire.

Mr. RUDMAN. Mr. President, could I possibly have 4 minutes?

Mr. MATHIAS. I yield 4 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 4 minutes.

Mr. RUDMAN. I thank the distinguished chairman of the Rules Committee.

Mr. President, I sat here and listened to the remarks of the distinguished Democratic leader and there is very little that he said that I could find disagreement with, which is why I come to the floor at this moment to indicate why I will vote against the resolution. Because is would seem that all that the Democratic leader has said is correct and much has been said in a similar vein by many of our colleagues.

I believe that the public ought to know what goes on here. They ought to know it in finite detail. But I also believe that the principal role of the U.S. Senate is to do the people's business, to do it promptly, to do it efficiently, and to do it with as little distraction as possible.

I had said originally that there were two rules changes which I believe were absolutely vital if television in the Senate were not to turn this institution into something that it has never been in its history, and that it is not to be, but I have a feeling that it will be.

Those two rules changes were to eliminate the double filibuster, which we now have here, which allows Members to come to the Senate floor and to thwart the majority leader from bringing legislation to the floor, filibuster that, have that overcome, and then filibuster the bill which, for all intents and purposes, leads to much mischief being done in this Chamber.

But by far the most important matter that I thought should be addressed, which the Rules Committee certainly considered but obviously could not get the two-thirds vote to make the changes and thus come with this as a clean resolution without major rules changes, is this one: Many of us in this body feel that there ought to be a motion to restrict any amendment which is not relevant or germane unless there is a supermajority in this body which says that that amendment ought to be heard. We do not have that rule.

I am going to make a prediction. You see, the technology that people talk about here today is not the technology that has simply been discussed, the technology that allows gavel-to-gavel broadcast of these proceedings. At any one time, several hundred thousand or several million Americans might be watching depending on what the business is.

But, unfortunately, or fortunately, with satellite technology, any Senator can come to this floor and make a statement or a speech on any matter with our rules and that will be immediately broadcast to the satellite into his home television or her home television station for use on the evening news, which is going to be the greatest use of television in the Senate, by a body that is obviously occupied by people who run for elective office. In my view, that is going to lead to a spawning of even more nongermane, irrelevant amendments which are going to occupy the time of the U.S. Senate and keep us from doing our business.

I will not cite them, because I do not wish to embarrass anyone, but there is

not a Member of this body that does not have an issue in his or her home State that the people back home would not just love to hear that Senator get up and talk about and see it on the evening news and think that he or she was really doing something to help that constituency when, as we all know, Mr. President, those kinds of amendments make great reading and great watching but, in most cases, get about as far as the clerk's rollcall desk and die, luckily, a natural death. But we are going to see that and we are going to see it this fall because this is an election year.

So I will simply wind up by saying this: I hope I am wrong. I hope that this body, which the Democratic leader spoke of with such knowledge of the history and such feeling, I hope that he is right, I hope that this makes this place better, not worse, in terms not of informing the American people, but in terms of doing the people's business, which is why we are here.

If these two rules changes were adopted, I would vote for this resolution with great enthusiasm. I will vote against it, reluctantly, because I fear that, without these rules changes, this place will become something that none of us wish to be.

I think it is regrettable that people believe we will change the rules later. Let me remind all of my friends and colleagues, it takes two-thirds to change a rule here. And I find it very unlikely that these two rules, which have great appeal to some of our Members, will receive the requisite two-thirds vote. So I will vote against, with reluctance, this resolution and hope that I am wrong.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. RUDMAN. I thank the chairman for yielding me the time.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Mr. President, I know of no one on my side that has asked for time, and there is time remaining on both sides. I am prepared to yield back the time that has been assigned to me, provided it has been cleared on my side with the Democratic leader.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. FORD. Yes.

Mr. BYRD. Mr. President, if the distinguished Senator would allow us about 5 minutes, or a little more, to run the Cloakroom lines just to make sure that no other Senator wishes to speak on this subject, then I will be glad to convey to him what responses we have.

Mr. MATHIAS. Mr. President, I think both Cloakrooms should advise Members that we are in a position where we can vote and wish to vote promptly. I hope that we could do so.

Mr. FORD. Mr. President, would my distinguished friend say 10 minutes, and then we attempt to go to a vote, providing the two leaders have no objection?

Mr. MATHIAS. I would think 6:15 is a good target.

Mr. President, since we have 10 minutes——

The PRESIDING OFFICER. Does the Senator from Kentucky yield the floor?

Mr. FORD. Yes.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. RUDMAN. Will the Senator from Maryland yield for 30 seconds?

Mr. MATHIAS. I am happy to yield to the Senator.

Mr. RUDMAN. Mr. President, it was pointed out to me that possibly I might have said something which was not theoretically correct and I want to correct the record. It takes a simple majority to change the rules. We all understand that. We also understand that anyone who wishes not to change the rules merely filibusters that rule change, in which case it would take two-thirds of those voting. I want to make the record clear on that point. I am sure the Democratic leader was very kind in not rising to correct me, but I did recognize that was an erroneous statement.

Mr. BYRD. Mr. President, will the distinguished Senator yield? We do have a few minutes.

Mr. MATHIAS. I yield.

Mr. BYRD. Mr. President, I would be happy to support the distinguished Senator's proposal that there be a motion which, if supported by a supermajority, would provide against nongermane amendments. As a matter of fact, that was one of the rules changes that I included in my earlier package to the Rules Committee in connection with my proposal to televise the coverage of Senate debates, but the committee did not support that proposed rules change. I hope that, at some future time, we can make such a rules change.

I think that would go a long way toward relieving the Senate of having to vote so many times on the same nongermane subject in a given session. It would save the Senate's time, and repeated votes on the same nongermane matter throughout a session do not serve any purpose on behalf of the people, really, either.

I thank the Senator for his observation.

Mr. MATHIAS. Mr. President, did the Senator from Arkansas wish to speak?

Mr. PRYOR. Mr. President, I thank the distinguished Senator from Maryland. I was not prepared to speak, but did we decide to vote at 6:15?

Mr. MATHIAS. We expressed a hope that we could vote at 6:15.

Mr. PRYOR. I wonder if we might put that in some sort of decision form? Is it possible to run the hotlines by that period of time?

The Democratic leader says they are running the hotlines.

I was just going to make an observation. I did not want to prolong the debate and I am ready to vote, but if we have 2 or 3 minutes, I was going to make an observation. I certainly do not want to take the time from the distinguished chairman of the Rules Committee to do so.

Mr. MATHIAS. Well, if the Senator would like some time for his brief observation, I have a few observations of my own, but they can be deferred until the Senator expresses his.

□ 1810

Mr. PRYOR. I thank the Senator for allowing me to make the brief statement. Inasmuch as this afternoon we have heard several suggestions for possible rules changes, possible changes in the procedures by which this body conducts itself, I would like to respectfully draw the attention of my colleagues to a proposal that I am considering.

I will be honest with the distinguished chairman of the Rules Committee. I am not certain it would work in this body, but it might, and that is a similar proposal to the one the House of Representatives uses when amendments are in order to the bill at the desk or the legislation under consideration by the body.

For example, in the House of Representatives it is my understanding that the Clerk reads the bill by titles and, if, for example, the Senator from Kentucky had an amendment to title III, and the clerk had finished reading title III, the Senator from Kentucky was not here at that particular time, he would have basically forfeited his opportunity to amend that particular bill in that particular section.

We all know what happens to us on a major bill, like a defense authorization bill, for example. When we know there might be 40, 50, and even more amendments, all of us have a tendency to wait and not offer it the first day or maybe not offer it the second day. We will know about maybe the third day we might come to the Senate floor and offer the amendment to that particular piece of legislation.

For the life of me I do not understand, and I guess it is because of comity, maybe it is because of respect for our colleagues or whatever the case may be—I do not understand why there are not more occasions when whoever is handling the bill does not move to third reading and final passage because we have gotten very lax in the way we kind of come over at our leisure and decide to introduce an amendment.

I am just thinking about looking at the possibility of a similar provision to the House provision in the timeliness of amending legislation. This particular rules change I certainly have not served notice on. But I did want my colleagues to think about it, and hopefully to discuss it as we go forward.

Mr. MATHIAS. I assure the Senator from Arkansas that the Rules Committee would be happy to entertain any suggestion he may make on any subject, including the one that he has discussed.

I say to him, if the wisdom of experience is of any value, I have served on several committees in my time which consider changes to the rules, and that has been one that has been considered. It is remarkable. I am sure the minority can testify it is remarkable how much that particular suggestion can generate in the way of controversy and debate. But if the Senator from Arkansas wishes to raise it again, we are not afraid of controversy around here. We will take it on.

Mr. BYRD. Mr. President, I apologize for taking the floor again. But the Senate is awaiting the response to the telephone inquiries as to whether or not other Senators wish to speak, and as to whether Senators are prepared now to vote.

Mr. MATHIAS. The message has gone out that it is time to fish or cut bait.

Mr. BYRD. Yes; the message has gone out.

I want to compliment the Senator from Arkansas on his proposal. I would certainly want to study it. I think it is worthy of consideration. I want to compliment him also on the fact that he is interested in the rules, and he has had such an interest for a long time. I think that he, as a member of the ad hoc group which I appointed, along with Senator FORD and others, has been of great service to the Senate in making recommendations to the joint leadership, especially with regard to what changes in procedures and regulations ought to be had in connection with television coverage.

While we are waiting at the moment, and I can assure my colleagues that I am not keeping the Senate from voting because I happen to know that there is one Senator who needs another 5 minutes, I shall take this opportunity to make a suggestion that ought to be taken seriously; that is, Senators should know there is no motion in the Senate in practice or in the rules to move an amendment or to shut off debate. Moving the previous question is not recognized in this body.

So many times I hear Senators say, "Mr. President, I move the amendment"; "Mr. President, I move the adoption of the amendment"; "Mr. President, I move the adoption of the resolution."

Senators will note carefully the rules and the precedents. If a Senator wants a vote on his amendment, on a resolution, or a bill, he needs only to sit down. And if no other Senator seeks recognition, the Chair will immediately put the question for a vote.

Senators who wish to have an immediate vote on a matter may not get an immediate vote because another Senator may seek recognition. But it will not speed matters any to move the adoption of an amendment, because the Chair is still going to say "Is there further debate?" In so doing, the Chair is recognizing that there may be other Senators who would want to debate the matter before voting.

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

Mr. BYRD. Yes, I am happy to yield.

Mr. JOHNSTON. Occasionally the Chair has been known to be asleep. [Laughter.]

Mr. MATHIAS. That was pretelevision.

Mr. BYRD. I hope Senators will accept this observation in the spirit that I make it. Under the situation which now obtains in which there is television coverage, there are political science students, there are lawyers, there are judges, there are high school teachers, and there are college professors watching the Senator on television. I think they should see a Senate that operates in accordance with rules. There are quite a few members of legislatures around this country who know a good bit about parlimentary procedure. I hope that when they watch the Senate they do not get the feeling that the Senate is less circumspect about its rules and about the enforcement of its rules than are some of our State legislatures. I have served in both Houses of the West Virginia Legislature.

But I say this again just for the record, and hope that Senators will note it in the RECORD—they are under the Senate rules. Under Senate procedures and Senate practices the Chair will not recognize and put a motion to adopt an amendment, a motion to adopt a resolution, or a motion for passage of a bill.

It is not a motion that is recognized here. The sooner Senators understand that and stop using that motion, I am sure the RECORD will appear better and probably the Parlimentarian will feel more at ease.

Mr. President, I make a parlimentary inquiry. Is there a motion under the rules, under the procedures, or in the practices of the Senate to adopt a pending amendment, or to move the adoption of a resolution or to move passage of a bill?

The PRESIDING OFFICER (Mr. WEICKER). The Chair advises the distinguished Senator from West Virginia that there is no such rule.

Mr. BYRD. Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, may I ask the minority leader if he has any further requests for time or whether we are ready, as far as he knows, to vote?

Mr. BYRD. Mr. President, I have had no request for time from other Senators. I believe the two managers may, as far as I am concerned, yield back the remaining time.

Mr. MATHIAS. Mr. President, I have some final observations.

Mr. President, we all know the old saying, "Fish or cut bait." Well, the time has come for the U.S. Senate to do just that—fish or cut bait—on the question of whether to allow television coverage of its proceedings.

The Senate cannot be accused of skimming over this issue. Senators have studied this subject with extraordinary diligence; we have held exhaustive hearings, we have debated the pros and cons at great length—some would say interminably—we have examined the possible consequences on the institution of the Senate, on its Members, on the public in exquisite detail. We have even tested the impact of television in the Senate—first in-house, and now to the world at large.

Over the years many Senators have worried about the effects of television coverage on Senate proceedings. They were worried that television would change the quality of debate or the quantity of debate. Others worried that technology could not meet the Senate's demands, that the lights would have to be too bright, that the cameras would intrude on the business of the Senate, that the costs would be prohibitive.

But, Mr. President, these fears have been proven groundless. Senate procedure has remained intact, Senators continue to debate—sometimes eloquently, sometimes less so—in the Senate tradition. The lights have not blinded any Senators, and the costs have been contained.

The only change has been that the public is better informed, the public can now see what goes on in the Senate, the public can follow our activities and better understand how government works and how laws are made.

We felt a breath of fresh air when we brought television in the Senate. Let us keep the doors and windows open between the Senate and the American living room. It is seldom that an action can be taken that has no adverse impact, but televising the Senate proceedings is such an action.

Let it never be said that the Senate closed the door on the electronic age. Let us act now to keep that door open permanently. Let us vote favorably on

Senate Resolution 28 and move promptly to the consideration of Senate Resolution 447.

□ 1820

Mr. President, I am prepared to yield the time remaining on this side.

Mr. FORD. Mr. President, I am prepared to yield back the remainder of time on this side.

The PRESIDING OFFICER. All time having been yielded back, the question before the Senate is, Shall radio and television coverage continue after this date, and shall the rules changes contained in Senate Resolution 28 continue?

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent

I further announce that, if present and voting, the Senator from Arizona [Mr. GOLDWATER] would vote "nay."

The PRESIDING OFFICER (Mr. HECHT). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 78, nays 21, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—78

Abdnor	Eagleton	Melcher
Andrews	Evans	Metzenbaum
Armstrong	Exon	Mitchell
Baucus	Ford	Moynihan
Bentsen	Glenn	Murkowski
Biden	Gore	Nickles
Bingaman	Gorton	Packwood
Boren	Gramm	Pell
Boschwitz	Harkin	Pressler
Bradley	Hart	Pryor
Broyhill	Hatch	Riegle
Bumpers	Hawkins	Rockefeller
Byrd	Heflin	Roth
Chafee	Heinz	Sarbanes
Chiles	Humphrey	Sasser
Cochran	Kasten	Simon
Cohen	Kennedy	Specter
Cranston	Kerry	Stafford
D'Amato	Lautenberg	Stevens
DeConcini	Leahy	Symms
Denton	Levin	Thurmond
Dixon	Lugar	Trible
Dodd	Mathias	Warner
Dole	Matsunaga	Weicker
Domenici	McClure	Wilson
Durenberger	McConnell	Zorinsky

NAYS—21

Burdick	Hollings	Nunn
Danforth	Inouye	Proxmire
Garn	Johnston	Quayle
Grassley	Kassebaum	Rudman
Hatfield	Laxalt	Simpson
Hecht	Long	Stennis
Helms	Mattingly	Wallop

NOT VOTING—1

Goldwater

□ 1840

The PRESIDING OFFICER. The question is decided in the affirmative.

Mr. MATHIAS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, there will be no more votes this evening. I am advised by Senators GRAMM and RUDMAN, not by HOLLINGS, and Senator DOMENICI they will be prepared to vote tomorrow on their amendment which will probably mean we can start the ball rolling on the debt extension and dispose of that amendment and move on to other amendments tomorrow and late into the evening.

Mr. SARBANES. What time does the leader expect that the first vote will occur tomorrow?

Mr. DOLE. He would think it is going to be noon at least.

ANTI-APARTHEID AMENDMENT TO THE DEBT CEILING ACT

Mr. KENNEDY. Mr. President, for every day that goes by without the Senate enacting strong economic sanctions against the Government of South Africa, the moral standing of the United States diminishes—not only in all Africa but throughout the world. As the strongest Nation on Earth, as the most powerful democracy, as the leader of the Free World, the United States should be taking the lead in the struggle to end apartheid in South Africa.

The perception that the United States is the last best friend of apartheid was strengthened by President Reagan's speech last week. The best way for the United States to reclaim the high ground is for the Senate to act and to act now.

Today, Senators WEICKER, CRANSTON, and I are submitting the text of our proposed legislation on South Africa. We intend to offer this legislation—the Anti-Apartheid Act of 1986—as an amendment to the Debt Ceiling Act.

We support the strongest possible legislation imposing the strongest possible economic pressure against the Government of South Africa. For that reason, we urge the Senate to vote for the Dellums bill already passed by the House of Representatives and introduced by us as S. 2570. If that legislation becomes law, it will require all U.S. corporations to sever their ties with South Africa, and it will impose a total embargo on United States-South African trade.

But in the event this proposal fails to receive the support of a majority of Senators, we intend to press the Anti-Apartheid Act of 1986 as an alternative—in the form of this amendment to the Debt Ceiling Act.

This legislation is based on a package of sanctions that have been endorsed by the cochairmen of the Eminent Persons Group—General Obasanjo, the former Chief of State of Nigeria, and Malcolm Fraser, the former Prime Minister of Australia—and that were included in the Commonwealth Accord on South Africa issued by the 49 members of the Commonwealth of Nations last October.

The leaders of the Commonwealth are meeting in London at the beginning of next week—August 3-5—and Senate action in support of these sanctions will increase the likelihood of similar responses from the Commonwealth nations. This is precisely the type of joint action and concerted pressure that the architects of apartheid cannot ignore. And the U.S. Senate cannot ignore this chance to lead.

This is the second year that Congress has debated the issue of sanctions against South Africa. Three Senate committees have examined the issue in 1986. The Senate Foreign Relations Committee held its third day of hearings today. The issues are clear, and the time has come for the Senate to act.

Mr. President, I ask unanimous consent to have printed in the RECORD a brief summary of our amendment to the Debt Ceiling Act, a comparison with the sanctions proposed by Senator LUGAR, and the text of our amendment. I also ask unanimous consent that the amendment be printed for the benefit of the Senate.

(The text of the amendment is printed in today's RECORD under "Amendments submitted.")

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

SUMMARY OF KENNEDY-WEICKER-CRANSTON ANTI-APARTHEID AMENDMENT TO THE DEBT CEILING ACT

The sanctions contained in this amendment are based on measures recommended by the Eminent Persons Group during the recent visit of the Co-Chairmen to Washington, D.C. and by the Commonwealth of Nations as set forth in its Accord on South Africa issued October 20, 1985. This amendment would also codify the President's Executive Order of September 9, 1985. In addition, this legislation contains a program of increased assistance to South Africans disadvantaged by apartheid and to the Front Line States, as well as a ban on cooperation between U.S. and South African military and intelligence services.

ECONOMIC SUPPORT

$25 million for South Africans disadvantaged by apartheid, in the form of scholarships, assistance to trade unions and black businesses, alternative education and community development programs.

$30 million for the Beira Corridor Project to improve the transportation infrastructure of the Front Line States.

ECONOMIC SANCTIONS

Ban on new U.S. bank loans to South Africa.

Ban on new investment by U.S. companies doing business in South Africa, including the re-investment of profits.

Ban on South African banks doing business in the United States, and a freeze on South African deposits in U.S. banks.

Ban on U.S. government contracts with South African corporations inside or outside South Africa.

Ban on South African aircraft landing in the U.S. and U.S. aircraft landing in South Africa.

Ban on U.S. government assistance for trade, investment or tourism in South Africa.

Requirement that U.S. computer companies sever all ties with South Africa.

TRADE SANCTIONS

Ban on U.S. nuclear trade with South Africa.

Ban on the importation of South African gold coins, uranium, steel, coal, agricultural products, food and textiles.

Ban on the import or export of military equipment—arms, munitions, vehicles, paramilitary equipment, etc.

Ban on the export of U.S. oil and computers to South Africa.

DIPLOMATIC SANCTIONS

Permit visas only for travel by South Africans to the U.S. that will contribute to the ending of apartheid.

Direct the President to notify South Africa of U.S. intention to terminate tax agreements.

Ban cooperation between U.S. and South African military and intelligence services.

WAIVER

All sanctions will be lifted in the event the South African government releases Nelson Mandela and all other political prisoners, ends the ban on political organizations, and enters into negotiations with truly representative leaders of the black majority.

COMPARISON OF LUGAR AND KENNEDY-WEICKER-CRANSTON LEGISLATION

Provision	Lugar	Kennedy-Weicker-Cranston
Codification of executive order	Yes	Yes.
Ban new investment	Only for non-Sullivan signatories	Yes, including reinvestment of profits.
Ban imports from South Africa	Only for companies owned by South African Government.	Uranium, steel, coal, textiles, arms, agriculture products, food.
Visas	Denied to South African officials	Granted only when travel will contribute to end of apartheid.
Landing rights	South African aircraft prohibited from landing in United States.	All air links severed.
Banking	South African Government and companies owned by Government prohibited from using U.S. banks.	South African banks may not do business in United States; U.S. citizens may not use South African banks; South African deposits in U.S. banks frozen.
Waiver	If any 2 of following 4 conditions: release of Mandela, lifting of state of emergency, unbanning of political parties, repeal of Group Areas Act.	Following conditions must be met: release of Mandela and other political prisoners, unbanning of political organizations, negotiations with representatives of black majority.
Gold sales	President authorized to sell gold to lower price	No.
Ban bank loans to private sector	No	Yes.
Ban exports to South Africa	No	Oil, computers, arms.
Ban U.S. Government contracts with South Africa.	No	Yes.
Ban U.S. Government assistance for trade, investment of tourism in South Africa.	No	Yes.
Require U.S. computer companies to sever ties with South Africa.	No	Yes.
Terminate tax agreements	No	Yes.
Ban cooperation between United States and South African military and intelligence services.	No	Yes.

Mr. WEICKER. Mr. President, I wish to reiterate my comments of last week on the matter of South Africa, understanding that the time is short.

I see a great deal of jockeying and negotiating between individuals and philosophies, between political parties.

What is lost in all of this is that whatever is tailored should be tailored to the needs of the blacks of South Africa and to the plight that they find themselves in.

It is not to accommodate the philosophies or political parties in this country. That is not the purpose of sanctions.

The purpose of sanctions is to do away with the continued degradation and subhumanization of an entire people.

I would hope that both in committee and on this floor the U.S. Senate will send out a clear message as to whose side we are on, that we do not worry about our sensibilities, be they individual or be they partisan, that we understand unless the United States does stand up, the mayhem, the death, tragedy, and the tears that is South Africa today will not end. There is a price to be paid for our delay.

I would hope that the bill sponsored by Senators KENNEDY, CRANSTON, and myself would prevail.

I certainly also understand the business of compromise as between ourselves. If I feel that the Lugar bill is not tough enough, and it is not, at least as reported, then let us have a meeting of the minds, but whatever the product is, let us make it effective.

I yield the floor.

DEATH OF EDWARD A. GARMATZ

Mr. MATHIAS. Mr. President, it is my unhappy duty to advise the Senate of the death in Baltimore on July 22 of Edward A. Garmatz, of Maryland, who served 13 terms as a Representative in the Congress.

I feel his death as the personal loss of a friend I have known for a quarter of a century. When I came to the other body, he was already a senior Member and a power in the Democratic Party. He never allowed either his seniority or the width of the aisle to limit his willingness to help a younger colleague. He was always willing to offer a word of advice or the lessons he had learned from experience. In the hard life of politics such consideration is not soon forgotten.

The Maryland delegation has always acted with remarkable unity of purpose when any State issue was at stake. This was the case throughout Representative Garmatz' service, but unity had a special meaning when he led a fight to protect the Port of Baltimore.

Mrs. Mathias joins me in expressing our sympathy to Mrs. Garmatz, who married Representative Garmatz nearly 50 years ago and who was with him when he died.

I ask unanimous consent that several articles and an editorial entitled "Eddie Garmatz," published in the

Sun and the Evening Sun, be included in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Baltimore Evening Sun, July 23, 1986]

FORMER REPRESENTATIVE GARMATZ DIES AT 83

(By Carl Schoettler)

Edward A. Garmatz, an old-style crab feast-clubhouse-Christmas turkey-East Baltimore politician who served 13 terms as Democratic congressman from the 3rd District, died yesterday of cancer in the Mayfield home where he lived for more than 40 years. He was 83.

When Garmatz died about 8 p.m., his wife, Ruth, was at his side.

Garmatz voted straight Democratic, 100 per cent labor and about 110 per cent for U.S. shipping and maritime interests.

He rose through the old seniority system during his 25½ years in the House of Representatives to become chairman of the Merchant Marine and Fisheries Committee.

One chronicler observed that Garmatz stood for Maryland shipbuilding first, American shipbuilding second and foreign shipbuilding never.

He supported subsidies for American shipbuilding, laws encouraging use of American-flag ships, money for dredging Baltimore harbor and even research into the propagation of the blue crab. He was an early, and continuing, supporter of Adm. Hyman Rickover and atomic-powered submarines and ships.

He fought against the St. Lawrence Seaway, condemned a Defense Department purchase of British ships as "a harbinger of doom," chided President Dwight D. Eisenhower for taking the Queen Elizabeth to Europe instead of the S.S. United States and sought the elimination of sea nettles from Maryland waters.

But Garmatz's most remarkable fight came five years after he left office. He was indicted for taking bribes while in the House from shipping company executives.

To the embarrassment of federal prosecutors in Newark and Baltimore, attorneys Arnold Weiner and Albert Figinski, found one of the executives had faked diaries to incriminate Garmatz. The charge was dismissed by Judge Alexander Harvey 2nd—in the federal courthouse named for Garmatz only five years before.

Garmatz was the last of that formidable congressional trio that included his friends George Fallon and Samuel Friedel. They toted up about 70 years of service in the House and served on the most powerful congressional committees. Garmatz was the last to leave office.

Facing a battle with the young Paul Sarbanes, whose 4th Congressional District was merged with the 3rd after redistricting in 1972, Garmatz decided to quit. He said his health was bad.

"I feared no opponent," he said, in his retirement statement. "Nor do I fear any now. I have always been known to fight hard and clean campaigns down to their very end, and to stand up to any opponents. In this respect I have not changed."

Sarbanes today praised Garmatz for his service and loyalty to the state.

"I join with all Marylanders in honoring a distinguished public servant who gave a lifetime of faithful and dedicated service to his fellow citizens," Sarbanes said. "Congressman Edward Garmatz, in all of his public life, stayed close to those he represented and cared deeply for their concerns."

Garmatz served in Congress during the administrations of presidents Harry Truman, Eisenhower, John Kennedy, Richard Nixon and Lyndon Johnson. But he not only never lost touch with his East Baltimore roots he also remained a pretty good friend of amazing numbers of the people who voted for him.

"He was just a super guy," said Gene Raynor, who has observed Baltimore politicians for about 30 years from his posts on the elections board.

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He did. And D'Alesandro delivered Little Italy's 3rd precinct, 3rd Ward, the famous "Third of the Third," for Garmatz, 537 to 57 for his benigned opponents.

Baltimore politics were much simpler in those days. On the eve of his retirement, Garmatz told Larry Carson, an Evening Sun reporter:

"I used to put a quarter barrel of beer in the back of my car and drive around and find somebody having a birthday or something and we'd set it up and 15 to 25 people would come in.

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D'Alesandro needed help in those strange northern territories far from his Albemarle Street home.

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He rolled over such worthies as Harry Kemper, an East Baltimore grocer; Joseph Bertorelli, the late state senator; Robert J. Gerstung, now a District court judge running for a Circuit Court post; and James E. Chew, who rose up from Garmatz's Civic Democratic Club to try to smite the boss.

"Jim Chew is a nice Guy," Garmatz said mildly.

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And he was a gregarious man who loved it all. He'd drink Scotch and water, but never more than two with his buddies at the old political hangouts like the Mallard Bar in the Hotel Emerson, the Hunt Room of the Southern Hotel, the Sportsman at the Lord Baltimore and lately at the Waterfront Hotel in Fells Point.

Garmatz was born Feb. 7, 1903, the son of Herman Garmatz, a mattress maker, and his wife, Mary, who kept a grocery store. He went to Public School 94 and the old Polytechnic Institute, then spent four years learning to be an electrician.

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He worked in the maintenance department of the American Brewery until he got his first political job as a clerk with the Maryland Racing Commission. When a

police magistrate joined the armed forces in World War II, Garmatz asked for the job because the pay was better: $4,000 a year.

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"All you need is a little two-plus-two-equals-four common sense," he said to Carson.

"You don't have to be a Harvard graduate or a Rhodes scholar. The way they decide things today I wish electricians and plumbers were making [court decisions]."

Garmatz married Ruth Thelma Burchard on March 20, 1937, and she survives him. He is also survived by his sister, Elizabeth, of Washington, D.C., who was his administrative assistant in Washington for many years.

Garmatz attended St. Matthew Lutheran Church. Funeral arrangements were being made by the John C. Miller funeral establishment, 6415 Belair Road.

[From Baltimore Evening Sun, July 24, 1986]

EDDIE GARMATZ

Back in the 1960s three major committees of Congress were dominated by Baltimoreans. Samuel N. Friedel of the Seventh District chaired the Administration Committee, George H. Fallon of the Fourth ran Public Works and Edward A. Garmatz of the Third headed Merchant Marine and Fisheries. The triumvirate rolled up a total of 70 years of service on Capitol Hill. Garmatz, the last survivor, died Tuesday at 83.

These old timers achieved their power in a politically simpler era; not with college degrees and legal eminence, but from the training ground of ward and precinct politics. Garmatz, an electrician and a union man, was the textbook example. He drummed up votes for Thomas D'Alesandro Jr.'s congressional campaigns, and when "Old Tommy" became mayor of Baltimore, Garmatz inherited the right to succeed him in Congress.

Representing a maritime-oriented district, he mixed a zeal to get work for U.S.—and especially Baltimore—shipyards with an inexhaustible devotion to his East Baltimore constituents. They loved him for it. In many of his primary and general elections over 26 years, the tall, genial and courtly congressman ran unopposed.

One constituent tells this story: When he put in a call for Garmatz to discuss some minor issue, he mentioned only in passing that his wife was sick with the flu. An hour or so later the doorbell rang. It was a florist, delivering a lavish bouquet for his wife. The gesture was typical of Eddie Garmatz.

[From Baltimore Evening Sun, July 24, 1986]

GARMATZ IS DEAD AT 83; WAS CITY CONGRESSMAN

(By David Michael Ettlin)

Edward A. Garmatz, who maneuvered his way through Baltimore's old ward-and-precinct political system to become a feisty and powerful 13-term congressman, died at his Lake Avenue home last night of lung cancer. He was 83.

Mr. Garmatz, for whom the federal courthouse in Baltimore is named, served in the House of Representatives from 1947 through 1972 and was chairman of the Merchant Marine and Fisheries Committee when he chose not to run for a 14th term.

A native of East Baltimore and product of the city's public schools, Eddie Garmatz was an electrician by trade and worked, among other places, for the American Brewery here before getting his first reward for an increasingly active role as a soldier in precinct and ward politics—a clerkship with the Maryland Racing Commission.

Mr. Garmatz recalled, in a 1972 interview, asking Democratic Party bosses to name him as the replacement for a police magistrate who had entered military service in World War II.

"It was a better-paying job, $4,000 a year," he said. "Now they get $25,000 a year and you can't get near them with a 10-foot pole."

And he recalled how another magistrate—in a thinly veiled reference to petty bribes—advised him, "Eddie, don't be one of those $15 judges."

"I never took a nickel," he said

He had no legal experience, but then, he said, legal experience was not necessary: "All you need is a little 2 plus 2 equals 4 common sense."

But Mr. Garmatz had more than common sense—he had political savvy. He allied himself with one of Baltimore's most powerful politicians, Thomas J. D'Alesandro Jr., managing his successful campaigns for Congress and then, in 1947, for mayor.

"I used to put a quarter-barrel of beer in the back of my car and drive around and find somebody having a birthday party or something, and we'd set it up and 15 to 25 people would come in," Mr. Garmatz recalled. "Then Tommy would just drop by accidentally, you know, and say 'Hi' all around and then we'd leave and go set up another one."

Tommy D'Alesandro returned the favor, orchestrating the nomination of Mr. Garmatz by the Democratic Central Committee for the vacant 3rd Congressional District seat—a seat he won in the 1947 special election and would keep for the next quarter-century.

A staunch friend of shipping and labor—Mr. Garmatz proudly retained his membership in the International Brotherhood of Electrical Workers (AFL-CIO)—he fought in the House and in the Merchant Marine Committee on behalf of that constituency and these ideals: Maryland shipbuilding first, American shipbuilding second, and foreign shipbuilding never.

He was the driving force behind the Merchant Marine Act of 1970, which was aimed at reviving the American fleet.

In 1965, Mr. Garmatz saw his political power threatened. The Supreme Court's "one man, one vote" ruling, which the General Assembly failed to resolve in its regular session, would have cut away a sizable chunk of his bailiwick, which cut across East and Southeast Baltimore and the heart of the central city.

He would have wound up with a portion of Anne Arundel County. He said he would be happier if the Dundalk area of Baltimore County were added to his district instead: "They are more my type of people. They are maritime people."

And the "maritime people" regarded him as one of their type, too.

In the 1964 campaign, in which he defeated City Councilman John A. Pica in the primary (he was unopposed in the general election), Thomas W. Gleason, in a personal letter sent to each longshoreman, cited Mr. Garmatz as "one of the best friends the longshoremen have ever had.

"Eddie Garmatz not only is a friend of the longshoremen and the International Longshoremen's Association, but he is one of the best friends labor has ever had in Congress . . . a card-carrying union man."

All the praise did not come from labor. After hearings regarding the Federal Maritime Commission, Rear Adm. John Harlee said the "entire commission feels that the state of Maryland is fortunate in having a congressman who is so deeply interested in our maritime affairs and in our nation's world trade and commerce."

In 1963, he opposed a contract for "jumboizing" (extending the length of a vessel) two Navy ships because the midsections were to be build in Japan. He wanted work to be done in private American yards, keeping those yards available in case of a national emergency.

He felt so strongly about America-first shipbuilding that in 1962 he criticized President Eisenhower for voyaging to Europe on the British liner Queen Elizabeth instead of the "queen of the Atlantic"—the United States.

Mr. Garmatz cited health reasons for his decision in 1972 not to seek re-election, reversing the announcement made a year earlier that he would run again.

Had he run again, Mr. Garmatz would have faced—because of redistricting—a contest against then-freshman Representative Paul S. Sarbanes in the 3rd District or could have decided to run in Anne Arundel County's then new 4th District.

"I feared no opponent then, nor do I fear any now," Mr. Garmatz said in announcing his retirement. "I have always been known to fight hard and clean campaigns down to their very end, and to stand up to any opposition. In this respect I have not changed."

Mr. Garmatz found himself faced with a new opponent in 1977 in the form of federal prosecutors.

Out of office more than four years, he was indicted on a charge of conspiring to accept $15,000 in bribes from two shipping companies in return for promoting legislation favorable to those firms.

The indictment was returned, after a six-month investigation, by a grand jury panel meeting in the federal courthouse that had just been named for him.

The dedication of an abstract sculpture commissioned for the outside of the Garmatz courthouse was postponed until resolution of the case—dismissal in January 1978, at the request of the prosecutors, who acknowledged that their key witness, the president of United States Lines, had fabricated evidence.

Mr. Garmatz, leaving the courthouse, told a reporter he knew that "the name Garmatz is going to remain on the building."

On learning of Mr. Garmatz's death last night, the aging Mr. D'Alesandro declared, "Maryland and the city of Baltimore have lost a fine public servant. His capacity as chairman of the Merchant Marine and Fisheries Committee did much for the port of Baltimore and the state of Maryland. I've always found him humane, kind, sincere, and he's a very good friend of mine. I mourn his loss."

Mr. Garmatz, who lived on East Lake Avenue, is survived by his wife of 49 years, the former Ruth Thelma Burchard, and a sister, who had been his top aide, Elizabeth Garmatz of Washington.

Funeral arrangements were incomplete last night.

[From Baltimore Evening Sun, July 26, 1986]

OFFICIALS, FRIENDS FONDLY REMEMBER "EDDIE" GARMATZ

(By Katie Gunther)

Edward A. Garmatz, the 13-term Baltimore congressman who died Tuesday, was remembered fondly at his funeral yesterday as a plain-spoken man of the people named Eddie who "voted pretty straight Democrat, 100 percent for labor, but 110 percent for U.S. shipping."

"I'm proud to have always had him introduce me as his Republican buddy," said Representative Helen Delich Bentley, R-Md.-2nd, who delivered the second eulogy during the service at St. Matthew's United Church of Christ in Mayfield.

"Thank you, Ed, for making so many lives so much brighter," she said with emotion.

Mr. Garmatz, 83, died at his home of lung cancer. He had served in the House of Representatives from 1947 to 1972 and was chairman of the Merchant Marine and Fisheries Committee when he decided not to run for a 14th term. The federal courthouse in Baltimore is named for him.

The 11 a.m. service drew about 200 friends, neighbors and politicians, past and present, to the beige stone church nestled in a quiet, green community just north of Clifton Park.

Early arrivals included Representative Barbara A. Mikulski, who now holds Mr. Garmatz's 3rd District seat, and Frances Haussner, of the famous East Baltimore restaurant. They stopped briefly to trade reminiscences of the late congressman.

"Oh, he was always so easy to please," Mrs. Haussner told Ms. Mikulski.

Baltimore City Councilman Dominic M. DiPietro, D-1st, arrived a few minutes later with Council President Clarence "Du" Burns. As the pair walked into the church, the elderly Thomas J. D'Alesandro Jr.—himself a past Baltimore congressman as well as former mayor and longtime friend of Mr. Garmatz—arrived with his wife, Nancy.

As Mr. and Mrs. D'Alesandro, both walking with the aid of canes, made their way slowly toward the church, U.S. Sen. Paul S. Sarbanes, D-Md., arrived with his wife. Mr. Sarbanes moved quickly to Mr. D'Alesandro's side, took his arm, and walked with him into the church.

Others attending the funeral included Baltimore City Council members John Schaefer, D-1st, Tony Ambridge, D-2nd, Joseph T. "Jody" Landers, D-3rd, and 6th District representatives Timothy Murphy, Joseph BiBlasi and William Myers, builder Victor Frenkil, Maryland comptroller Louis Goldstein, former lottery commissioner and veteran gubernational candidate George P. Mahoney, and Baltimore Mayor William Donald Schaefer.

Mr. Garmatz's dark brown metal coffin at the foot of the altar was covered with a blanket of red roses. His wife, Ruth, and other family members sat quietly nearby.

The Rev. Raymound Frankenfeld, pastor emeritus of St. Matthew's and Mr. Garmatz's longtime pastor, delivered a reading from the 90th Psalm and led the congregation in singing all six verses of the hymn, "Our God, Our Help in Ages Past."

After a second reading from the 121st Psalm, Mr. Frankenfeld briefly recalled his 20-year relationship with Mr. Garmatz. It is generally considered a pastor's duty to convert, the minister said, but "before long I realized that this fellow Eddie Garmatz had converted me. For years in Missouri I was a lifelong Republican. I soon realized that not all Democrats are bad people, after all."

Richard Lidinsky, Baltimore's deputy comptroller and a former aide to Mr. Garmatz, had delivered the first eulogy. "He was kind, understanding and, indeed, generous," Mr. Lidinsky said. "He represented and respected people of all faiths and races."

Mrs. Bentley recalled in her remarks her long friendship with Mr. Garmatz and their common interest in the welfare of American maritime interests. "Just to list the many, many pieces of legislation which he has championed is almost to list an encyclopedia of American maritime law," she said.

"He was always such a gentleman, always so considerate," Mrs. Bentley continued, her voice growing husky with emotion. "Oh, there are so many stories we could all tell about Eddie."

At the conclusion of the service, after prayers led by the Rev. Ralph Cook, government office holders in attendance formed a double column leading to the hearse. The pallbearers were Mr. Lidinsky; Robert E. England, director of the Maritime Institute of Technology; George E. Gephart; Capt. Thomas O'Callahan, of Florida; retired Coast Guard Capt. Frank McCare; and Edward Frier.

Mr. Garmatz was buried in Parkwood Cemetery.

EDWARD A. GARMATZ

Mr. SARBANES. Mr. President, the Nation and the people of Baltimore and Maryland have lost an outstanding public servant with the death of former Congressman Edward A. Garmatz on July 22.

A distinguished Member of the House of Representatives from 1947 through his retirement in 1972, Edward Garmatz gave a lifetime of faithful and dedicated public service to his fellow citizens. Throughout his public life, Congressman Garmatz stayed close to those he represented and cared deeply for their concerns.

I join with all Marylanders in honoring Congressman Garmatz and extending sympathy to Ruth, his devoted wife of 49 years.

Mr. President, the Baltimore Evening Sun has published an excellent review of Congressman Garmatz' public life. I ask unanimous consent that it be printed in the RECORD.

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

GARMATZ, OLD-STYLE EX-CONGRESSMAN, DIES AT 83

(By Carl Schoettler)

Edward A. Garmatz, an old-style crab feast-clubhouse-Christmas turkey-East Baltimore politician who served 13 terms as Democratic congressman from the 3rd District, died yesterday of cancer in the Mayfield home where he lived for more than 40 years. He was 83.

When Garmatz died about 8 p.m., his wife, Ruth, was at his side.

Garmatz voted straight Democratic, 100 percent labor and about 110 percent for U.S. shipping and maritime interests.

He rose through the old seniority system during his 25½ years in the House of Representatives to become chairman of the Merchant Marine and Fisheries Committee.

One chronicler observed that Garmatz stood for Maryland shipbuilding first, American shipbuilding second and foreign shipbuilding never.

He supported subsidies for American shipbuilding, laws encouraging use of American-flag ships, money for dredging Baltimore harbor and even research into the propagation of the blue crab. He was an early, and continuing, supporter of Adm. Hyman Rickover and atomic-powered submarines and ships.

He fought against the St. Lawrence Seaway, condemned a Defense Department purchase of British ships as "a harbinger of doom," chided President Dwight D. Eisenhower for taking the Queen Elizabeth to Europe instead of the S.S. United States and sought the elimination of sea nettles from Maryland waters.

But Garmatz's most remarkable fight came five years after he left office. He was indicted for taking bribes while in the House from shipping company executives.

To the embarrassment of federal prosecutors in Newark and Baltimore, attorneys Arnold Weiner and Albert Figinski found one of the executives had faked diaries to incriminate Garmatz. The charge was dismissed by Judge Alexander Harvey 2nd—in the federal courthouse named for Garmatz only five years before.

Garmatz was the last of that formidable congressional trio that included his friends George Fallon and Samuel Friedel. They toted up about 70 years of service in the House and served on the most powerful congressional committees. Garmatz was the last to leave office.

Facing a battle with the young Paul Sarbanes, whose 4th Congressional District was merged with the 3rd after redistricting in 1972, Garmatz decided to quit. He said his health was bad.

"I feared no opponent," he said, in his retirement statement. "Nor do I fear any now. I have always been known to fight hard and clean campaigns down to their very end, and to stand up to any opponents. In this respect I have not changed."

Sarbanes today praised Garmatz for his service and loyalty to the state.

"I join with all Marylanders in honoring a distinguished public servant, who gave a lifetime of faithful and dedicated service to his fellow citizens," Sarbanes said. "Congressman Edward Garmatz, in all of his public life, stayed close to those he represented and cared deeply for their concerns."

Garmatz served in Congress during the administrations of Presidents Harry Truman, Eisenhower, John Kennedy, Richard Nixon and Lyndon Johnson. But he not only never lost touch with his East Baltimore roots he also remained a pretty good friend of amazing numbers of the people who voted for him.

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DEATH OF AVERELL HARRIMAN

Mr. GORE. Mr. President, having just returned from the funeral services in New York City, I want to take this opportunity to join many others in expressing my sadness at the death of Gov. Averell Harriman. Washington has lost one of its finest citizens; America has lost a great and remarkable man.

Governor Harriman was a legendary, moral, and political force for almost a century. Born into the world of business, he looked for other worlds to conquer, and spent a lifetime paying his country back for his good fortune. Half a dozen Presidents sought his counsel and diplomatic expertise. John Kennedy once said that Harriman had held "as many important jobs as any American in our history"—and Governor Harriman would keep active in public service for another quarter century.

His accomplishments would fill three good lifetimes—New Dealer, special envoy to Britain, Ambassador to Stalin's Russia, Secretary of Commerce, architect of the Marshall Plan, Under Secretary of State, signer of the Limited Test Ban Treaty, troubleshooter extraordinaire.

We owe Governor Harriman more than we realize for his steadfast pursuit of hard-nosed peace with the Soviet Union. Governor Harriman saw past the stereotypes in dealing with the Russians, for he recognized that a successful negotiator must understand his adversary. That supreme insight lives on at the Harriman Institute for the Advanced Study of the Soviet Union at Columbia University, which may turn out to be his greatest gift to his country and the cause of peace.

Governor Harriman once said that the best thing to come out of his dealings with the Soviets was that "we have firmly established our moral position before the world." He triumphed by virtue of his own integrity and moral force. He had what David Halberstam called "a sense of country," and was himself everything his country should be—a man of immense power, who knew when not to use it.

I want to extend my deepest sympathies to Pamela Harriman, who like her husband has been a dear friend to so many of us in the Senate. The Harrimans have long been the most remarkable couple in Washington, and together set an example of public service and personal generosity that the rest of us shall forever strive to follow. We will miss the man who gave his country so much so often for so long.

DAVID SCOTT, CHAIRMAN OF THE PRESIDENT'S EXPORT COUNCIL

Mr. KASTEN. Mr. President, I rise on behalf of the President's Export

Council to honor David Scott from Wisconsin for his selfless contributions to his fellow citizens in various public forums. Tomorrow, David Scott steps down as chairman of the President's Export Council after devoting countless hours away from his personal life and from his duties as chairman of Allis-Chalmers Corp. The Council is an advisory committee established in 1973 to present business, labor, and agricultural sector views concerning international trade to the President.

Beginning in 1981 as chairman of the Council's Subcommittee on Export Administration, David Scott threw himself into very technical and difficult issues at a time when they were in the public eye. His efforts resulted in the streamlining of Government regulatory operations to reflect the concerns of the business community, and therefore better balance national security with the needs of American exporters.

After becoming chairman of the full council in 1984 he worked to increase the quality and scope of its work. Through his continuing efforts, understanding between the public and private sectors has increased. The result has been a better informed and more active exporting community, and a Government that responds better to the people it serves.

David Scott's efforts exemplify the highest ideals of what makes our democracy work; an individual's willingness to take responsibility for improving his Government and the quality of our lives. Groups other than the President's Export Council which have enjoyed his leadership include: The National Council for United States-China Trade, United States Section of the Egypt-United States Business Council, Nigeria-United States Business Council, U.S.-U.S.S.R. Business Council, Rockefeller University Council, ALS Research Foundation, Council of the Americas, Americas Society, Advisory Council of the University of Kentucky. He is a trustee of Marquette University and the Thomas Alva Edison Foundation, as well as president of the David C. Scott Foundation.

Though the President's Export Council will miss him, we know that we all will continue to benefit from his contributions.

THE LEADERSHIP OF PETER T. JOHNSON

Mr. HATFIELD. Mr. President, there are few jobs which are tougher than the post of Administrator of the Bonneville Power Administration. Peter T. Johnson has guided BPA through 5 of the most tumultuous years in its history. He recently announced that he is stepping down as Administrator in order to return to private life.

Under the leadership of Mr. Johnson, Bonneville has met every challenge it encountered. He applied management techniques from the private sector to improve the efficiency and productivity of a large Federal agency. Tight fiscal control, businesslike operations, and rate stability are the hallmarks of Mr. Johnson's tenure at BPA. He took an agency that was in danger of financial collapse and put it back on sound fiscal footing. Now ratepayers are again enjoying the low, stable rates so important to the region's economic health.

Residents of California are also benefiting greatly from our successes in holding down costs and rates. And very importantly, BPA is meeting all of its obligations to the U.S. Treasury. This year alone, BPA will be paying $580 million against the Federal investment in the Columbia River Power System.

We put the BPA on a schedule to catch up on its deferred payments to Treasury while making its current payments as well. This program met with success in 1984 when BPA sent a check to Washington to cover all of its deferrals. Today Bonneville is a valuable asset to the Federal Government, returning the taxpayers' investments with interest. Under Peter Johnson's stewardship, Bonneville adopted fiscal systems and disciplines designed to ensure that BPA continues to fully satisfy its obligations to the Treasury.

The list of Mr. Johnson's accomplishments is a long one. I would like to review some of them briefly.

When Mr. Johnson was appointed to lead Bonneville in the spring of 1981, he had no way of knowing what a great test he faced—both personally and professionally. All indications were that Bonneville was a growing, robust agency. It was gearing up to carry out the intent of a new law, the Northwest Power Act. The agency was providing the financial backing for one of the Nation's largest nuclear construction programs. And BPA's engineers were erecting several new high-voltage transmission projects across the Pacific Northwest.

Demand lines plotted on forecast charts looked like rocket trajectories. Johnson, a businessman whose professional profile reflected nothing but success and its rewards, might have expected to ride those demand lines right into the stratosphere of the utility world.

But it was not to be.

There would be no new era of cooperation among Bonneville's various customer groups, as the act envisioned. There would be no celebration of great technological successes in the nuclear power industry at Hanford and Satsop. There would be no dawning of an era of renewable resources.

Mr. Johnson would savor some sweet victories for conservation and for fish and wildlife. He would complete one major powerline and resurrect a moribund nuclear project. But he was destined to make his mark early as a rescuer, not as a builder.

The rescue often seemed too perilous to succeed. At a time when utilities in the Northwest and throughout the Nation were heavily engaged in building nuclear powerplants, Mr. Johnson pulled Bonneville out of the pack. He put the agency on a course that would save the Northwest's ratepayers billions of dollars. And he did this despite growing pressures and some strong resistance to any change from many in the region.

Johnson and BPA would have to halt the construction of two nuclear plants against the wishes of their owners. Determined to bring the projects to an orderly halt, he rejected advice to stand back and let them collapse under the enormous weight of debt and prior mismanagement. He would not allow the region and Bonneville to suffer the financial damage that would inevitably result.

Based on supply forecasts, on financing difficulties, and on the ballooning costs of construction, he also directed that projects 1 and 3 be mothballed. At the same time, he pushed for the efficient completion of project 2, then a problem-plagued plant. Today, it is in operation.

These decisions were tough, pragmatic business decisions. Mr. Johnson realized that Bonneville had become the servant of the nuclear program rather than its master. He moved decisively to reassert control.

One of the most important features of his tenure in office will be best recognized in its results—more efficient financial management and lower costs. He brought archaic financial systems of Bonneville up to date, again by adapting financial procedures from the private sector to government.

Good financial management is impossible without current, complete management information. Under Mr. Johnson's guidance, Bonneville adopted a financial management information system that integrates accounting and financial systems. It also plugs in budget formulation and monitoring, so that managers can get timely reports on the financial status of their operations and take action when needed.

Now, BPA managers can exercise tighter control over their many programs. Rather than relying on many unconnected accounting systems, they have access to a single, unified system and an official data base. This shift away from standard government accounting to business accounting systems was hailed in BPA's 1985 audit by the Arthur Anderson & Co. firm.

Another benchmark of Johnson's leadership at Bonneville was implementation of the Northwest Power Act

of 1980. The act, he said, would establish a "new order" in the region's utility industry. He described the act and the power council as an untested "experiment in political science." He was committed to see it succeed.

Johnson repeatedly stressed that he wanted the council to be "strong, effective and respected." He insisted that in all of BPA's relations with the council, this principle be followed. The staffs of BPA and the council have worked out a mutually beneficial relationship in which they challenge one another to produce a superior planning product. This is precisely the way we wanted to see the system work when we passed the act. Bonneville and the council to date have worked successfully to implement a strong regional conservation and fish and wildlife program.

BPA negotiated and executed new power sales contracts with its direct-service industrial customers and all utilities, publicly owned and investor owned, in the Pacific Northwest. The contracts enabled BPA to bring rate relief to the farm and home customers of the investor-owned utilities while preserving the preference status of the publicly owned institutions. Mr. Johnson has protected the integrity of the exchange contracts, which provide rate relief, thereby ensuring these benefits for the future.

With the completion of the rate process in 1984, BPA implemented all major provisions of the Northwest Power Act. Given the changed circumstances in the region and the diversity of interests involved, this was a major accomplishment.

In the area of power marketing, too, BPA has entered a new era. Surplus power in the Northwest has put pressure on the limited capacity of the Pacific Northwest-Pacific Southwest intertie powerlines. These lines are used to export Northwest and Canadian power to California. BPA moved to enact a new intertie access policy, which equitably distributes the benefits intertie transactions among all utilities, north and south.

Above all, Johnson recognized that the dislocation in the marketplace for power on the west coast signaled fundamental, long-term changes. With the fall of oil and gas prices, the agency could no longer count on a price advantage in the California market. BPA would have to work much harder than ever before to sell its surplus power. There was a need for international cooperation in the marketing of power resources, and he worked for mutually advantageous arrangements with Canadian producers. This has paid off handsomely for the Canadians. Last year, B.C. Hydro recorded its highest sales ever over the intertie.

And when the Government of British Columbia announced its intention to build a new dam at site C on the Peace River and to export its power to the United States, Mr. Johnson brought west coast utilities together to discuss issues. One of the results of these discussions is a potential breakthrough in trade with Canada. Interested utilities in the United States and Canada have formally agreed to study the feasibility of building the dam and moving its power south on the intertie. This agreement clearly stipulates the conditions required by BPA to protect the interests of Northwest ratepayers.

While BPA stayed on top of the situation in the export market, it also protected its sales in the Pacific Northwest. With price instability in the aluminum market and the exodus of some smelters from the region, Bonneville had to become much more creative in making rates and providing other incentives. Only by these means could Bonneville hold up its loads.

BPA offered three economic anchors to try to keep the smelters in place. The variable rate tracks the cost of a pound of aluminum up and down. The revenue Bonneville forgoes during low-price periods will be recouped when the price of ingot rises. The Conservation-Modernization Program provides up front money for companies to modernize their operations. This program helps maintain existing revenue while providing additional power to meet the region's future needs.

To serve the public, BPA must first know what the public wants and needs. Johnson understood this principle. He frequently attended public meetings so that he could hear for himself what the people were saying. He drew strength from ratepayers' comments for the decisions he would make during the supply system crisis. He directed the establishments of one of the best public involvement programs in the Federal Government.

Mr. Johnson saw the courts as a "safety net" in disputes among utilities. But he did not agree that the courts are the best place to resolve difficulties. So he initiated efforts to settle disputes out of courts when possible. The resolution of the WNP-3 lawsuit was good for ratepayers in the Northwest.

As a fisherman, Mr. Johnson had a deep personal appreciation of the region's anadromous fish. He became a firm advocate of programs to protect, mitigate, and enhance the region's fish and wildlife resources. BPA implemented major effort to improve streams for spawning and provide passage around dams and other manmade obstacles for migrating fish. BPA also worked with the Northwest Power Council to establishing a "water budget" for fish.

Many observers of the Northwest utility industry already are rating Johnson among the most effective administrators in Bonneville's history. I would agree with that assessment. It is rare to see such respect and affection for a public figure who has dealt with such controversial issues. Even those who quarreled from time to time with his decisions are sad to see him go.

The Seattle Post-Intelligencer, staunchly critical of BPA's involvement in the supply system projects, wrote: "The Pacific Northwest got lucky five years ago when Peter Johnson was appointed to head the Bonneville Power Administration."

Few in the region would disagree with that.

COMMENDING PETER JOHNSON FOR HIS ROLE AS THE ADMINISTRATOR OF THE BONNEVILLE POWER ADMINISTRATION [BPA]

Mr. GORTON. Mr. President, I am pleased to join my colleagues today in thanking Peter Johnson for doing a difficult job extremely well. Peter served as the Administrator of the Bonneville Power Administration for the past 5 years until his resignation 2 weeks ago.

In coming to BPA, Peter inherited many problems brought on by the harsh combination of recession and inflation during the 1970's. Under his skillful leadership, the Bonneville Power Administration has largely overcome the problems it faced during those years. The agency has improved its power forecasts and tightened cost controls. The agency has remained current on its obligations to the U.S. Treasury. With Peter's help and direction, Bonneville in fiscal year 1985 paid $3.4 billion interest and $900 million in principal into the Treasury. Additionally, BPA will make its scheduled repayment of $580 million on September 30 of this year.

Public confidence in BPA has improved tremendously during Peter Johnson's tenure at Bonneville. Peter has pressed customer groups to increase their cooperation efforts. He has maintained accessibility. He has adroitly handled the region's utilities with respect to contentious rate issues. When Peter spoke of the problems besetting BPA, he followed up with workable solutions.

If one pauses to contemplate all of the staggering issues that must be attended by the BPA Administrator, all of which have major effects on the economy of the Pacific Northwest, one can appreciate how important Peter's work has been. Just to highlight a few important issues facing BPA, the region's export market sales, long-term power sales, and nonfirm energy sales have all demanded a lot of Peter's own personal energy.

Peter Johnson has built a solid foundation that will provide benefits to all of the ratepayers in the Pacific North-

west. He has worked over the past 5 years to maintain affordable power rates while continuing to allow BPA to meet its obligations to U.S. taxpayers. I believe that consumers have been well served, and I am pleased to have worked with Peter Johnson. I wish Peter well in his future endeavors.

TRIBUTE TO PETER JOHNSON

Mr. MELCHER. Mr. President, I would like to add my note of appreciation for the job which Peter Johnson performed as Administrator of Bonneville Power during the past 4 years.

Peter Johnson proved to be a good Administrator of Bonneville during a challenging transition period, shortly after the passage of the Northwest Power Planning Act. In addition to implementing the act, he had to deal with other major issues such as revenue shortages and the economic problems of direct service industrial customers.

I refer to two major tasks which were accomplished by the Bonneville Power Administration during Mr. Johnson's tenure: the first phase of construction of the 500 kilovolt transmission line from Colstrip, MT, to Taft, ID, and the development of variable power rates for the aluminum industry. I worked actively with BPA and Mr. Johnson on both of these projects and know from first hand experience that both projects required considerable tenacity and persistence.

Getting the power transmission line constructed to Taft, ID, was a real challenge complicated greatly by the concerns of landowners, and the concerns of the public on esthetic and environmental issues. I look forward to working with Mr. Johnson's successor as the powerline is completed to Bell, WA. Completion of the line will enhance the prospects for marketing electricity generated in Montana to the west coast.

I understand that 100 percent of the Northwest's aluminum plants have accepted the variable power rates which were developed under Peter Johnson's tenure. That is a real milestone. It is a solid and workable mechanism for keeping the aluminum plants open and operating while also assuring rate fairness for other Bonneville customers.

I understand that Peter has not announced his future plans, but that they may have something to do with a new rod and reel. Based on his past record of tenacity, I trust that he will be successful in the most difficult of all feats—catching the big fish which set records.

HAILING OF PEACE INSTITUTE

Mr. MATSUNAGA. Mr. President, the Senate's recent unanimous passage of legislation to reauthorize the U.S. Institute of Peace for another 2 years, reflects strong public support for the Institute, whose mission is to help educate Americans about new methods for resolving conflict.

This enthusiasm is shared by the Chairman of the Institute's Board of Directors, Prof. John Norton Moore. In a recent article published in the Christian Science Monitor, Professor Moore wrote that no more pressing problem faces mankind than to reduce the risk of general war and violence. Noting that the Institute is in the long tradition of American institutional solutions to human problems, and acknowledging its widespread public support and bipartisan political support, Chairman Moore predicted that the Institute will become an important resource in the continuing struggle for world peace and human freedom.

With the thought that my colleagues will find Professor Moore's views of interest, I ask unanimous consent that his article be inserted at this point in the CONGRESSIONAL RECORD.

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

[From the Christian Science Monitor, June 30, 1986]

AN APPROPRIATE U.S. RESPONSE: THE PEACE INSTITUTE

(By John Norton Moore)

It is a genius of American democracy that it continually creates national institutions devoted to furthering human knowledge, understanding among nations, and freedom. Today these include, among others, the National Endowments for the Arts and Humanities, the Smithsonian Institution, the Library of Congress, the Peace Corps, the Arms Control and Disarmament Agency, and the National Endowment for Democracy.

In this tradition, a new national institution, the United States Institute of Peace, has quietly been born.

Its mandate is to encourage research, education, and information exchange in enhancing our ability to resolve and manage conflict. Its method will be the pursuit of excellence in an interdisciplinary climate of intellectual freedom. By law independent and nonpartisan, it will promote scholarship in public and private institutions around the world as well as offer its own center of excellence.

The Institute of Peace is the product of a bipartisan congressional effort of more than 200 members of Congress and the vision of a dedicated few such as Sens. Mark Hatfield, Spark Matsunaga (who chaired the blue-ribbon congressional-presidential commission that recommended establishment of the institute), Claiborne Pell, Jennings Randolph, and Robert Stafford and Rep. Dan Glickman. The first meeting of the board of directors was held Feb. 26. The board was sworn in by Chief Justice Warren Burger.

This first board of the institute has collectively earned more than 20 advanced degrees and published more than 50 books. Perhaps most fittingly, in view of the institute's strong roots in the soil of democracy, it has received an outpouring of suggestions and support from individuals all over the world, including heartwarming offers of permanent sites and other support from communities around the country.

There is no more pressing problem facing mankind than reducing the risk of general war, containing and ending regional conflicts, and ending the recurrent violence of aggressive attack, whether through armies openly on the march across international boundaries—or by concealed state-sponsored terrorism and guerrilla warfare. In addressing these problems, the Institute of Peace will not immediately make the world a safer place, but it can through time enhance our understanding of conflict and conflict resolution, and it will certainly make an important contribution to careful scholarly research and education about this great human problem. Moreover, it could have a multiplier effect as private institutions and even other nations follow suit in enhancing research and education about conflict management.

It is particularly appropriate that this new Institute of Peace should be created by the United States.

The role of the United States in the struggle against the inhumanity of war has been second to none. In the Lieber Code, through which he sought to lessen the horrors of our own civil war, President Lincoln led the world toward detailed codes of human rights for settings of armed conflict. Americans played a leading role in the Hague Peace Conferences of 1899 and 1907. An American secretary of state, William Jennings Bryan, led the world to fact-finding and "cooling off" treaties as a means of war avoidance. President Woodrow Wilson dreamed the dream that became the League of Nations. Secretary of State Frank Kellogg helped lead the world to the momentous Pact of Paris that, at least in legal terms prohibited aggressive war as a modality of foreign policy. In the aftermath of what Winston Churchill termed the "unnecessary war," President Franklin D. Roosevelt led the Allies in the creation of the United Nations, and in a speech scheduled for April 13, 1945, and never delivered because of his death a day earlier, President Roosevelt wrote simply and eloquently for all Americans: "The work, my friends, is peace. More than an end to this war—an end to the beginnings of all wars. Yes, an end, forever, to this impractical, unrealistic settlement of the differences between governments by the mass killing of peoples. Today we move against the terrible scourge of war—as we go forward toward the greatest contribution that any generation of human beings can make in this world—the contribution of lasting peace."

President Harry Truman later offered the Baruch Plan, by which the nuclear genie would have been harnessed exclusively for peaceful purposes. President John Kennedy established the Peace Corps and the Arms Control and Disarmament Agency, unique national institutions for promoting peace. And President Reagan established the National Endowment for Democracy to engage America more effectively in promotion of freedom and democracy in the global struggle for ideas. The United States Institute of Peace is an institution in this great American tradition that hopefully will make an important contribution toward the control of violence and achievement of a just peace of freedom and human dignity.

The Institute of Peace has just begun its work. It will be months before it begins supporting research and education. If its current core of support across the political spectrum is any indication, however, the in-

stitute seems destined to become an important resource in the continuing struggle for world order and human freedom.

MISDEALING WITH APARTHEID ON TEXTILES

Mr. KENNEDY. Mr. President, on June 27, negotiators from the Office of the Special Trade Representative completed and initialed a new bilateral trade agreement in Washington which grants a 4-percent annual increase in textile imports into the United States from South Africa.

In the past year, textile imports from South Africa have doubled, from about $30 million in 1984 to about $60 million in 1985, representing approximately 1 percent of all U.S. textile imports.

No provisions of U.S. law or of our multilateral trade agreements require that we accept this surge, or, in fact, negotiate at all. To the contrary, South Africa is not even a member of the current Multi-Fiber Arrangement. The administration has plenary power under existing law to prevent South African textiles from penetrating the U.S. market. The administration could have imposed a freeze, a reduction, or a total ban on textiles from South Africa.

Instead, inexplicably, they chose to grant an undeserved increase. At a time when the administration is under heavy pressure to reduce textile imports from even our closest friends, when the Senate is on the eve of taking up tough economic sanctions against South Africa, when the House of Representatives is about to vote on the President's veto of a major textile bill, the administration does South Africa a favor, sticks its finger in the eye of millions of U.S. textile workers, and guarantees an increasing share of the U.S. textile market for South Africa.

The negotiation of this accord is the latest sign of the administration's insensitivity and "business as usual" attitude toward apartheid. With a "Bridge on the River Kwai" mentality, the Special Trade Representative has constructed a textile agreement, and it is up to Congress to take it down. Instead of inviting increased textile imports from South Africa, Congress ought to include the provision shutting them off completely in the anti-apartheid legislation we enact. It is time the administration learned that America can no longer do business as usual with apartheid.

AVERELL HARRIMAN

Mr. EAGLETON. Mr. President, with the exception of Winston Churchill, no statesman of the 20th century spanned a greater period of influence over world affairs than did Averell Harriman.

From the 1930's well into the 1970's, Governor Harriman served this Nation with extraordinary skill and devotion. His advice and counsel were sought by Presidents, diplomats, Members of Congress, academicians, and journalists. Indeed, anyone who wanted a clearer picture of this world, its troubles, and its potentials could find no greater source of wisdom than Averell Harriman.

His death of July 27, 1986, at the age of 94 takes from us one of the great men of the 20th century. He will be greatly missed and cannot be replaced.

SHERMAN W. DREISESZUN

Mr. EAGLETON. Mr. President, on September 7, 1986, Sherman W. Dreiseszun will be honored by Kehilath Israel Synagogue, where he has recently been named the synagogue's honorary president for life.

Mr. Dreiseszun, throught his inspiration and foresight, has enriched the world around him. He has made outstanding personal and sustaining contributions to the Kansas City metropolitan area. His dedicated and tireless efforts have helped nurture the economic, social, and cultural status of downtown Kansas City and the surrounding areas. His years of outstanding accomplishment embody an exemplary record of service to his community.

I invite my colleagues to join me in paying tribute to Mr. Dreiseszun as one who has truly earned the recognition and respect of this body.

ERADICATING DRUG ABUSE

Mr. MOYNIHAN. Mr. President, on July 19, 1986, Mr. John Dyson—a cabinet member under the previous two Governors of New York and candidate for the U.S. Senate—unveiled a proposal that could do much to combat the flood of illicit drugs entering this country. As part of a broader effort to eradicate drug abuse, Mr. Dyson called for a new U.S. campaign to help cut the production of illicit drugs abroad, by providing technical assistance and funds to encourage the growth of agricultural crops in their place.

The need for cutting such production is all too urgent. According to the House Select Committee on Narcotics Abuse and Control, coca production in both Colombia and Peru increased from 55 tons to 150 tons during the past 2 years. In Colombia alone, estimates of the amount of land where cocoa is grown have jumped from 15,000 hectares to 25,000 hectares.

Yet, despite the need to combat drug production, Dyson's proposal to do just that was instantly dismissed by Mr. Larry Gallina, a special agent of the U.S. Drug Enforcement Agency. But as Mr. Gallina admits, a similar program during the early 1970's wiped out illicit opium production in Turkey—and, I should add, helped us break the French Connection, under which opium harvested from Turkish poppy fields was processed into heroin in Marseilles, and then smuggled into New York.

This program to eradicate Turkish opium cultivation had its genesis in September 1969, when I was President Nixon's assistant for urban affairs and traveled to discuss the heroin trade with Turkish officials. It happens that I recently described the visit in Family and Nation (1986):

> I was courteously received in Istanbul by the Turkish foreign minister, Ihsan Sabri Laglayangil. He knew well enough that poppy was grown in Anatolia; poppy seed is part of the Turkish national diet. But he knew nothing of drug use, and if the United States wanted Turkish farmers to farm differently, we would have to pay them to do so.

We subsequently did just that. During the early 1970's, when Turkey implemented a ban on poppy production (except for a small amount produced under government supervision), the United States provided $15 million to help Turkish farmers make the transition from poppy cultivation to the growth of other crops.

I went on to Paris to seek French cooperation in this fight against heroin traffic, and in a return visit met with Jean Dours, Directeur Général de la Sûreté. Now the name of the Directeur Général is known in France, but he does not give interviews and rarely meets with foreigners. This was different: an American President was concerned about an issue that increasingly involved French youth as well.

At the end the French saw they had to do something, and in time they did. With their cooperation—and with the U.S. program to support eradication of illicit Turkish opium production—we broke the French Connection and La Cosa Nostra's monopoly on heroin trafficking. As the President's Commission on Organized Crime reported on March 1986: "The La Cosa Nostra heroin monopoly lasted until 1972, when under diplomatic pressure from the United States, Turkey banned opium production and the French Connection collapsed." And Turkey's success in suppressing illegal opium production has continued to this day.

The proposal made by John Dyson would apply the principles behind this success to the current war on drugs. A program to support drug eradication similar to that which succeeded in Turkey, reoriented to suit the special circumstances of cocaine production in South America, and pursued as a part of a broader effort to eliminate drug abuse, could do much to help us win this struggle.

Mr. President, I ask unanimous consent that an article concerning this

proposal in the Albany, Times Union, be entered into the RECORD.

[From the Albany Times Union, July 19, 1986]

DYSON OFFERS PLAN TO BUY OUT FARMERS IN COCAINE TRADE

(By Bennett Roth)

Instead of battling the cocaine trade by shipping in military helicopters and army officers, the federal government should buy out the coca plant farmers in South America, Democratic U.S. Senate candidate John Dyson said in Albany Friday.

Dyson, who was making a campaign sweep through the Capital District proposed the radical solution on the steps of Albany City Hall and later at an editoral board meeting of Capital Newspapers, publishers of *The Times Union and The Knickerbocker News.*

"The thing you should do about cocaine—say in Bolivia—is to buy out the farmers. We pay people here not to grow wheat not to grow corn and milk cows," said Dyson, who said it would cost "about $250 million to $300 million to get rid of the supply of coca trees."

Dyson said he would ask the graduate school of agriculture at Cornell University—of which he is an alumnus and trustee—to "to think up what else they can grow" in those South America countries where much of the world's cocaine supply comes from. He suggested the buy-out program should take place in Bolivia, Peru and Colombia.

Federal drug enforcement officials said that a similar program to what Dyson had proposed had been tried in Turkey involving poppy plants in the early 1970s. The program to halt the spread of opium, made from poppies, failed because the poppy crop—while being mostly wiped out in Turkey—spread to other areas of the world, notably Mexico, officials said.

"There's always a country willing to fill the void. It's like a ballon half-inflated. You squeeze it and it comes up elsewhere," said Larry Gallina, special agent with the federal Drug Enforcement Agency in Washington, D.C.

Gallina took issue with Dyson's price estimate for buying out South American coca crops.

"For the kind of stuff coming out of South America it will take more than a couple of million dollars," said Gallina.

Dyson—who faces a primary battle with Ralph Nader advocate Mark Green in September—proposed his solution as an alternative to the federal program of sending of troops and helicopters to identify and then eradicate the crops.

Dyson said that his experience as an army intelligence officer in Vietnam convinced him that such spy missions to detect the coca crops and cocaine factories won't work.

The coca farmers, once they hear the sound of the helicopters, will just pick up and move the cocaine factories before the troops arrive, Dyson said.

Dyson said of Washington's current drug offensive in Bolivia, "It's not a war, or a battle or even a skirmish on drugs."

He attacked incumbent Republican Sen. Alfonse D'Amato for a recent escapade in New York City, when the senator and law enforcement officials dressed up and bought the drug "crack" on the street.

"It was the most useless publicity stunt in the history of the U.S. Senate," Dyson said. "Who doesn't know you can buy 'crack' in the streets of New York dressed in a business suit wearing a Dyson for Senate button?"

In response to Dyson's scheme to buy out South American coca farmers D'Amato spokesman Gray Lewis said Friday. "If the billionaire candidate had a firm commitment to showing his displeasure with the nations that grow illicit narcotics, he should divest himself of the financial investments in those nations."

Dyson's personal investments have been under attack lately by Green, who this week said his opponent should divest all personal holdings in companies doing business in white minority-ruled South Africa.

However, Dyson has maintained that he only invests in companies that adhere to the Sullivan principles—which mandate fair employment practices in South—and also have major operations in New York.

Dyson said that by investing in such companies as Ford and General Motors he was ensuring that jobs were created in this state.

Dyson—who since the Democratic convention has been engaged in an increasingly bitter war of words with Green—told the Capital Newspapers editiorial board that he intended to point out to the state United Auto Workers union that his Democratic opponent drives a foreign car a Swedish-manufactured Volvo.

"We're going to the UAW. We'll find out what they think of that, said Dyson, who added that he drives a Pontiac.

Green spokesman Randy Daniels confirmed that the candidate drives a 1973 Volvo, which he purchased in 1977.

"It was cheap and safe for his family," said Daniels, who added that Green would "accept John Dyson's criticism if he signs an affidavit saying that he has never bought a foreign product."

Earlier in the day, Dyson was endorsed by a number of prominent Democratic Albany politicians, including Mayor Thomas M. Whalen III, county party Chairman Leo O'Brien and state Sen. Howard Nolan.

When asked why he considered Dyson a better candidate than Green, Whalen said, "He has a background of public service, he is a person of integrity and I know John Dyson. I do not know his opponent."

Dyson also spoke to Albany civic leaders at the Steuben Athletic Club and later to Schenectady Democratic leaders, including Mayor Karen Johnson.

At the Capital Newspapers editorial board meeting Dyson spoke on a variety of topics, ranging from the recent resignation of state Education Commissioner Gordon Ambach to international terrorism.

Dyson called Ambach's leadership of the Education Department "uninspiring," and said if he had his way, he "would eliminate half of the Albany state education bureaucracy."

"They try to do too much second guessing from Albany, such as telling a school district in Schoharie County it needs two librarians," Dyson said.

He said he opposes U.S. military aid to the contras in Nicaragua, claiming that the real objective of any aid "should be to deal with the poverty in that country."

Nonetheless, he said, "We should not delude ourselves into thinking that the Sandinistas are a charming band of reformers."

Dyson also said, "We should have a deficit of about $100 billion" to ensure a healthy economy and that he would double the budget for college student loans.

TAX REFORM EDITORIAL

Mr. DOLE. Mr. President, the Baltimore Sun recently ran an op-ed piece on tax reform by a skilled and knowledgeable attorney who served as a tax counsel to the Senate Finance Committee when I was chairman of that panel. Very few individuals are as familiar with the intricacies of tax reform and the relationship between taxes and fiscal policy as Donald Susswein.

This Senator appreciates his views on such matters and asks that the text of this timely article appear in the RECORD.

The article follows:

TAX REFORM—COMPLETES REAGAN REVOLUTION

(By Donald Susswein)

WASHINGTON.—The real story in the current tax-reform debate is not the defeat of powerful lobbies at the hands of populists. Neither is it the elimination of tax loopholes for the wealthy or tax relief for 6 million poor families.

The real story is that the tax reform bill now moving through the Congress will ensure a triumph for the Reagan Revolution.

The bill's near total elimination of tax shelters is, of course, a wonderful accomplishment that will simplify economic decision-making and restore the flagging morale of the rank-and-file American taxpayer.

But the heart of the matter is this: Most tax shelters and tax preferences are not sham transactions without economic substance or effect. They simply use tax breaks to direct investment capital or consumer dollars toward one sector of the economy rather than another—toward apartment houses instead of retail stores, or home insulation instead of video cassette recorders.

By repealing most of these tax incentives and lowering tax rates, the Congress would relinquish one of the most powerful tools it has at its disposal to influence the private economy. This is precisely what Ronald Reagan asked for in his first economic address to the Congress on February 18, 1981.

"The taxing power of government," he said, "must be used to provide revenues for legitimate government purposes. It must not be used to regulate the economy or bring about social change. We've tried that, and surely we must be able to see it doesn't work."

There are other tools of industrial policy, of course. But the power of direct federal grants or federal loan guarantees pales by comparison with the $300 billion worth of annual tax incentives currently built into the tax code. And with a $200-billion federal budget deficit to deal with. Congress is likely to be unsympathetic at best to any new proposals to tinker with the economy through massive federal appropriations or the wholesale allocation of credit.

Can't the tax preferences and loopholes be restored in a few years? In theory, yes. But the wrenching process of taking on special-interest lobbies through tax reform is not likely to be quickly forgotten by members of the House or Senate tax-writing committees. And even if they universally recanted this year's reforms, it would be an extremely difficult political job—more difficult than reform itself—to put the genie of a 27 percent tax rate back into the bottle,

just to pay for low-income housing, energy conservation, oil and gas exploration or other important domestic needs.

Can't new tax preferences be created without raising the tax rates? Even though the Supreme Court invalidated the mechanism of the Gramm-Rudman-Hollings balanced-budget amendment this month, the amendment continues to exert a strong suasive force which will make that very difficult, if not impossible.

Gramm-Rudman-Hollings does not mean that there will be no more new government programs. But anything, whether it is a new spending program or a new tax preference, will have to be important enough to warrant the elimination or reduction of an existing federal program, or the highly unusual step of a general tax-rate increase.

Since the inception of the income tax in 1913, the tendency has been for personal rates to increase only during wartime. Excise increases are historically more commonplace but would also be difficult, since their regressive effect would stand out like a sore thumb in a world with a 27 percent top marginal income-tax rate.

In short, the Senate Finance Committee's radical tax reforms, together with the spirit of Gramm-Rudman-Hollings, will obstruct both the expansion of the size of government and the development of a national industrial policy of federal involvement in the private economy—two important tenets of Reaganomics.

The political conflict between guns and butter will, of course, continue. But with the possible exception of that debate over national priorities, the Reagan Revolution will have scored a triumph of politics and economics.

Mr. Susswein, a Washington lawyer, served as counsel to the Senate Finance Committee from 1981 until 1985.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

CERTIFICATION OF BINARY CHEMICAL MUNITIONS PROGRAM—MESSAGE FROM THE PRESIDENT—PM 161

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Appropriations:

To the Congress of the United States:

Pursuant to section 8093 of the Department of Defense Appropriations Act, 1986, Public Law 99-190, I hereby certify with respect to the binary chemical munitions program that the United States:

(1) has submitted to the North Atlantic Treaty Organization, a force goal stating the requirements for modernization of the United States proportional share of the NATO chemical deterrent with binary munitions and said force goal has been adopted by the North Atlantic Council;

(2) has developed, in coordination with the Supreme Allied Commander, Europe, a plan under which U.S. binary chemical munitions can be deployed under appropriate contingency plans to deter chemical weapons attacks against the United States and its allies; and

(3) has consulted with other member nations of the North Atlantic Treaty Organization (NATO) on that plan.

I note with regard to the first numbered paragraph that the force goal was adopted by the North Atlantic Council constituted as the defense Planning Committee in accordance with the North Atlantic Treaty. I am pleased to make this certification on a program so vital to our national defense. We are earnestly seeking, as our top priority in the chemical weapons area, a comprehensive and verifiable ban on all chemical weapons. Until we achieve that goal, we must maintain a safe and viable chemical weapon stockpile to deter use of chemicals by our potential adversaries. I appreciate your continued support for this program.

RONALD REAGAN.

THE WHITE HOUSE, *July 29, 1986.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 3:10 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 bills:

H.R. 1904. An act to provide for the use and distribution of funds appropriated in satisfaction of judgments awarded to the Chippewas of the Mississippi in Docket Numbered 18-S before the Indian Claims Commission, and for other purposes; and

H.R. 4434. An act to amend the Act entitled "An Act granting a charter to the General Federation of Women's Clubs."

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special report entitled "Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1987 (Rept. No. 99-346).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

William F. Ryan, of New Jersey, to be First Vice President of the Export-Import Bank of the United States for the remainder of the term expiring January 20, 1989;

J. Michael Dorsey, of Missouri, to be an Assistant Secretary of Housing and Urban Development;

Manuel H. Johnson, of Virginia, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of 4 years; and

Donna Pope, of Ohio, to be Director of the Mint for a term of 5 years.

(The above nominations were reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. HAWKINS:

S. 2693. A bill to amend the Tariff Act of 1930, as amended, 19 U.S.C. 1301, et seq., to prohibit the importation of drug paraphernalia into the United States, and to prohibit the exportation of such articles from the United States; to the Committee on Finance.

By Mr. DIXON:

S. 2694. A bill to lower for a 3-year period the rate of duty on glass inners designed for vacuum flasks; to the Committee on Finance.

By Mr. EXON:

S. 2695. A bill to provide for an additional district court judge for the judicial district of Nebraska; to the Committee on the Judiciary.

By Mr. HEINZ:

S. 2696. A bill relating to the tariff classification of slabs of iron or steel; to the Committee on Finance.

By Mrs. HAWKINS:

S. 2697. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to provide mandatory penalties for certain drug offenses involving the importation or exportation, or the manufacture, of controlled substances, and to amend schedule I of the Controlled Substances Act to include cocaine; to the Committee on the Judiciary.

By Mr. LAXALT (for himself and Mr. HECHT):

S. 2698. A bill to transfer certain public lands in Nevada to the Toiyabe, Humboldt, and Inyo National Forests; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 2699. A bill to amend the Controlled Substances Act to provide mandatory minimum sentences for distribution of controlled substances to minors, to add enhanced penalties, including mandatory minimum sentences, for employment of minors in the distribution of controlled substances, and to allow States receiving forfeited assets to use such assets for youth drug abuse prevention and rehabilitation; to the Committee on the Judiciary.

By Mrs. HAWKINS:

S.J. Res. 381. Joint resolution providing for a White House Conference on Illicit Drug Use and Control; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRANSTON:

S. Con. Res. 156. Concurrent resolution expressing the sense of Congress concerning the need for international cooperative efforts to identify the individuals exposed to radiation as a result of the nuclear accident at Chernobyl in the Soviet Union and to monitor the health status of those individuals so as to increase, for their benefit and the benefit of the citizens of the United States and of all the world's peoples, the level of understanding of the effects of exposure to radiation; to the Committee on Foreign Relations.

By Mr. QUAYLE: (for himself, Mr. THURMOND, Mr. WEICKER, Mr. HATCH, Mr. DENTON, Mrs. HAWKINS, Mr. STAFFORD and Mr. GRASSLEY):

S. Con. Res. 157. Concurrent resolution to express the sense of the Congress that colleges and universities should enforce strict but fair antidrug use policies; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HAWKINS:

S. 2693. A bill to amend the Tariff Act of 1930, as amended, 19 U.S.C. 1301, and the following, to prohibit importation of drug paraphernalia into the United States, and to prohibit the exportation of such articles from the United States; to the Committee on Finance.

DRUG PARAPHERNALIA LEGISLATION

Mrs. HAWKINS. Mr. President, I am today introducing a bill to prohibit the export and import of drug paraphernalia. There are other legislative initiatives to ban the domestic sale on production of drug paraphernalia and this measure will act to cut off the loophole for such items when produced and purchased abroad.

For many years, the Customs laws have prohibited the importation or exportation of certain items into the country. For example, 19 U.S.C. 1305 prohibits the importation of obscene matter, lottery tickets, treasonous and seditious materials, and articles for causing unlawful abortions. This bill provides for the civil forfeiture of any drug paraphernalia imported or brought into the United States or intended for export from the United States.

Drug paraphernalia laws are most often attacked because they are too vaguely worked. They seldom explain what is meant by the term paraphernalia. They do not indicate whether it is the use, or the possession, or the sale of paraphernalia that is prohibited. In contrast, my bill defines "drug paraphernalia" by specific objects, as well as equipment, products, and materials used, intended for use, or designated for use, essentially, to produce, package, store, test or use illicit drugs. The words "equipment, products and materials" should be interpreted according to their ordinary or dictionary meanings. They can apply to many forms of movable, tangible property. Real property, conveyances, moneys, documents and intangible property are, on the other hand, not meant to be included within these terms.

This bill provides for the civil forfeiture of drug paraphernalia imported or brought into the country illegally. Civil forfeiture actions are directed against property and are totally independent of any criminal proceedings against individuals. The legality of civil forfeiture statutes and their usefulness in helping deter unlawful actions have been repeatedly recognized by virtually every Federal and State court, including the Supreme Court of the United States. *Calero-Toledo* v. *Pearson Yacht Leasing Co.*, 416 U.S. 663, 94 S. CT. 2080 (1974). Moreover, civil forfeiture can also be an effective deterrent to commercial suppliers.

By Mr. DIXON:

S. 2694. A bill to lower for a 3-year period the rate of duty on glass inners designed for vacuum flasks; to the Committee on Finance.

LOWERING THE RATE OF DUTY ON GLASS INNERS FOR VACUUM FLASKS

Mr. DIXON. Mr. President, today, I am introducing a bill that will restore the necessary tariff equity for glass inners, a component in the manufacture of vacuum bottles.

Household Manufacturing of Prospect Heights, IL, is the parent company of Thermos, which produces these bottles. It imports the glass inners from England while other distributors have chosen to import the entire product.

Until the late 1950's, both the glass liners and the vacuum bottles were grouped under one duty classification. Although separate classifications were later established for the two items, the rates of duty remained identical.

During the mid-1960's, the rate of duty for vacuum bottles declined, while the rate of duty for glass liners remained the same. Today, the duties for glass liners continue to be much higher than those for the completed products.

The bill I am introducing would bring the tariff rates for glass liners into parity with the rate for vacuum bottles in their entirety. Enactment of this bill would save domestic producers approximately $200,000 in annual costs which is currently lost because of the discrepancy in duty rates.

This change will enable the Thermos Co. to continue to compete with the vacuum bottles being imported from Latin America and the Far East. American jobs depend on the company's ability to do so.

I urge my colleagues to support this important bill which will help save a company which has made an obvious effort to keep its operations centered in the United States.

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

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

S. 2694

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

SECTION 1. TEMPORARY REDUCTION OF DUTIES ON GLASS INNERS.

(a) 1986.—Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States is amended by inserting in numerical sequence the following new item:

		Rates of Duty			Effective Period
		1	Special	2	
"909.35.....	Glass inners designed for vacuum flasks or for other vacuum vessels (provided for in items 545.31, 545.34, 545.35, and 545.37, part 3C, schedule 5)	10.7% ad val.	9% ad val. (D,I) Free (A,E).	55% ad val.	On or before 12/31/89".

(b) AFTER 1986.—Item 909.35 of the Appendix to the Tariff Schedules of the United States, as added by subsection (a) of this section, is amended—

(1) by striking out "10.7% ad val." in rate of duty column number 1 and inserting in lieu thereof "9% ad val.", and

(2) by striking out "9% ad val. (D,I)" in the special rate of duty column.

(c) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply with respect to articles entered after the date that is 15 days after the date of enactment of this Act.

(2) The amendment made by subsection (b) shall apply with respect to articles entered after December 31, 1986.

(3) For purposes of this subsection, the term "entered" means articles entered, or withdrawn from warehouse, for consumption.

By Mr. EXON:

S. 2695. A bill to provide for an additional district court judge for the judicial district of Nebraska; to the Committee on the Judiciary.

ADDITIONAL DISTRICT COURT JUDGE FOR NEBRASKA

Mr. EXON. Mr. President, the work of the Federal judiciary is frequently taken for granted by the public. In the State of Nebraska, the Federal district court is doing an outstanding job managing an extremely heavy workload. In 1985, the Nebraska Federal district ranked 12th in the Nation and first in the eighth circuit for total filings per judge. In trials completed per judge,

the Nebraska district ranked fourth in the Nation and first in the eighth circuit.

The total number of filings per 12-month period has grown from 1,117 in 1981 to 1,975 in 1985. Most experts expect this trend to continue. This heavy workload is managed by three full time judges, two senior judges, and two full time and one part time Federal magistrates.

Because of the current heavy case load and the anticipated trend for the future, I am introducing legislation to create an additional judgeship for the Federal district of Nebraska. I hope that the Senate Judiciary Committee will carefully study the workload statistics relating to the Nebraska Federal District Court and recommend this legislation to the full Senate.

Chief Judge Arlen Beam, Judge Warren K. Urbom, Judge Lyle E. Strom, senior Judge Robert Van Pelt and senior Judge Richard E. Robinson are to be saluted for their hard work and continuing efforts to make the Nebraska district a model of judicial efficiency.

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

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

S. 2695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall appoint, pursuant to section 133 of title 28, United States Code, an additional district court judge for the judicial district of Nebraska.

(2) To reflect the change made by this subsection, section 133 of title 28, United States Code, is amended by striking out the following:

"Nebraska ..... 3";

and inserting in lieu thereof the following:

"Nebraska ..... 4".

By Mrs. HAWKINS:

S. 2697. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to provide mandatory penalties for certain drug offenses involving the importation or exportation, or the manufacture, of controlled substances, and to amend schedule I of the Controlled Substances Act to include cocaine; to the Committee on the Judiciary.

NARCOTICS IMPORTATION, MANUFACTURE, AND CONTROL ACT

Mrs. HAWKINS. Mr. President, I am today introducing legislation to establish mandatory sentences for the importation of large quantities of illegal drugs, and to upgrade cocaine to a schedule I drug. The mandatory sentencing portion of this bill is a companion to H.R. 1946 introduced by Congressman DUNCAN HUNTER in the House of Representatives.

I will not recite for you once again the awful statistics on drug trafficking and drug use in the United States, its impact on crime, health, education, youth, and the economy. Suffice it to say that drugs are destroying all good things in our society. We know that the President has now declared drug trafficking to be a threat to our national security.

We are clearly in need of greater deterrence against drug trafficking. Many of our laws had their sanctions weakened and watered down during the liberal experiments of the sixties and seventies.

Today, all too many of our judges still avail themselves of the wide sentencing discretion allowed them under these watered down laws to let major drug dealers off with a tap on the wrist even after conviction.

This bill strengthens mandatory penalties for large quantities of illegal drugs calling for:

A 20-year mandatory sentence for importation and manufacture of 100 grams or more of opium, morphine, codeine, or heroin; a kilogram or more of cocaine; 500 grams or more of PCP or 5 grams or more of LSD. Current law stipulates sentences up to 20 years.

A 15-year mandatory sentence for importation of lesser amounts of these drugs. Current law calls for a sentence of up to 15 years.

A 5-year mandatory sentence for importation of 50 kilograms of marijuana, 10 kilograms of hashish and/or a kilogram or more of hashish oil.

The bill also takes the dramatic step of completely outlawing the distribution and use of cocaine by making the drug a "Schedule I Narcotic" under the Controlled Substance Act. Cocaine is currently a "Schedule II Narcotic." This upgrade allows law enforcement to more tightly control the drug.

While it is frightening to behold the accelerated addition and destruction process of crack, we should not be stampeded into forgetting that crack is nothing more than a purified form of cocaine. The dividing line between crack and cocaine is indistinct and arbitrary. And if by some miracle we devised a crack specific defense that worked, who believes that no new form of sophisticated cocaine abuse would rise to take its place.

For this reason, I believe we should concentrate our attack on the generic drug, cocaine, rather than be drawn off to concentrate our attack on the current deadly cocaine sideshow of crack. By going after cocaine, we automatically go after crack and any future inventive form of cocaine abuse. I realize that attacking crack is much more palatable politically to the drug culture and those many so-called recreational users of cocaine who might look down on "crack" users. But logic and conviction would dictate an attack on crack through an attack on cocaine itself.

Current accepted medical use of cocaine is negligible. I am advised that it is confined to use as a local anesthetic for the nasal passage. Other substitute anesthetics are available for this purpose. While about 800 pounds of legal cocaine are produced each year in the United States, much of this is exported or used for research. Diversion of some of this now licit cocaine for illicit use is a near certainty.

It's time we put cocaine back where it belongs—at the head of the class with heroin as a schedule I drug with no acceptable medical use. I hope my colleagues will join me in this effort.

By Mr. LAXALT (for himself and Mr. HECHT).

S. 2698. A bill to transfer certain public lands in Nevada to the Toiyabe, Humboldt, and Inyo National Forests; to the Committee on Energy and Natural Resources.

TRANSFER OF CERTAIN PUBLIC LANDS IN NEVADA

● Mr. LAXALT. Mr. President, I introduce with my distinguished colleague, Senator HECHT, a bill to provide for implementing an interchange of management responsibilities between the Forest Service and the Bureau of Land Management in Nevada.

This proposal grows out of the proposal last year for such an interchange which would involve the entire United States. The effort is aimed at eliminating sometimes overlapping and redundant management efforts on adjacent Federal lands. It would streamline management and save the Government management costs.

The Nevada proposal following several studies of the existing management structure for the two agencies. The proposal basically blocks up a number of Forest Service management units by incorporating in them existing scattered and uneconomical BLM units. This proposal has been prepared by the two agencies working together at my request, and I am hopeful the result of that collaboration will insure administration support of this particular proposal.

I would have preferred that the Nevada Interchange initiative be included in a national interchange proposal. It appears that prospect is now unlikely but it should not deter the Senate from moving forward on an interchange proposal for Nevada or any other State in which agreement has been reached. I urge early and favorable action on this proposal.●

● Mr. HECHT. Mr. President, today I am joining my colleague Senator LAXALT in introducing the National Forests of Nevada Enhancement Act of 1986, a bill to implement the Nevada portion of the ill-fated national land exchange between the Forest Service and the Bureau of Land Management.

After long and detailed negotiations among the Nevada congressional delegation, the Nevada State government, and the Interior and Agriculture Departments, an agreement was reached on the Nevada portion of the national land exchange legislation. Now of course, it is quite clear that the national legislation is not acceptable to most of the other affected States.

However, Nevada is quite pleased with its portion of the exchange, so the entire delegation is supporting legislation of the sort being introduced today. The most important difference between this bill and the national legislation, other than the geographical scope of the bill, is the fact that this Nevada bill does not alter the existing division of responsibility for mining activity on Forest Service land. The roles of the Forest Service and the Bureau of Land Management will continue just as they are now.

From the national perspective, this bill will accomplish some savings for the Federal budget. It will smooth out some irregular boundaries between the two agencies, and therefore make land management more efficient, and easier to understand for those who use the public lands.

Specifically, this bill transfers 511,000 acres of BLM land to units of the Humboldt and Toiyabe National Forests. No changes are anticipated in the daily on-the-ground management of any of these lands after they are transferred. This bill will not affect any of the wilderness review process currently underway by either agency.

Mr. President, this is a good bill, which will reduce the Federal deficit, improve Federal land management, and enjoys the enthusiastic support of the State and local governments that it affects. I hope the Congress will be able to take rapid action on this legislation.●

By Mr. SPECTER:

S. 2699. A bill to amend the Controlled Substances Act to provide mandatory minimum sentences for distribution of controlled substances to minors, to add enhanced penalties, including mandatory minimum sentences, for employment of minors in the distribution of controlled substances, and to allow States receiving forfeited assets for youth drug abuse prevention and rehabilitation; to the Committee on the Judiciary.

JUVENILE DRUG PREVENTION ACT

Mr. SPECTER. Mr. President, I rise today to address a topic of immense concern to me, to my constituents in Pennsylvania, and to countless milions of citizens throughout the Nation. That topic is drugs, and the increasingly widespread availability of drugs to Americans, and to American youths in particular.

Most recently, the tragic cocaine-related death of Len Bias, the young basketball star from the University of Maryland, has sparked renewed controversy over athletics and drugs, and the heretofore seemingly unrecognized dangers of even one-time social use of cocaine.

The greatest current attention is on the smokeable freebase cocaine known as crack, or rock. This substance, chronicled in a cover story in the June 16, 1986, issue of Newsweek, has run rings around traditional law enforcement mechanisms principally because it is sold very cheaply, produced very simply and inexpensively, often carried only in small quantities, and yet is capable of producing a brief but extremely addictive high. As Newsweek states, the crack trade is similar to a "guerrilla insurgency," which makes an "infuriatingly enlusive target for police."

Perhaps the most frightening aspect of the popularity of crack is the impact of this drug and its underculture on our children. Pushers have concentrated on marketing this drug to children, due to its relatively cheap price, as low as $10 a hit, and the fact that it is smoked, rather than injected. Moreover, children have become instrumental in the distribution of crack. The pushers' insidious rationale is that children, if caught, are likely to be subjected to lesser penalties which allows them to return to the streets more quickly, and thus does not represent as great a disruption to the drug marketing scheme as would the arrest of adults. Use of children as pushers also makes it easier for the major dealers to remain anonymous; the intricate network of youthful and enthusiastic pushers typically knows little, if anything, about the actual operation in which they are pawns. Children also are easy to involve in these illegal activities—the offer of a new bike or a free stereo system proves to be a powerful enticement, and enables major dealers to recruit youths into illegal drug activities much more easily, and cheaply, than adults could be induced.

Such business practices obviously tempt many other youths to become involved as it is difficult for them to ignore the obvious material benefits being received by their drug-pushing peers. To these children, the rewards appear to outdistance by far any perceived detriments. Tragically, one of the major rewards being given to these children is a free dose of whatever substance they may be selling. Thus, an even more vicious cycle develops: the children continue to serve their bosses because, as drug addicts themselves, they need money to support a growing drug habit, or need the reward of free drugs from their bosses.

Some attention has been paid to this problem of children and drugs in the past. Pursuant to section 405A of the Controlled Substances Penalties Amendments Act of 1984, 21 U.S.C. 801 et seq., any person who distributes a controlled substance in, or within 1,000 feet of, a public or private school is subject to penalties double that which otherwise is in the title. For a subsequent similar offense, the offender is subject to a minimum 3 year prison term, without possibility of suspension or probation.

Similarly, in section 845 of 21 U.S.C., the distribution of a controlled substance to a person under 21 years of age subjects an offender to a double term of imprisonment or double fine, or both, for a first offense, and a triple term or fine, or both, for subsequent offenses.

Although these provisions are a start, I do not believe that they go far enough to deter the use and abuse of our Nation's children by drug dealers. Therefore, in the legislation I introduce today, I propose that a mandatory sentence of 5 years be imposed on each and every offender convicted of knowingly selling drugs to a minor, or utilizing the services of a minor in the sale or distribution of a controlled substance, or selling drugs within 1,000 feet of an elementary, middle, or high school. Such sentences would be imposed without possibility of parole.

I believe that the drastic actions of these pushers in incorporating our children into their illegal schemes require a drastic reaction on the part of this Congress to enact this mandatory jail term provision. As the former district attorney of Philadelphia, I am fully aware of the major deterrent effect which the reality of a prison sentence holds for criminals. If the price which such criminals had to pay for their actions were substantially increased, perhaps they would think twice before deciding to use children in their illegal enterprises.

Mr. President, the bill which I introduce today has another section which also is designed to protect our youth from drug dangers. This provision would allow the Attorney General to make discretionary assignments of asset forfeiture funds resulting from successful drug enforcement operations.

Pursuant to the present provisions of 21 U.S.C. § 881(e), the Attorney General may transfer funds to law-enforcement agencies which participated in the seizure, and ultimately forwards remaining funds to the General Treasury of the United States. The bill which I am offering will allow the Attorney General much greater freedom in the distribution of such funds. Specifically, it will allow the moneys to be used for antidrug purposes in addition to law enforcement. For example, the Attorney General will be able to use moneys derived from law enforcement operations to fund programs focusing on preventive education of youth and drug rehabilitation. The benefits and

logic of affording the Attorney General such discretion are obvious: if more current drug users are permanently rehabilitated, and if potential abusers are dissuaded from beginning to use drugs, then the need for law enforcement in this area will not be so acute in the future. The forfeiture money will have been very well spent if it accomplishes these objectives.

Of course, these changes do not in any way limit the Attorney General's ability to allocate all of the forfeiture proceeds to law enforcement. Rather, my bill simply increases the Attorney General's discretion, thus giving him a broader range of antidrug options.

The moneys involved are substantial and certainly can make a difference if wisely utilized. During 1985, for instance, the Drug Enforcement Administration reports that a total of $243,948,652 in asset forfeiture funds was received. For fiscal year 1986 by June 30, the total is already $243,922,166. Not all moneys are forfeited, of course. In the period October 1985–June 30, 1986, 884 applications were decided favorably with $11.9 million transferred. This result was obtained from 1,604 applications totaling $24.5 million.

I believe that this bill will enable America's parents to rest more peacefully. There is some comfort in knowing that great efforts are being made to arrest big-time drug dealers, and to close down large-scale drug operations. But there is no comfort if the majority of our high school students are uneducated in drug prevention, and the youth addiction rate in many communities is increasing. The ability to divide the available funds from drug assets forfeiture among all worthy antidrug operations will help all of us as we continue to do battle against drugs on all possible fronts.

Mr. President, I ask my colleagues to join me in supporting the legislation which I have introduced, and I ask unanimous consent that the bill be printed in the CONGRESSIONAL RECORD.

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

S. 2699

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Juvenile Drug Prevention Act".

SEC. 2. MANDATORY MINIMUM SENTENCES FOR DISTRIBUTION OF CONTROLLED SUBSTANCES TO MINORS.

(a) DISTRIBUTION TO PERSONS UNDER AGE TWENTY-ONE.—Section 405 of the Controlled Substances Act (21 U.S.C. 845) is amended by adding at the end thereof the following:

"(c) In the case of any sentence imposed under this section as authorized by section 401(b)(1), the term of imprisonment shall be not less than 5 years. In the case of a minimum sentence imposed under this subsection, imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual sentenced under this subsection shall not be eligible for parole under section 4202 of title 18 until the individual has served the minimum sentence required by this subsection.".

(b) DISTRIBUTION IN OR NEAR SCHOOLS.—Subsection (c) of section 405A of the Controlled Substances Act (21 U.S.C. 845a) is amended to read as follows:

"(c) In the case of any sentence imposed under this section as authorized by section 401(b)(1), the term of imprisonment shall be not less than 5 years. In the case of a minimum sentence imposed under this subsection, imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual sentenced under this subsection shall not be eligible for parole under section 4202 of title 18 until the individual has served the minimum sentence required by such subsection.".

SEC. 3. ENHANCED PENALTIES FOR EMPLOYMENT OF PERSONS UNDER AGE EIGHTEEN TO DISTRIBUTE DRUGS.

Part D of the Controlled Substances Act is amended by adding after section 405A the following new section:

"EMPLOYMENT OF PERSONS UNDER AGE TWENTY-ONE TO DISTRIBUTE DRUGS

"SEC. 405B. (a) Any person at least eighteen years of age who violates section 401(a)(1) of this Act by employing a person under twenty-one years of age to distribute a controlled substance is (except as provided in subsection (b) of this section) punishable by (1) a term of imprisonment, or a fine, or both, up to twice that authorized by section 401(b) of this Act, and (2) at least twice any special parole term authorized by section 401(b) of this Act, for a first offense involving the same controlled substance and schedule.

"(b) Any person at least eighteen years of age who violates section 401(a)(1) of this Act by employing a person under twenty-one years of age to distribute a controlled substance after a prior conviction or convictions under subsection (a) of this section have become final, is punishable by (1) a term of imprisonment, or a fine, or both, up to three times that authorized by section 401(b) of this Act, and (2) at least three times any special parole term authorized by section 401(b) of this Act, for a second or subsequent offense involving the same controlled substance and schedule.

"(c) In the case of any sentence imposed under this section as authorized by section 401(b)(1), the term of imprisonment shall be not less than 5 years. In the case of a minimum sentence imposed under this subsection, imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual sentenced under this subsection shall not be eligible for parole under section 4202 of title 18 until the individual has served the minimum sentence required by such subsection.".

SEC. 4. USE OF FORFEITED ASSETS FOR YOUTH DRUG ABUSE PREVENTION AND REHABILITATION.

Subsection (c) of section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is amended in the matter following clause (4) by inserting after the first sentence the following: "Forfeited property transferred to a State or local law enforcement agency pursuant to paragraph (1) may be used for law enforcement and youth drug abuse prevention and rehabilitation purposes designated by the Attorney General.".

By Mrs. HAWKINS:

S.J. Res. 381. Joint resolution providing for a White House Conference on Illicit Drug Use and Control; to the Committee on the Judiciary.

(The remarks of Mrs. HAWKINS and the text of the legislation appear earlier in today's RECORD.)

ADDITIONAL COSPONSORS

S. 519

At the request of Mr. EVANS, the names of the Senator from Michigan [Mr. LEVIN], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 519, a bill to require a study of the compensation and related systems in executive agencies, and for other purposes.

S. 1026

At the request of Mr. PRESSLER, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1026, a bill to direct the cooperation of certain Federal entities in the implementation of the Continental Scientific Drilling Program.

S. 1259

At the request of Mr. THURMOND, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1259, a bill to correct certain inequities by providing Federal civil service credit for retirement purposes and for the purpose of computing length of service to determine entitlement to leave, compensation, life insurance, health benefits, severance pay, tenure, and status in the case of certain individuals who performed service as National Guard technicians before January 1, 1969.

S. 1817

At the request of Mr. TRIBLE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1817, a bill to suspend temporarily most-favored-nation treatment to Romania.

S. 1888

At the request of Mr. BUMPERS, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 1888, a bill to provide for a program of cleanup and maintenance on Federal public lands, national parks, recreation areas, and for other purposes.

S. 2093

At the request of Mr. ARMSTRONG, the name of the Senator from Nevada [Mr. LAXALT] was added as a cosponsor of S. 2093, a bill to recognize the organization known as the National Mining Hall of Fame and Museum.

S. 2411

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2411, a bill to prohibit possession, manufacture, sale, importation, and mailing of ballistic knives.

S. 2453

At the request of Mr. COHEN, the names of the Senator from Arizona [Mr. GOLDWATER], the Senator from Texas [Mr. GRAMM], the Senator from Wisconsin [Mr. KASTEN], the Senator from Maine [Mr. MITCHELL], the Senator from Alaska [Mr. STEVENS], and the Senator from California [Mr. WILSON] were added as cosponsors of S. 2453, a bill to enhance the capabilities of the United States to combat terrorism and other forms of unconventional warfare.

S. 2494

At the request of Mr. BRADLEY, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 2494, a bill to amend title XVIII of the Social Security Act to modify the limitations on payment for home health services under the Medicare Program to conform regulations; to assure that all legitimate costs are taken into account in calculating such limitations; to provide affected parties an opportunity to comment on revisions in Medicare policies; and to require discharge planning procedures.

S. 2498

At the request of Mr. KENNEDY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 2498, a bill to prohibit loans to, other investments in, and certain other activities with respect to, South Africa, and for other purposes.

S. 2528

At the request of Mr. SPECTER, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 2528, a bill to establish clearly a Federal right of action by aliens and U.S. citizens against persons engaging in torture or extrajudicial killing, and for other purposes.

S. 2539

At the request of Mr. WARNER, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Vermont [Mr. STAFFORD], the Senator from New Mexico [Mr. DOMENICI], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Mississippi [Mr. STENNIS] were added as cosponsors of S. 2539, a bill to consolidate and improve provisions of law relating to absentee registration and voting in elections for Federal office by members of uniformed services and citizens of the United States who reside overseas.

S. 2593

At the request of Mr. BUMPERS, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 2593, a bill to establish the National Nuclear Safety Study Commission.

S. 2614

At the request of Mr. CHAFEE, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 2614, a bill to provide for parallel imports in order to continue to provide savings for U.S. consumers.

S. 2643

At the request of Mr. HEINZ, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 2643, a bill to amend title 23, United States Code, to improve the program for resurfacing, restoring, rehabilitating, and reconstructing interstate highways.

S. 2646

At the request of Mr. HEINZ, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 2646, a bill to provide that no change may be made in the prospective payment rates established under section 1881(b)(7) of the Social Security Act with respect to outpatient maintenance dialysis services until certain requirements are satisfied.

S. 2665

At the request of Mr. SYMMS, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 2665, a bill to amend the national maximum speed limit law.

S. 2680

At the request of Mr. THURMOND, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Michigan [Mr. RIEGLE], the Senator from Nevada [Mr. HECHT], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 2680, a bill to amend the Internal Revenue Code of 1954 to allow a charitable contribution deduction to farmers who donate agricultural products to assist victims of natural disasters.

SENATE 2690

At the request of Mr. METZENBAUM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 2690, a bill to prohibit certain companies who have filed for bankruptcy from discontinuing medical and life insurance benefits to retirees.

SENATE JOINT RESOLUTION 343

At the request of Mr. D'AMATO, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from New York [Mr. MOYNIHAN], were added as cosponsors of Senate Joint Resolution 343, a joint resolution designating the week of September 21, 1986, through September 27, 1986, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 352

At the request of Mr. METZENBAUM, the names of the Senator from Nebraska [Mr. ZORINSKY], and the Senator from West Virginia [Mr. ROCKEFELLER], were added as cosponsors of Senate Joint Resolution 352, a joint resolution to designate the week beginning September 7, 1986, as "Gaucher's Disease Awareness Week."

SENATE RESOLUTION 446

At the request of Mr. KENNEDY, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of Senate Resolution 446, a resolution condemning the Government of Chile for the death of Rodrigo Rojas de Negri.

SENATE CONCURRENT RESOLUTION 156—RELATIVE TO A NEED FOR AN INTERNATIONAL FOLLOWUP ON THE HEALTH CONSEQUENCES OF THE CHERNOBYL NUCLEAR DISASTER

Mr. CRANSTON submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 156

Whereas on or about April 26, 1986, a serious accident occurred at an operating nuclear facility at Chernobyl in the Soviet Union;

Whereas this accident resulted in significant numbers of individuals in the Soviet Union being exposed to high levels of radiation and, as a result of such exposure, some have died, many more are presently suffering ill-health effects, and tens of thousands of others are at risk of suffering future ill-health effects;

Whereas many other individuals in the Soviet Union and in other nations may have been exposed to increased levels of radiation resulting from the accident;

Whereas international collaboration, including active involvement by United States citizens, has provided invaluable assistance in treating the immediate victims of this accident;

Whereas scientific information regarding the long-term effects in humans of exposure to radiation, despite many studies over the last 40 years since the first large-scale exposure of humans to radiation, remains incomplete and the gaps in such information is a cause of ongoing controversy;

Whereas the best source of further information about the long-term health effects in humans of exposure to radiation is scientifically valid, comprehensive, long-term followup and study of individuals known to have been exposed to radiation, such as those exposed as a result of the Chernobyl accident;

Whereas such information would be of great interest and benefit to the citizens of the United States as well as to all the world's peoples;

Whereas there have been reports in the media indicating that there may be some interest on the part of the government of the Soviet Union in entering into cooperative agreements for the long-term followup and monitoring of the health status of the citizens of the Soviet Union exposed to radiation from the Chernobyl accident; and

Whereas there have also been reports in the media that efforts are underway to establish a privately-funded organization to sponsor such long-term followup and monitoring by international scientists and that the establishment of such an organization is under consideration by the government of the Soviet Union: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the President is commended for his efforts to date to assist the government and

the people of the Soviet Union in the aftermath of the Chernobyl accident;

(2) the President should continue to offer the assistance of the United States in providing medical care and other assistance to the Soviet Union;

(3) the President should take all appropriate action, in concert with the governments of the Soviet Union and other nations whose peoples may have been affected by the Chernobyl accident, the governments of other concerned nations, international health and other international organizations, and appropriate private entities, to promote the development and implementation of comprehensive, cooperative, international efforts to identify those persons who may be at risk of adverse health effects as a result of the accident and to conduct long-term followup assessments of their health status so as to try to protect their health as well as to increase, for the benefit of the citizens of the United States as well as of all the world's peoples, the level of scientific information about the health effects in humans of exposure to radiation;

(4) the President should urge the Soviet Union to support the establishment of entities, including appropriate private entities, to carry out such followup activities and to cooperate fully with all such activities; and

(5) the President should place the promotion of such international efforts on the agenda for the next United States/Soviet Union summit meeting.

Mr. CRANSTON. Mr. President, today I am submitting Senate Concurrent Resolution 156, expressing the sense of the Congress concerning the need for international cooperative efforts to identify the individuals exposed to radiation as a result of the nuclear accident at Chernobyl in the Soviet Union and to monitor the health status of those individuals.

Without question, the accident at the Chernobyl nuclear power station in late April was one of the worst incidents involving radiation exposure in human history. Approximately 100,000 people live in the Chernobyl region, located 60 miles north of Kiev in the Ukraine, who were potentially exposed to high levels of radiation. A rad—radiation absorbed dose—is the standard unit to measure exposure to radiation. The maximum reported radiation level in the town of Chernobyl, 12 miles from the reactor site, was 15 millirad per hour (15 mR/hr). By comparison, normal background radiation in most parts of the world is about 0.01 mR/hr. So, this Chernobyl-generated maximum estimated radiation level was 1,500 times the normal background level. Some scientists have estimated that people within 2 miles of the reactor when the accident occurred might have suffered exposure to radiation levels as high as 200 to 1,500 rad. The people of Pripyat, a workers' community with a population of more than 20,000 located about 2 miles from the reactor, are likely to be especially haunted for a long while with both short- and long-term health effects of the Chernobyl disaster.

According to news accounts, 26 of the 35 most severely exposed individuals have died and approximately 300 individuals remain hospitalized, of whom about 80 patients are reported to be in extreme condition. New reports of women seeking and obtaining abortions because of exposure have recently reached the United States. Many others from the Chernobyl area may die or become ill over time as a direct result of their exposure to radiation released from the Chernobyl facility. The seriousness of this accident cannot be overstated.

Chernobyl, a name which was, until recently, unrecognizable outside of the Soviet Union, today symbolizes international concern for nuclear safety. Global environmental concerns have turned a local accident into an international crisis. Because many countries, including Poland, Sweden, Austria, East Germany, Holland, Greece, West Germany, Yugoslavia, and Luxembourg, have felt the safety of their own citizens sufficientiy threatened by this accident, these governments have instituted special public health safety measures. Scientists have detected elevated levels of environmental radiation on a much wider geographic scale, even in the United States. Fortunately, however, the elevations reported in the United States are not high enough to be dangerous.

Mr. President, along with many of my colleagues, I am deeply concerned about the threat of nuclear catastrophe. Ever since nuclear bombs were dropped on Hiroshima and Nagasaki in 1945, I have sought ways to diminish the nuclear threat. Still, in these past 41 years, the danger of exposure to radiation has escalated, as military testing and production of nuclear weapons have increased and industrial and energy-related uses have spread, causing increases in the mining, refining, and transport of radioactive materials.

As shocking as the news of the Chernobyl accident was, it was not a surprise. What is surprising, however, is how little we know about both the immediate and long-term health effects of exposure to ionizing radiation despite at least 80,000 articles published internationally before 1981 on the health effects of ionizing radiation. Virtually all we know about radiation-related health effects comes from the careful review and extensive, ongoing followup medical care and examination of those Japanese present when the bombs fell on Hiroshima or Nagasaki. Although this literature provides significant new knowledge on how exposure to radiation affects the human body, many questions remain unanswered. Forty-one years later, we can and should conduct better medical research on this subject.

Mr. President, my first reaction to the Chernobyl disaster was the horror of knowing how little could be done to reduce the suffering of those affected. Later, I came to recognize that this disaster might prove to be a God-given opportunity in disguise: A learning experience for all humanity.

Let us not miss that opportunity.

I am most encouraged to learn of the proposal made by Dr. Robert Peter Gale, the eminent University of California at Los Angeles [UCLA] bone marrow-transplant specialist assisting Soviet physicians. Dr. Gale proposes to conduct extensive followup treatment and observation of thousands of people affected by the Chernobyl accident. In this regard, Mr. President, I'd like to ask unanimous consent that two articles describing the bone marrow transplant and other medical followup work taking place in Moscow—one by Dr. Richard Champlin of UCLA, who is working with Dr. Gale in Moscow, from the July 13, 1986, Washington Post entitled "With Chernobyl's Victims"; the other by Ms. Gina Kolata from the July 4, 1986, issue of Science, "The UCLA-Occidental-Gorbachev Connection"—be printed in the RECORD at the conclusion of my remarks.

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

Mr. CRANSTON. Mr. President, I know I join with many others the world over in applauding the heroic work of Dr. Gale and his colleagues, Dr. Champlin, Dr. Paul Terasaki of UCLA, and Dr. Yair Reisner of Israel, and in expressing my strong support for implementing extensive followup care and scientific review. According to recent reports, Soviet officials have expressed a willingness to engage in cooperative research work with members of the world scientific community and, in fact, an agreement for a joint United States-Soviet study has already been negotiated and signed by Dr. Gale and Dr. Andrei Vorobyov, a member of the U.S.S.R. Academy of Medical Sciences.

Preliminary efforts to conduct the large-scale medical and biological followup study envisioned by Dr. Gale and others in the United States, Soviet Union, and elsewhere, have already begun. Early plans for the Chernobyl study include collecting exposure data from up to 200,000 potentially exposed persons and provision of periodic, documented medical examinations over a 30-year period. In addition to Dr. Gale's involvement in this work, several U.S. Government agencies—including the Department of Energy, the National Institutes of Health, and the National Academy of Sciences—have expressed a desire to participate in the followup study effort.

In this regard, Mr. President, I note reports that one such large-scale epidemiological study is now being developed, based on the recommendations of 19 scientists from the United States, Italy, Japan, Sweden, Argentina, and

The Netherlands who met on July 8 in Los Angeles. This meeting was organized with funding provided by Mr. Armand Hammer, who has been involved from the start of the Chernobyl accident with efforts to provide emergency medical aid and to initiate followup study.

I have long known and greatly admired Armand Hammer and his generosity and charitable activities and especially his commitment to improving the relations between the American and Soviet peoples. His efforts here promise a great benefit to all humankind.

Mr. President, I ask unanimous consent that a July 18 Los Angeles Times article by Thomas H. Maugh II, which describes this proposed epidemiological study and Mr. Hammer's extensive involvement in the Chernobyl aftermath, also be printed in the RECORD at the conclusion of my remarks.

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

Mr. CRANSTON. Mr. President, I believe very strongly that these research efforts should go one step further: I urge my colleagues to support me in a proposal to see that the research effort is truly international—neither Soviet-based nor U.S.-based. The dangers of radiation raise an international issue—an issue not restricted by international borders, with implications for all nations that possess or seek nuclear reactors for power generation or weapons or whose peoples might someday lie in the path of nuclear fallout from another nuclear disaster. In my estimation, that includes everybody on Earth.

The world community, besides providing true international legitimacy to this effort, can add significant general scientific and technological expertise as well as direct experience in dealing with other incidents of exposure to radiation.

Mr. President, before I close, I would like to extend my personal appreciation to President Reagan for his expressions of support to the people of the U.S.S.R. in this crisis and for his continuing offers of assistance in the aftermath.

I urge my colleagues to join with me as cosponsors of this resolution. I expresses the sense of the Congress that the opportunity to conduct cooperative research by an international team of scientists and experts is the single most important benefit that can come from the Chernobyl accident. It commends the President for the efforts he has made, and calls on him to continue at the next summit meeting between United States and Soviet heads of state, and specifically to seek to promote the comprehensive, international identification and examination of those at risk of adverse health effects, and the protection of the health of those individuals. We, as citizens of the United States, and as members of the global community, will all benefit from the increased knowledge about the health effects of human exposure to radiation to be derived from these efforts.

There being no objection, the articles mentioned earlier were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 13, 1986]

WITH CHERNOBYL'S VICTIMS

(By Dr. Richard Champlin)

The phone call from Moscow came on a Sunday, at 10 in the morning. The weary voice of Dr. Robert P. Gale was barely audible: "Dick, the Soviets have agreed to let you, (Dr. Paul) Terasaki and (Yair) Reisner come. There's a 3 o'clock flight available to Moscow today. Can you make it with the supplies?"

I was excited and apprehensive, but there wasn't time to sort through feelings. I told the news to my wife, ran out the door and drove to my office on the fourth floor of the UCLA Medical Center in Westwood. There, two assistants and a doctor were already rapidly packing the last of the medical goods that would soon compose a makeshift, modern blood-typing laboratory in an aging Moscow hospital.

In the air, I had a chance to begin to contemplate the enormity of the project, and my own nervousness grew. I'd spent the last eight years performing bone marrow transplants and administering controlled dosages of radiation to leukemia victims. Now I was about to encounter the effects of the worst peacetime nuclear disaster in history. Apart from the challenges of treating so many seriously ill patients, I also felt a scientist's exhilaration at knowing that I was on the cutting edge of medicine, that I would be witness to a drama that might one day yield great knowledge.

But there was much uncertainty: How many victims would need acute medical care? What was the extent of their injuries, and how would we assess them? How would our Soviet colleagues feel about us, and what would be their level of competence and preparedness? Finally, were we risking danger to oursleves? Would the fallout reach Moscow; would our food supply be contaminated?

Once in Moscow, we felt extremely isolated. We knew only what was taking place in Hospital No. 6.

We worked 12 to 15 hours a day. We'd arrive between 9 and 10 each morning and make rounds with the hospital's two senior physicians, Drs. Angelina Guskova and Alexander Baranov. We got along very well professionally; the Latin-based terminology of medicine transcended any cultural or language differences. Guskova and Baranov supervised a hard-working group of junior physicians who reminded me of American medical residents. Many of these young Soviet doctors, most of them women, spent days at a time in the hospital caring for the most critically ill Chernobyl victims.

Two patients stand out vividly in my memory. One was a firefighter in his mid-20s who'd been part of a group called in immediately after the explosion to put out the fire. They were the first inside the plant, and this man's injuries were among the worst. He knew that he'd received a potentially fatal dose. But he wasn't terrified. He had the same stoic yet frightened look of many of my leukemia patients back at UCLA.

It was inexplicable that he was dying and that another firefighter, in the adjacent hospital room, had suffered very little tissue damage. The two men had fought alongside each other, perhaps 20 feet apart. Apparently, the radiation exposure had been patchy, unevenly distributed. A matter of 20 feet made the difference between life and death.

His condition deteriorated over the course of a few days because of extreme radiation damage to his intestines. The cells that radiation kills first are the fastest-growing ones, the bone marrow and then the cells that line the mouth and the gastrointestinal tract. Cells from other tissues grow more slowly and may be able to repair radiation damage before they divide, thus enhancing their chances for survival.

He died in the early morning. When I arrived at the hospital to make rounds, his wife stood weeping outside his door. She was being comforted by nurses while small children roamed the hallway.

The other patient who does not leave my mind was in his 30s, a Soviet doctor, not much younger than I, who lived near Chernobyl. He was introduced as a hero. Knowing the risks, he'd gone into the nuclear-reactor building in an attempt to rescue people injured in the initial explosion. He'd sacrificed himself voluntarily and in the process saved many lives. When I met him, he was still conscious, though intermittently delirious. He said hello, very simply, in Russian.

He was already showing the early signs of severe radiation exposure. His injuries were the worst of all, and his suffering grew from one day to the next. In his mouth and on his face were large black herpes simplex blisters, often the first symptoms of exposure. His skin literally broke down before our eyes. First, the sensitive folds around the groin and under the armpits became red and ulcerated. Slowly these ulcers spread across his entire body. In a matter of days, he was covered with red, weeping skin burns. He was barely recognizable toward the end. We administered morphine, constantly increasing the dosage, but even that did little to ease his misery. The membranes that lined the young doctor's intestines had eroded and he suffered severe, bloody diarrhea. He died about 12 days after the explosion, a week after receiving a transplant.

Angelina Guskova, the hospital's chief physician, is a stout, no-nonsense woman in her 50s; Alexander Baranov, in his mid-40s, bald and thin, is a hematologist in charge of bone marrow transplants. Both of them speak some English, though we still depended on the Ministry of Health officials to act as translators. When we began discussing patient care, it quickly became clear that both Guskova and Baranov were excellent clinicians with a longstanding interest in the effects of radiation.

Guskova had studied the few previous nuclear-facility mishaps worldwide as well as cases in which health-care workers had been inadvertently overexposed to laboratory radiation. She'd formulated an important method of estimating the dose of radiation absorbed by individuals during accidents. Guskova's method estimates the amount of exposure by using a formula based on how quickly the victim's white blood cell count drops and the degree of breakdown in the chromosome structure of the blood and bone marrow, which is the source of blood and the foundation of the immune system, and which looks very much like blood itself.

Because it wasn't possible to know how much radiation each victim had been ex-

posed to, her method proved an invaluable tool in our assessment of the Chernobyl victims. Based on those projections, we decided which patients needed bone marrow transplants; we gave transplants only to those victims we estimated had received 500 or more rads of radiation, the equivalent of more than 25,000 chest X-rays.

But the estimates didn't prepare us for the tremendous amount of injury to the victims' soft tissues. According to Guskova's estimates, many of the patients had received less radiation exposure during the blast than a typical cancer patient receives during standard radiation treatment. We routinely give higher dosages of therapeutic radiation for leukemia patients—but never see the degree of soft-tissue damage that the Chernobyl victims suffered.

Why Guskova's estimates of radiation exposure didn't parallel the extensive tissue damage of the victims is unclear. One possible explanation is that great amounts of radioactive particles were either inhaled or swallowed and produced damage to the skin, mouth, intestines and lungs. That damage wouldn't be reflected in the condition of the white blood cells or of the bone marrow. It's also possible that Guskova's formula was inaccurate because of the lack of information shrouding the Chernobyl accident.

Our primary task was to assist with the evaluation and care of 35 critically ill radiation victims. Before we arrived, nine of the most severely affected had been given transplants by the Soviet physicians, some using bone marrow and some using tissue taken from the livers of stillborn or aborted babies. This second procedure, known as a fetal liver transplant, is generally less effective than a bone marrow transplant and so is a last resort, employed only when a matching donor can't be found or when the patient's white blood cells are so depleted that tissue typing can't be performed.

We helped perform a total of 10 bone marrow transplants, assisting in the extraction of bone marrow from donors and the infusion of it into patients. We were introduced as American doctors to all the patients and many members of their families, who were allowed to visit but, like the physicians and nurses, had to wear sterile masks, boots and gowns—the urine, blood, stool and secretions of these patients being potentially radioactive. Though touching and hugging were not forbidden, there was little physical contact between family members. The sterile outfits interfered, and besides, the burned skin of the injured victims was extremely sensitive. Each victim would find a moment to thank us for coming. They seemed comforted knowing that American medications would be used in their care.

Despite the addition of our supplies, the Soviet doctors had to cope with a critical shortage of technology and with equipment that dates back 20 years or more. Compared to most American hospitals, the facilities were stark. The building itself was in disrepair and lacked air conditioning. The Soviets buy most of their hospital equipment from the United States and other Western countries and manufacture very little themselves.

It was apparent that they aren't equipped to handle a large number of casualties, a fact brought home most clearly by the absence of an automated blood-cell counter. Instead of determining blood counts in 20 seconds with a piece of equipment that can be found in most Beverly Hills hematologists' offices, the Soviets count blood cells under a microscope—a process that takes 30 minutes. (During our last days in the Soviet Union, a French company donated a $100,000 blood-cell counter. The Soviets were assembling it as we left.)

We had to contend with frequent mechanical breakdowns, which forced us to work longer hours to keep from delaying any transplants and risking lives. During our first transplant, a very old lab hood, used to maintain sterile conditions, began to smell like burnt rubber. When working properly, the hood blows filtered air over the tabletop surface to prevent airborne bacteria from contaminating the bone marrow preparation. The hood never worked again, but fortunately none of the bone marrow ever became contaminated. We made sure of this by preparing cultures of every bone marrow specimen.

All the bone marrow transplants were obtained from family members whose tissue types most closely matched that of the patient. Though matching tissue types entails a great deal of painstaking work, the actual transplant is relatively simple. The donor is given general anesthesia, and the six-inch needle is inserted into the hip bone, the easiest and safest place to extract marrow. More than 200 punctures are made to the bone marrow over the course of an hour.

The procedure involves sucking marrow into a syringe a teaspoon at a time until about one pint, or 10 percent of the body's bone marrow, is collected. It's then placed in a bag and injected into the patient in a procedure similar to a blood transfusion. Traveling through the bloodstream, the donor's bone marrow cells find their way to the patient's bone marrow.

The most challenging part of bone marrow transplants is keeping the victim alive, using antibiotics and other supportive measures, until the bone marrow has had a chance to engraft. It's a race between infection and the recovery of the body's immune system. Of the 19 transplant recipients, 13 died before the transplant itself had had a chance to grow. As of mid-June, the other six were still alive.

Since returning to the United States, Gale and I have continued to communicate daily, via telex, with the Soviet physicians regarding patient condition and care. We've secured additional medical supplies for them. Gale has made a second trip, and he plans to return again in late July to formalize an agreement for international cooperation in assessing the effects of the radiation on 100,000 people in the vicinity of Chernobyl.

The Soviet physicians seemed to cope with their limited resources and to handle the emergency conditions well. We were careful not to usurp their role. We had more experience in bone marrow transplants, but they had greater knowledge of accidental radiation exposure. It was a good partnership.

Early on, Gale, Terasaki, Reisner and I discussed whether we should focus on the operations and patient care, or whether we should also invest time training the Soviets in marrow transplants. We all agreed on the latter course—and it was the right decision. The instruction and training we gave to junior Soviet physicians and technicians, and the books and technology we left behind, stand as a legacy of which we are all proud.

Fortunately, none of my fears about fallout in Moscow materialized, and only once did the meter at the exit of Hospital No. 6 detect any radiation on my clothes. One evening my left shoe registered a positive reading, and I wiped the radiation off on a floor mat.

The disaster at Chernobyl demonstrated the devastating effects of radiation exposure. It illustrates the fact that adequate medical care would be impossible in a larger nuclear catastrophe. As a cancer doctor, I'm accustomed to dealing with patients who die. This was different; I was overwhelmed by the human suffering. But the fact is that the damage and human misery that would be wrought by nuclear weapons would be immeasurably worse. Chernobyl would pale by comparison.

[From Science, July 4, 1986]

THE UCLA-OCCIDENTAL-GORBACHEV CONNECTION

LOS ANGELES.—It is the end of a long afternoon for Robert Peter Gale, head of the bone-marrow transplant unit at the University of California at Los Angeles. On 7 June, he returned from Moscow where he performed 19 bone-marrow transplants on victims of the Chernobyl nuclear accident. Now he is caring for 30 "horrendously ill" patients at UCLA Medical Center and is trying to juggle the press. The afternoon of 18 June began with a long photo session for *People* magazine. Then *Life* came in. Next it was the turn of a crew from Japanese television, who had waited patiently in the hall for hours. Then *Life* called to complain that they had been promised exclusive photos, so what was *People* doing there?

Gale, a thin and intense man who pads around the building in clogs, seems exhausted yet stimulated by the constant tugs for his attention from the press, patients, physicians, and the hospital staff. And he is understandably excited by the story he has to tell. For he is the one who organized and carried out the bone-marrow transplant operations in the Soviet Union—an undertaking so complex that it rivals any battle plan. Now he is planning to enlist the help of the scientific community to follow, for the rest of their lives, as many as 100,000 to 200,000 Soviets who received doses of radiation that may result in cancer or birth defects in years to come.

Even before the nuclear reactor exploded at Chernobyl, Gale had thought about what he would do if such an accident occurred. So, in a sense, he was mentally prepared.

Gale's first thought on hearing of the accident was to offer help. As chairman of the advisory committee of the International Bone Marrow Transplant Registry, he called other committee members and suggested the group contact the Soviets. Then he devised a plan to transmit their offer of aid.

"That morning, Reagan's offer of humanitarian aid was declined, so I thought of two other channels," says Gale. One was to go through the National Cancer Institute, which had an inactive exchange program with Soviet scientists. The other, which was the plan that worked, was to go through Armand Hammer, the head of Occidental Petroleum, whose headquarters are just a few blocks from the UCLA Medical Center. Gale and Hammer have known each other for years, and Hammer has a relationship with the Soviets that goes back 65 years.

In an interview at his office at Occidental Petroleum, Hammer told *Science* the story of his involvement with the Soviets. He first visited Russia in 1921, just after he graduated from New York University Medical School. He had a 6-month hiatus before he was scheduled to begin an internship at Bellevue Hospital and decided to go to Moscow to help with a typhus epidemic.

"When I got to the area where the typhus epidemic was, I found that the principal problem was famine. I said, "Why don't you buy grain?" They were burning grain in America because they had too much," Hammer says. But the Soviets explained that they had no means to buy it.

Hammer, who was already a self-made millionaire, bought the grain for them. It was the beginning of a long and virtually unbroken trade relationship between him and the Soviets. So, on 6 May, when Gale called Hammer, Hammer sent a telegram to Mikhail Gorbachev, relaying Gale's offer of help. "The answer came back, "Please send him immediately,' " Hammer recalls. "I told him not to worry about a visa, just go. And I told him to phone me when he got there and tell me what he needs."

Gale left on 8 May. He had, he says, booked reservations on every flight to Moscow that week in order to be ready to go as soon as he got word that the Soviets wanted him. Just before he left, he "mobilized resources." Specifically, he arranged for Mortimer Bortin of the Medical College of Wisconsin, who is scientific director of the International Bone Marrow Transplant Registry, to coordinate transplant centers in case there was a need for donors—and transplant centers—outside the Soviet Union. He also contacted John Hansen of the University of Washington and arranged for him to coordinate computer data from a North American registry of potential bone-marrow donors and for John Goldman of Hammersmith Hospital in England to do the same for a European directory. Although there is only a 1 in 10,000 chance that marrow from an unrelated person will completely match any particular patient, Gale wanted to have the registry doners available. It turned out, however, that he did not need to use them.

In addition, Gale called Paul Terasaki of UCLA, a tissue-typing expert, and asked him to assemble all that he needed for tissue typing as many as 200 people. He also contacted his UCLA colleague Richard Champlin, asking him to put together antibiotics, needles, and other supplies to take care of the Chernobyl victims clinically. And he got in touch with Israeli scientist Yair Reisner, whose specialty is using plant lectins to remove T cells from bone marrow before it is transplanted. In this way, it is possible to overcome some of the difficulties of tissue mismatches. Hammer flew Terasaki, Champlin, and Reisner to Moscow.

The technology that the physicians used was first discussed in 1945, when American researchers began laboratory investigations of bone-marrow transplants because they suspected that the Germans might have an atomic bomb. If so, and if the Germans used it, the Americans reasoned, bone-marrow transplants might be the only way to save the lives of those who were near the blast.

Radiation destroys preferentially the fastest growing cells of the body—the bone-marrow cells, hair cells, the cells of the gastrointestinal tract. For that reason, people who are irradiated lose their hair, vomit, and lose their immune systems, the cells of which originate in the bone marrow.

But research on bone-marrow transplantation proceeded very slowly because it took decades for investigators to learn HLA typing, which matches the tissue type of the donor to that of the recipient. If the donor and recipient are not well matched, the T cells of the transplanted marrow attack the cells of the recipient because, to them, the recipient's cells are foreign. The result is graft-versus-host disease, which can be fatal.

One of the first times that bone-marrow transplants were used to treat patients was in 1958, when five victims of a nuclear reactor accident in Vinca, Yugoslavia, were flown to Paris for treatment. Four received transplants and survived. But HLA typing was unknown and the victims received marrow from relatives, which may or may not have matched their own. The patients' radiation does also were unknown. They may, then, have survived despite, rather than because of, their transplants.

Clinical researchers began doing bone-marrow transplants routinely about 15 years ago. The technology has become quite sophisticated and now bone-marrow transplants, when there is an HLA-matched donor, are the treatment of choice for many leukemia patients and for patients with aplastic anemia, whose bone marrow simply stopped functioning. Some investigators are giving bone-marrow transplants to patients with genetic diseases, such as thalassemia. And Gale's group is using the technique with AIDS patients who have identical twins who can serve as donors. Except for the aplastic anemia patients, all these transplant recipients must first have their own marrow almost totally destroyed through drugs and radiation.

At UCLA, says Gale, about 100 patients receive bone-marrow transplants each year. About 50% survive. The rest die of infections in the period after their transplant when they have no functioning immune system because the new marrow cells have not yet begun to grow, from organ damage caused by the tradition they received, or from graft-versus-host disease—which still occurs in nearly half of the patients, no matter how carefully their HLA types are matched. Only identical twins have no mismatch at all in their HLA types. Still, the patients are certain to die without the transplants, so even 50% odds are good.

Gale says, "I could calculate that only 30% of the patients [from Chernobyl] would have matched donors." Matched donors are almost always siblings, each of whom has a 25% chance of being the same HLA type as a patient. Parents are only partially matched because each person inherits these antigens equally from each parent. So if only parents were available to donate bone marrow, the marrow would have to be cleansed of T cells with the method developed by Reisner or a similar method using monoclonal antibodies.

When a patient receives a graft from an HLA-matched donor, the chances of graft-versus-host disease are 45%. Those chances drop to 15% if T cells are removed from the marrow before transplantation. If the marrow donor is not matched to the recipient, the chances of graft-versus-host disease are 75% without T cell removal and are 45% with it. Reisner's procedure works, but the drawback is that the chances of graft rejection increase.

Gale explains that it is virtually impossible to remove all T cells from a patient's bone marrow before transplantation, no matter how much radiation the person receives. So there are still at least a few T cells around to attack the foreign marrow that is transplanted. Ordinarily, the transplanted marrow has its own T cells, and the two sets of T cells battle it out. Since the transplanted marrow usually has far more T cells than the patient's marrow, the transplanted marrow usually takes over. But if the transplanted marrow has almost no T cells, it is more likely to lose the battle and never engraft.

An alternative to cleaning T cells from a mismatched marrow is to use liver cells from fetuses aborted in the second trimester. The fetal liver functions as a bone marrow but has no T cells. Persons who were so badly irradiated that they had essentially no blood cells left to HLA-type would be candidates for a fetal liver transplant. Fetal livers, says Gale, "are universal donors." But they are likely to be rejected for the same reason as marrows that have their T cells removed.

When Gale arrived in Moscow, he met with Soviet physicians who "gave me an inkling of the extent of radiation and the numbers of patients." The Soviets had already begun transplants on the most severely affected patients—they had performed three fetal liver transplants. Three hundred Chernobyl victims were in Moscow's Municipal Hospital No. 6. Hundreds more were hospitalized in Kiev. As many as 100 to 200 persons had received "very substantial doses of radiation—more than 3 grays," and 400 or 500 received "substantial doses—more than 1 gray," Gale remarks. "We are concerned about both groups."

Gale began ordering equipment and supplies. The Russians, he says, "had some equipment, but not enough." Occidental Petroleum has an office in Moscow with a direct line outside the country, which made it possible to call the company's Los Angeles office. "I called Richard Jacobs [in the Los Angeles office] several times a night with a big description of what I wanted. For example, I would say I needed three Baxter Travenol machines for separating blood. I needed European machines because of the [electrical] current difference. The plastic-ware for the machines was in the U.S. Occidental would launch the machines from three European countries, would send out a technician from a fourth country, and would send plastic-ware from the U.S."

All this was done at Armand Hammer's expense, as a gift to the Soviets. Hammer says the final bill is not yet in, but so far he estimates he spent about $600,000.

One problem that Gale and his colleagues faced was deciding whom to transplant. It was not clear how much radiation the patients had received, and they had to estimate, based on such things as how soon the patients began vomiting and how many blood cells they had left. In this, the physicians were aided by a Soviet publication summarizing the world's data on clinical effects of radiation. "Much of it came down to the art of medicine, not science," Gale remarks. "We took all the bits of data and gave them weights based on our personal impression."

The physicians ended up performing 19 bone-marrow transplants, six of which were fetal liver transplants. All of those who received fetal liver transplants have died because they were so severely burned by the radiation. "We would have expected one to two to survive at best if they were average patients," Gale says. Because they died of the effects of the radiation, "we can't evaluate the success of the transplants."

Of the remaining 13 transplant patients, five are still alive and are now out of immediate danger. The Soviet physicians, who had done only about 20 bone-marrow transplants in all of Russia before the Chernobyl accident, got an education in the latest techniques for this procedure. For example, they had had no experience giving the anti-rejection drug cyclosporine intravenously, yet this drug of choice for bone-marrow transplant patients cannot be given orally

because, says Gale, "you can't be sure of absorption in irradiated patients. Our mission was not only to do but to teach."

Gale plans to return to the Soviet Union on 20 July to continue following the Chernobyl victims. There can be major complications 3 months after a transplant, he notes.

For the future, Gale wants very much to see an international scientific effort to follow the 100,000 to 200,000 Soviets who received 15 to 30 times the background level of radiation when the radioactive plume from Chernobyl passed over Kiev. It is impossible to estimate the likelihood of cancer or birth defects in this population, he says. Moreover, he continues, "the actual danger to any individual is small and if an individual gets cancer, they can't know if it was caused by radiation or other factors."

"One of our jobs is to reassure," says Gale. "We don't want to cause more harm than Chernobyl. We don't want 100,000 people to live their lives in fear of cancer. Yet we want to follow them medically."

Gale signed an agreement with the Soviets committing both countries to cooperating in the long-term follow-up of this population. "Now we are focusing on what we can provide," he says. "We are calling on advice from radiation specialists and specialists in cancer, genetic disorders, and birth defects. There is a lot to be said for cooperation. And we lend an air of credibility to Soviet publications."

So the consequences of Chernobyl remain to be determined. But there is at least the hope that some scientific knowledge may be gained from all the suffering.—Gina Kolata.

[From the Los Angeles Times, July 18, 1986]

L.A. AT CENTER OF MASSIVE STUDY OF CHERNOBYL VICTIMS

(By Thomas H. Maugh II)

Industrialist Armand Hammer and UCLA immunologist Robert P. Gale left for the Soviet Union Thursday carrying recommendations from an international team of scientists for the establishment of an unprecedented study to monitor the health of up to 200,000 Soviet citizens who were exposed to radiation in the Chernobyl nuclear power plant accident.

The long-term study will be the largest human epidemiological study ever undertaken. A similar study involving the survivors of Hiroshima and Nagasaki included 80,000 people.

Thus the Chernobyl study's sheer magnitude—aside from the implications of radiation's human health effects—could generate medical data across a broad spectrum never before assembled.

At a Los Angeles press conference, Hammer and Gale also announced creation of the Armand Hammer Center for Advanced Studies in Nuclear Energy and Health, which will sponsor the work of physicians and scientists from several nations as well as their Soviet counterparts in the Chernobyl study.

FINANCED BY HAMMER

Hammer said he will personally finance the Los Angeles-based center, but he declined to reveal further financial details. Gale is to serve as president of the center. Hammer is chairman of Occidental Petroleum.

Recommendations for the Chernobyl study were developed at a July 8 meeting in Los Angeles of 19 leading scientists from the United States, Italy, Japan, Sweden, Argentina and the Netherlands. The group included radiation biologists, geneticists and hematologists.

Hammer said some of the recommendations have already been communicated to the Soviets. "They are in agreement," he said, "and are looking forward to our arrival."

Gale did not disclose any details of the Chernobyl study, but the general outline is already known. Soviet investigators are to attempt to identify every individual who was within a 30-kilometer (19-mile) radius of the Chernobyl plant at the time of the April accident.

The health of these individuals will be assessed, and then they will be monitored for the rest of their lives.

OTHER CONCERNS

"We are concerned not only about long-term cancer, genetic effects and teratogenesis (birth defects)," Gale said, "but also about cataracts, impairment of the immune system and damage to other tissues."

Gale noted that there is "some urgency" in getting the project under way. "Many of the women who were exposed to radiation were pregnant. We need to find them, determine the age of the fetus at exposure, and find out what happens to them before it is too late," he said.

The Soviets will play the major role in the Chernobyl study, Gale said. Soviet physicians will have to register all the people and provide them medical care. The international team of experts is to help primarily in the design of the study to reduce eventual ambiguities in interpretation of the data and in that interpretation itself.

"We have had extensive experience in this area, so we would like the Russians to have the benefit of our experience," Gale said.

He also disclosed at the airport press conference that a television-telephone link between Los Angeles and the Soviet Union will be established to facilitate communications and the exchange data.

While in the Soviet Union, Gale is to check on the health of the 300 patients at Hospital No. 6 that he helped treat on an earlier visit. "I spoke to Dr. (Andrei) Vorobiev five days ago," Gale said, "and he said there had been no further fatalities since I left, although many of the patients are still hospitalized." Gale said 24 of those patients had died previously.

Gale and Hammer also plan to go to Kiev, about 80 miles south of Chernobyl, to examine 200 patients Gale treated there. Earlier this week, Hammer arranged for the shipment of additional medical supplies to aid in treating those patients.

SENATE CONCURRENT RESOLUTION 157—RELATIVE TO A BAN ON DRUGS ON CAMPUS

Mr. QUAYLE (for himself, Mr. THURMOND, Mr. WEICKER, Mr. HATCH, Mr. DENTON, Mrs. HAWKINS, Mr. STAFFORD, and Mr. GRASSLEY) submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 157

Whereas illegal drug use is a serious national problem;

Whereas the Nation is witnessing an increased use of addictive and more serious drugs;

Whereas drug use is incompatible with the educational process and atmosphere which is conducive for learning;

Whereas a strong educational system is critical to the Nation's safety, productivity, and well-being, and drug abuse in our educational institutions is a threat to educational excellence;

Whereas parents have a right to expect colleges and universities to take measures to protect their sons and daughters from drugs; and

Whereas colleges and universities have a basic responsibility to care for the moral and indeed the physical well-being of their charges: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) colleges and universities should enforce strict but fair policies in order to provide drug-free environments for their students; and

(2) elected officials, parents, students, and the public should support academic and cultural institutions which focus upon these policies and responsibilities and commit themselves to eliminating drug use on campus.

● Mr. QUAYLE. Mr. President, today I am submitting along with a number of my colleagues, a concurrent resolution calling upon college and university presidents to help keep drugs off their campuses and urging them to enforce strict and fair policies to eliminate drug use by students.

Over the last few years, there has been a lot of talk about the need to improve the condition of education in our country. And yet, we have not focused on a serious impediment to excellence in our schools, and that is drug use. Drug use in postsecondary education does not attract as much attention because we all think that college students are adults and they should have greater freedoms. But, Mr. President, the freedom to destroy one's life through drug abuse is not one that we should encourage. Drugs do not promote effective learning, and they hamper educational achievement and excellence.

The problem of drugs in college is becoming all too clear with the recent and tragic death from cocaine of an all-star athlete, a college student, Lenny Bias. This is one tragedy that gets publicized, that we hear about, but there are many other college students whose lives are destroyed by drugs, or who die from drugs, whom we don't hear about.

This concurrent resolution parallels the recent request that Secretary of Education William Bennett has made to all college and university presidents. Secretary Bennett has asked the presidents to write their students, welcoming them to school in the fall and telling them, in no uncertain terms, that drugs on campus will not be tolerated. I strongly support the Secretary's call to college presidents asking for their help in keeping our schools drug free.

College students can be as easily influenced to try or use drugs by peers as junior high or high school students.

There is no reason why our colleges and universities cannot be drug free to ensure that these young adults are not pressured into trying drugs.

Students cannot learn when they are drug impaired, and drugs are, in elementary and secondary education, as well as in postsecondary education, a barrier to the excellence that we all desire in our schools and for our children.

Again, let me commend Secretary Bennett for this initiative to involve college presidents in the fight against drugs. I hope that all college and university presidents will rise in unison in condemning drug use by their students, and I urge my colleagues to cosponsor this concurrent resolution expressing our support for drug-free campuses.●

AMENDMENTS SUBMITTED

STATUTORY INCREASE IN THE PUBLIC DEBT LIMIT

KENNEDY (AND OTHERS) AMENDMENT NO. 2236

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. WEICKER, Mr. CRANSTON, and Mr. LEVIN) submitted an amendment intended to be proposed by them to the joint resolution (H.J. Res. 668) increasing the statutory limit on the public debt; as follows:

At the end of the joint resolution, add the following new title:

TITLE III—ANTI-APARTHEID ACT OF 1986

SEC. 301. SHORT TITLE.

This title may be cited as the "Anti-Apartheid Act of 1986".

SEC. 302. ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS.

Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 535. ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS.—(a) Not less than $25,000,000 of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1987 and each fiscal year thereafter shall be available for assistance for disadvantaged South Africans. Assistance under this section shall be provided for activities that are consistent with the objective of a majority of South Africans for an end to the apartheid system, and the establishment of a society based on nonracial principles. Such activities may include scholarships, assistance to promote the participation of disadvantaged South Africans in trade unions and private enterprise, alternative education and community development programs.

"(b)(1) Not less than $1,500,000 of the amounts provided in each fiscal year pursuant to subsection (a) shall be available to carry out with respect to South Africa the human rights purposes described in section 116(e)(2)(A) of this Act, of which not less than 35 percent shall be used for direct legal and other assistance to political detainees and prisoners and their families and for support for actions of black-led community organizations to resist, through nonviolent means, the enforcement of apartheid policies.

"(2)(A) Except as provided in subparagraph (B), grants under this subsection may not exceed $10,000.

"(B) Of the amounts allocated to carry out this subsection, $100,000 shall be available each fiscal year only for grants to organizations which have available for their use resources whose value is at least equal to the amount of the grant under this subsection. Grants of up to $30,000 may be made to organizations. For purposes of this subparagraph, the term "resources" includes, in addition to cash assets, in-kind assets and contributions such as equipment, materials, and staff and volunteer time.

"(c) Assistance provided pursuant to this section shall be made available notwithstanding any other provision of law and shall not be used to provide support to organizations or groups which are financed or controlled by the Government of South Africa. Nothing in this subsection may be construed to prohibit programs which are consistent with subsection (a) and which award scholarships to students who choose to attend South African-supported institutions.

"(d) In providing assistance pursuant to this section, priority shall be given to working with and through South African nongovernmental organizations which are community-based and whose leadership and structure represent and have the support of the disadvantaged communities being served. Private organizations not based in the community, but which provide needed services to disadvantaged South Africans, may also receive assistance if such organizations and their programs have the demonstrable support of the disadvantaged communities being served.".

SEC. 303. POLICY TOWARD FRONTLINE STATES.

(a) It is the sense of the Congress that the President should discuss with the governments of the African "frontline" States the effects on them of disruptions in transportation or other economic links through South Africa and of means of reducing those effects.

(b) Of the funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), $30,000,000 shall be available only for the Beira Corridor Project to improve the transportation infrastructure of the Front Line States.

SEC. 304. PROHIBITIONS ON LOANS TO, NEW INVESTMENT IN, AND OTHER ACTIVITIES INVOLVING SOUTH AFRICA.

(a) PROHIBITIONS.—

(1) ON UNITED STATES PERSONS.—No United States person may, directly or through another person—

(A) make any loan or other extension of credit to, or provide funds for the purpose of making a loan or other extension of credit to, the Government of South Africa or any corporation, partnership, or other organization which is owned or controlled by the Government of South Africa, as determined under regulations which the President shall issue;

(B) otherwise make any investment in South Africa, including but not limited to an investment which consists of earnings derived from a business enterprise in South Africa;

(C) contribute technology or technological information, training, or services of any kind to the exploration for, or the research, development, or production of, new, or the expansion of existing, energy sources in, for, or on behalf of South Africa; or

(D) make any deposit in—

(i) a foreign bank which is organized under the laws of South Africa or owned or controlled by South African nationals; or

(ii) a branch of a bank or foreign bank if that branch is located in South Africa.

(2) ON CERTAIN FOREIGN BANKS.—(A) No foreign bank which is organized under the laws of South Africa or owned or controlled by South African nationals may establish or operate any branch or agency in the United States.

(b) EXCEPTIONS.—

(1) The prohibition contained in subsection (a)(1) shall not apply to any loan or extension of credit for which an agreement is entered into before July 23, 1986.

(2) The prohibition contained in subsection (a)(1)(A) shall not apply to any loan or extension of credit for any educational, housing, or health facility which is available to all persons on a nondiscriminatory basis and which is located in a geographic area accessible to all population groups without any legal or administrative restriction.

(3) The prohibition contained in subsection (a)(1)(C) shall not apply with respect to a contract entered into before July 23, 1986.

(4) The prohibition contained in subsection (a)(1)(D) shall not apply to any United States Government employee or United States journalist in South Africa.

SEC. 305. BANK DEPOSITS.

(a) IN GENERAL.—A depository institution may not, on or after the date of enactment of this Act, accept, receive, or hold a deposit from the Government of South Africa or from any person who is a citizen or national of South Africa, or from any person or corporation acting on behalf of the Government of South Africa or any citizen or national of South Africa.

(b) A depository institution may not permit the withdrawal of any existing deposit by the Government of South Africa, its agencies and instrumentalities, and controlled entities or by any person who is a citizen or national of South Africa.

(c) DEFINITIONS.—As used in subsection (a), the term "depository institution" has the same meaning as in section 19(b)(1) of the Federal Reserve Act.

SEC. 306. PROHIBITION ON CONTRACTS WITH SOUTH AFRICAN FIRMS.

On or after the date of enactment of this Act, no department, agency, or other entity of the United States may enter into a contract with any corporation or other business enterprise organized under the laws of South Africa or which is 50 percent or more beneficially owned by nationals of South Africa.

SEC. 307. PROHIBITION ON UNITED STATES GOVERNMENT PROCUREMENT FROM SOUTH AFRICA.

On or after the date of enactment of this Act, no department, agency or other entity of the United States may enter into a contract for the procurement of goods or services produced or performed in South Africa.

SEC. 308. RESTRICTIONS ON THE ISSUANCE OF VISAS TO SOUTH AFRICANS.

Notwithstanding any provision of law, the Secretary of State may not issue a visa to any national of South Africa except in cases where travel will contribute to the ending of apartheid.

SEC. 309. PROHIBITION ON THE PROMOTION OF UNITED STATES TOURISM IN SOUTH AFRICA.

None of the funds appropriated or otherwise made available by any provision of law may be available to promote United States tourism to South Africa.

SEC. 310. PROHIBITION ON LANDING RIGHTS IN THE UNITED STATES AND SOUTH AFRICA.

(a) PROHIBITION.—Notwithstanding any other provision of law, including any international agreement—

(1) the Secretary of Transportation shall prohibit the takeoff and landing in the United States of any aircraft by an air carrier owned, directly or indirectly, by the Government of South Africa or by South African nationals; and

(2) the Secretary of Transportation shall prohibit the takeoff and landing in South Africa of any aircraft by an air carrier owned, directly or indirectly, by a national of the United States or by any corporation or other entity organized under the laws of the United States or of any State.

(b) EXCEPTIONS FOR EMERGENCIES.—The Secretary of Transportation may provide for such exceptions from the prohibition set forth in subsection (a) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers are threatened.

(c) DEFINITIONS.—For purposes of this section, the terms "aircraft" and "air carrier" have the meanings given those terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301).

SEC. 311. PROHIBITION OF UNITED STATES GOVERNMENT ASSISTANCE TO INVESTMENT IN, OR SUBSIDY FOR TRADE WITH, SOUTH AFRICA.

None of the funds appropriated or otherwise made available by any provision of law may be available for any assistance to investment in, or any subsidy for trade with, South Africa, including but not limited to funding for trade missions in South Africa and for participation in exhibitions and trade fairs in South Africa.

SEC. 312. DISINVESTMENT OF COMPUTER INDUSTRY IN SOUTH AFRICA AND PROHIBITION ON COMPUTER EXPORTS.

(a) PROHIBITIONS.—No United States person may, directly or indirectly, make or hold any investment in South Africa in a business enterprise that sells computers, computer software, or goods or technology intended to service computers.

(b)(1) No computers, computer software, electronic components, or goods or technology intended to service computers may be exported, directly or indirectly, to South Africa.

(2) For purposes of this subsection, the term "computer" includes any computer that is the direct product of technology of United States origin.

Sec. 313. PROHIBITION ON NUCLEAR TRADE BETWEEN THE UNITED STATES AND SOUTH AFRICA.

(a) Notwithstanding any other provision of law—

(1) no license may be issued for the export to South Africa of goods or technology which are to be used in a nuclear production or utilization facility, or which, in the judgment of the Secretary of State, are likely to be diverted for use in such a facility;

(2) no authorization to engage, directly or indirectly, in the production of any special nuclear material in South Africa may be given;

(3) no license may be issued for the export to South Africa of component parts or other items or substances especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes; and

(4) no retransfer to South Africa of any goods, technology, special nuclear material, components, items or substances described in paragraph (1), (2), or (3) may be approved.

(b) Nothing in this section precludes assistance for International Atomic Energy Agency (IAEA) safeguards or IAEA programs generally available to the member countries of the IAEA, or for technical programs for the purpose of reducing proliferation risks, such as for reducing the use of highly enriched uranium and activities envisaged by section 223 of the Nuclear Waste Policy Act (42 U.S.C. 10203) or for exports which the Secretary of State determines are necessary for humanitarian reasons to protect the public health and safety.

(c) The Secretary of State, the Secretary of Energy, the Secretary of Commerce, and the Secretary of the Treasury may prescribe such regulations as may be necessary to carry out this section.

SEC. 314. PROHIBITION ON THE IMPORTATION OF SOUTH AFRICAN GOLD COINS.

(a) No person, including a bank, may import into the United States any gold coin minted in South Africa or offered for sale by the Government of South Africa.

(b) For purposes of this section, the term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

SEC. 315. PROHIBITION ON IMPORTATION OF SOUTH AFRICAN AGRICULTURAL PRODUCTS AND FOOD.

Notwithstanding any other provision of law, no—

(1) agricultural commodity or product thereof,

(2) article that is suitable for human consumption, that is a product of South Africa may be imported into the customs territory of the United States after the date of enactment of this Act.

SEC. 316. PROHIBITION ON IMPORTATION OF URANIUM, COAL, AND STEEL.

Notwithstanding any other provision of law, the following products of South Africa may not be imported into the United States: uranium ore, uranium oxide, and steel.

SEC. 317. PROHIBITION ON THE IMPORTATION OF MILITARY ARTICLES.

No arms, ammunition, military vehicles, or paramilitary equipment produced in South Africa or of any manufacturing data for such articles may be imported into the United States.

SEC. 318. LABOR PRACTICES OF UNITED STATES FIRMS IN SOUTH AFRICA.

(a) It is the policy of the United States to encourage strongly all United States firms in South Africa to adhere to fair labor principles which have benefited those in South Africa who have been disadvantaged by the apartheid system.

(b) Accordingly, no department or agency of the United States may intercede with any foreign government regarding the export marketing activity in any country of any national of the United States employing more than 25 individuals in South Africa who does not adhere to the principles stated in subsection (c) with respect to the national's operations in South Africa. The Secretary of State shall promulgate regulations to further define the employers that will be subject to the requirements of this subsection and procedures to ensure that such nationals may register that they have adhered to the principles.

(c) The principles referred to in subsection (b) are as follows:

(1) Desegregating the races in each employment facility;

(2) Providing equal employment opportunity for all employees without regard to race or ethnic origin;

(3) Assuring that the pay system is applied to all employees without regard to race or ethnic origin;

(4) Establishing a minimum wage and salary structure based on the appropriate local minimum economic level which takes into account the needs of employees and their families;

(5) Increasing by appropriate means the number of persons in managerial, supervisory, administrative, clerical, and technical jobs who are disadvantaged by the apartheid system for the purpose of significantly increasing their representation in such jobs;

(6) Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health;

(7) Implementing fair labor practices by recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity.

(d) It is the sense of the Congress that United States nationals referred to in subsection (b) should take reasonable measures to extend the scope of their influence on activities outside the workplace, by measures such as supporting the right of all businesses, regardless of the racial character of their owners or employees, to locate in urban areas, by influencing other companies in South Africa to follow the standards specified in subsection (c), by supporting the freedom of mobility of all workers, regardless of race, to seek employment opportunities wherever they exist, and by making provision for adequate housing for families of employees within the proximity of the employee's place of work.

SEC. 319. LABOR AND PROCUREMENT PRACTICES OF THE UNITED STATES GOVERNMENT IN SOUTH AFRICA.

(a) The Secretary of State and the head of any other department or agency of the United States carrying out activities in South Africa shall promptly take, to the extent permitted by law, the necessary steps to ensure that the labor practices described in section 318(c) are applied to their South African employees.

(b) The Secretary of State and the head of any other department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable and to the extent permitted by law, in procuring goods or services in South Africa, make affirmative efforts to assist business enterprises having more than 50 percent beneficial ownership by persons in South Africa disadvantaged by the apartheid system.

SEC. 320. NEGOTIATIONS; REPORTS TO CONGRESS.

The President shall, by means of both bilateral and multilateral negotiations, including through the United Nations, attempt to persuade the governments of other countries to adopt restrictions on activities with respect to South Africa consistent with the provisions of this title. Three months after the date of enactment of this Act, and every

three months thereafter, the President shall submit a report to the Congress on the status of negotiations under this section. Each such report shall include a description of—

(1) the extent to which other countries have adopted restrictions consistent with the provisions of this title; and

(2) the extent to which nationals of those countries have complied with any such restrictions, or have taken actions to diminish the impact on South Africa of the provisions of this title.

SEC. 321. CONSULTATION AMONG GOVERNMENT AGENCIES.

In carrying out their respective functions and responsibilities under this title, the Secretary of the Treasury and the Secretary of Commerce shall consult with the Secretary of State. Each such Secretary shall consult, as appropriate, with other government agencies and private persons.

SEC. 322. SOUTH AFRICAN STRATEGIC MINERALS.

The President shall review existing stockpile and contingency plans for ferrochrome, ferromanganese, platinum, and vanadium, to ensure the United States Government stockpiles of these minerals, together with domestic production and conservation capabilities, are adequate to meet defense and commercial needs in the event of a cutoff of supply of these minerals from South Africa for a period of up to three years.

SEC. 323. PROHIBITION ON IMPORTATION OF SOUTH AFRICAN TEXTILES.

Notwithstanding any other provision of law, no textiles may be imported from South Africa into the customs territory of the United States on or after the date of enactment of this Act.

SEC. 324. PROHIBITION ON EXPORTS OF CRUDE OIL AND PETROLEUM PRODUCTS.

(a) No crude oil or refined petroleum product which is subject to the jurisdiction of the United States or which is exported by a person subject to the jurisdiction of the United States may be exported to South Africa.

(b) Subsection (a) does not apply to any export pursuant to a contract entered into before the date of enactment of this Act.

SEC. 325. PROHIBITION ON THE SALE OR EXPORT OF MILITARY ARTICLES.

No arms, ammunition, military vehicles, paramilitary equipment, or any other items contained on the United States Munitions list which is subject to the jurisdiction of the United States or which is exported by a person subject to the jurisdiction of the United States may be exported to South Africa.

(b) Subsection (a) does not apply to any export pursuant to a contract entered into before the date of enactment of this Act.

(c) No letter of offer to sell under the Arms Export Control Act any item described in subsection (a) may be issued on or after the date of enactment of this Act.

SEC. 326. PROHIBITION ON COOPERATION WITH THE ARMED FORCES OR INTELLIGENCE SERVICES OF SOUTH AFRICA.

Notwithstanding any other provision of law, no funds may be obligated or expended for any cooperation, directly or indirectly, with the armed forces or intelligence services of the Government of South Africa.

SEC. 327. TERMINATION OF TAX TREATIES.

The President shall notify the Government of South Africa of the intention of the United States to terminate the following conventions and protocols in accordance with their terms:

(1) Convention Between the Government of the United States of America and the Government of the Union of South Africa for the Avoidance of Double Taxation and for Establishing Rules of Reciprocal Administrative Assistance With Respect to Taxes on Income, done at Pretoria on December 13, 1946, and the protocol relating thereto.

(2) Convention Between the Government of the United States of America and the Government of the Union of South Africa With Respect to Taxes on the Estates of Deceased Persons, done at Capetown on April 10, 1947, and the protocol relating thereto.

SEC. 328. ENFORCEMENT AND PENALTIES.

(a) AUTHORITY OF THE PRESIDENT.—Subject to subsection (b), the President shall take the necessary steps to ensure compliance with this title and any regulations, licenses, and orders issued to carry out this title, including establishing mechanisms to monitor compliance with this title and such regulations, licenses, and orders. In ensuring such compliance, the President may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

(b) ENFORCEMENT OF PROHIBITION ON FOREIGN BANKS.—The Comptroller of the Currency, in the case of a Federal branch or agency, and the Board of Governors of the Federal Reserve System, in the case of any other branch or agency, shall take the necessary steps to ensure compliance with section 304(a)(2), including revoking any existing authority of any foreign bank subject to the prohibition in section 304(a)(2) to establish or operate a branch or agency in the United States.

(c) PENALTIES.—

(1) FOR PERSONS OTHER THAN INDIVIDUALS.—Any person, other than an individual, that knowingly violates the provisions of this title or any regulation, license, or order issued to carry out this title shall be fined not more than $500,000.

(2) FOR INDIVIDUALS.—Any individual who knowingly violates the provisions of this title or any regulation, license, or order issued to carry out this title shall be fined not more than $250,000, or imprisoned not more than 5 years, or both.

(d) ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS.—

(1) IN GENERAL.—Whenever a person commits a violation under subsection (c)—

(A) any officer, director, or employee of such person, or any natural person in control of such person who willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who willfully carried out such act or practice,

shall be fined not more than $250,000, or imprisoned not more than 5 years, or both.

(2) RESTRICTION ON PAYMENT OF FINES.—A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

(e) SEIZURE AND FORFEITURE OF AIRCRAFT.—Any aircraft used in connection with a violation of section 310 or any regulation, license, or order issued to carry out that section shall be subject to seizure by and forfeiture to the United States. All provisions of law relating to the seizure, forfeiture, and condemnation of articles for violations of the customs laws, the disposition of such articles or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under this subsection, insofar as such provisions of law are applicable and not inconsistent with the provisions of this title; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for purposes of this subsection, be exercised or performed by the Secretary of Transportation or by such persons as the Secretary may designate.

SEC. 329. APPLICABILITY TO EVASIONS OF TITLE.

This title and the regulations issued to carry out this title shall apply to any person who undertakes or causes to be undertaken any transaction or activity with the intent to evade this title or such regulations.

SEC. 330. DEFINITIONS.

(a) IN GENERAL.—Subject to subsection (b), for purposes of this title—

(1) UNITED STATES PERSON.—The term "United States person" means any United States resident or national and any partnership, corporation, or other entity organized under the laws of the United States or of any of the several States, of the District of Columbia, or of any commonwealth, territory, or possession of the United States.

(2) INVESTMENT IN SOUTH AFRICA.—The term "investment in South Africa" means—

(A) a commitment of funds or other assets (in order to earn a financial return) to a business enterprise located in South Africa or owned or controlled by South African nationals, including—

(i) a loan or other extension of credit made to such a business enterprise, or security given for the debts of such a business enterprise;

(ii) the beneficial ownership or control of a share or interest in such a business enterprise, or of a bond or other debt instrument issued by such a business enterprise; or

(iii) capital contributions in money or other assets to such a business enterprise; or

(B) the control of a business enterprise located in South Africa or owned or controlled by South African nationals, in cases in which subparagraph (A) does not apply.

(3) SOUTH AFRICA.—The term "South Africa" includes—

(A) the Republic of South Africa;

(B) any territory under the administration, legal or illegal, of South Africa; and

(C) the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, Ciskei, and Venda.

(4) BUSINESS ENTERPRISE.—The term "business enterprise" means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage, and any corporation, partnerhsip, or other organization which is owned or controlled by the Government of South Africa, as determined under regulations which the President shall issue.

(5) BRANCH.—The term "branch" means the operations or activities conducted by a person in a different location in its own name rather than through a separate incorporated entity.

(6) SOUTH AFRICAN NATIONAL.—The term "South African national" means—

(A) a citizen of South Africa; and

(B) any partnership, corporation, or other entity organized under the laws of South Africa.

(7) CONTROL BY SOUTH AFRICAN NATIONALS.—South African nationals shall be presumed to control a business enterprise or foreign bank if—

(A) South African nationals beneficially own or control (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the business enterprise or bank;

(B) South African nationals beneficially own or control (whether directly or indirectly) 25 percent or more of the voting securities of the business enterprise or bank, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(C) the business enterprise or bank is operated by South African nationals pursuant to the provisions of an exclusive management contract;

(D) a majority of the members of the board of directors of the business enterprise or bank are also members of the comparable governing body of a South African national;

(E) South African nationals have the authority to appoint a majority of the members of the board of directors of the business enterprise or bank; or

(F) South African nationals have the authority to appoint the chief operating officer of the business enterprise or bank.

(8) CONTROL BY UNITED STATES PERSONS.—A United States person shall be presumed to control a business enterprise in South Africa if—

(A) the business enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(B) a majority of the members of the board of directors of the business enterprise are also members of the comparable governing body of the United States person;

(C) the United States person has the authority to appoint a majority of the members of the board of directors of the business enterprise; or

(D) the United States person has the authority to appoint the chief operating officer of the business enterprise.

(9) LOAN.—The term "loan" includes an extension of credit as defined in section 201(h) of the Credit Control Act (12 U.S.C. 1901(h)).

(10) BANK.—The term "bank" means—

(A) any depository institution as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A));

(B) any corporation organized under section 25(a) of the Federal Reserve Act (12 U.S.C. 611 et seq.);

(C) any corporation having an agreement or undertaking with the Federal Reserve Board under section 25 of the Federal Reserve Act (12 U.S.C. 601 et seq.); and

(D) any bank holding company as defined in section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(a)).

(11) POLITICAL PRISONER.—The term "political prisoner" means any person in South Africa who is incarcerated or persecuted on account of race, religion, nationality, membership in a particular social group, or political opinion, but the term "political prisoner" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

(b) ADDITIONAL DEFINITIONS.—For purposes of—

(1) section 304(a)(1)(C)—

(A) the term "energy sources" includes both mineral and nonmineral fuel resources, including solar, geothermal, fossil, nuclear, electrical, and synthetic fuel energy resources;

(B) the term "development" includes those activities conducted to make energy sources available or usable, including drilling and the construction or other preparation of facilities or other means for the removal or conversion to usable form of any energy source;

(C) the term "production" includes those activities conducted for the removal or conversion to usable form of any energy source, including refining, milling, any other processing, generation, transmission, and storage; and

(D) the term "services" includes construction, engineering, design, management, and maintenance services;

(2) sections 304(a)(1)(D), 304(a)(2), and 328(b), the term "foreign bank" has the meaning given that term in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 1301(b)); and

(3) section 304(a)(2), the terms "agency", "branch", "Federal agency", and "Federal branch" have the meanings given those terms in section 1(b) of the International Banking Act of 1978.

(c) Nothing in this section or any other provision of this Act shall be construed as constituting any recognition by the United States of the homelands referred to in subsection (a)(3)(C).

SEC. 331. TERMINATION OF CERTAIN PROVISIONS OF TITLE.

(a) DETERMINATION OF MET CONDITIONS.—If the President determines at any time that the conditions set forth in subsection (c) have been met, the President may submit a report setting forth that determination, and the basis for the determination, to the Congress.

(b) CONGRESSIONAL ACTION TERMINATING CERTAIN PROVISIONS ON THE TITLE.—Upon the enactment of a joint resolution approving a determination of the President under subsection (a) that the conditions set forth in subsection (c) have been met, the provisions of sections 304 through 328, and all regulations, licenses, and orders issued to carry out such provisions, shall terminate.

(c) STATEMENT OF CONDITIONS.—The conditions referred to in subsections (a) and (b) are that the Government of South Africa—

(1) has freed Nelson Mandela;

(2) has freed all political prisoners;

(3) has unbanned all political organizations; and

(4) has entered into good faith negotiations with truly representative leaders of the black majority for a new political system.

(d) PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTIONS.—

(1) REFERRAL OF JOINT RESOLUTIONS.—All joint resolutions under this section introduced in the House of Representatives and the Senate shall be referred immediately to the appropriate committees.

(2) COMMITTEE DISCHARGE.—If the committee of either House to which a joint resolution has been referred has not reported it at the end of 30 days after its introduction, the committee shall be discharged from further consideration of the joint resolution or of any other joint resolution introduced with respect to the same matter.

(3) CONSIDERATION OF RESOLUTIONS.—A joint resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976. For the purpose of expediting the consideration and passage of joint resolutions reported or discharged pursuant to the provisions of this subsection, it shall be in order for the Committee on Rules of the House of Representatives to present for consideration a resolution of the House of Representatives providing procedures for the immediate consideration of a joint resolution under this subsection which may be similar, if applicable, to the procedures set forth in section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976.

(4) RECEIPT OF RESOLUTIONS FROM THE OTHER HOUSE.—If before the passage by one House of a joint resolution of that House, that House receives a joint resolution with respect to the same matter from the other House, then—

(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(B) the vote on final passage shall be on the joint resolution of the other House.

(5) COMPUTATION OF LEGISLATIVE DAYS.—In the computation of the period of 30 days referred to in paragraph (2), there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.

(6) JOINT RESOLUTION DEFINED.—For purposes of this subsection, the term "joint resolution" means a joint resolution the matter after the resolving clause of which is as follows: "That the Congress, having received on a report by the President containing a determination under section 331(a) of the Anti-Apartheid Act of 1986, approves the President's determination.", with the date of the receipt of the report containing the determination inserted in the blank.

SEC. 332. REGULATORY AUTHORITY.

The President shall issue such regulations, licenses, and orders as are necessary to carry out this title. The President shall issue such regulations not later than 90 days after the date of the enactment of this Act.

RADIO AND TELEVISION COVERAGE OF SENATE PROCEEDINGS

GORE (AND LEVIN) AMENDMENT NO. 2237

(Ordered to lie on the table)

Mr. GORE (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the resolution (S. Res. 447) to amend Senate Resolution 28, as amended, agreed to February 27, 1986; as follows:

After line 9 add the following:

SEC. 2. (a) Paragraph 2 of rule XL of the Standing Rules of the Senate is amended by striking out ", or to prepare" and inserting in lieu thereof ", to prepare, or to transmit radio and television tapes of floor proceedings or".

(b) Paragraph 4(c) of rule XL of the Standing Rules of the Senate is amended by inserting "printed" after "consists entirely of".

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFARIS

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 Monday, August 11, 1986, in Senate Dirksen 562, at 10 a.m., on S. 2676, a bill to provide for the settlement of water rights claims of the La Jolla, Rincon, San Pasqual, Puama, and Pala Bands of Mission Indians in San Diego County, CA, and for other purposes.

Those wishing additional information should contact Patricia Zell of the committee at 224-2251.

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. HELMS. Mr. President, I wish to announce that the Subcommittee on Foreign Agricultural Policy, of the Committee on Agriculture, Nutrition, and Forestry, has scheduled a series of hearings entitled: "Preparing for the GATT: A Review of Agricultural Trade Issues."

The full committee will hold the fifth hearing of the series on Tuesday, August 5, 1986, at 9:30 a.m., in room 332, Russell Senate Office Building. This hearing, focussing on U.S. goals for agriculture in the upcoming round of trade negotiations under the GATT, will be chaired by Senator BOSCHWITZ.

For further information, please contact the committee staff at 244-2035.

SUBCOMMITTEE ON NATURAL RESOURCE DEVELOPMENT AND PRODUCTION

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Natural Resources Development and Production Subcommittee of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, August 20, 1986, beginning at 10 a.m. in Coeur D'Alene, IA at the Coeur D'Alene Resort Convention Center (208-765-4000). Testimony is invited regarding the state of the mining industry in the Northwest.

Those who wish to testify or wish to submit written statements should write to the Committee on Energy and Natural Resources, Subcommittee on Natural Resources Development and Production, U.S. Senate, room SD-358 Dirksen Senate Office Building, Washington, DC 20510. For further information, subcommittee staff contacts are Bob Terrell and Pat Sullivan (202-224-5205) or the office of Senator JAMES MCCLURE in Coeur D'Alene, room 307, Federal Building, office contact Ruthie Johnson (208-664-3086 or 208-765-7343).

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Thursday, August 7, 1986, at 2:30 p.m., to receive testimony on S. 2539, a bill to consolidate and improve provisions of law relating to absentee registration and voting in elections for Federal office by members of uniformed services and citizens of the United States who reside overseas.

Members of Congress and other interested organizations and individuals who wish to testify or submit a statement for the record are requested to contact Elaine Milliken of the Rules Committee staff at (202) 224-3449.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Foreign Agricultural Policy of the Committee on Agriculture, Nutrition and Forestry be authorized to meet during the session of the Senate on Tuesday, July 29, to hold a hearing entitled "Preparing for the GATT: A Review of Agricultural Trade Issues"; focusing on the impact of the Food Security Act of 1985 on agricultural trade.

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

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, July 29, 1986, in order to receive testimony concerning the nomination of William Hubbs Rehnquist to be Chief Justice of the U.S. Supreme Court.

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

ADDITIONAL STATEMENTS

RIGHT STUFF AWARD WINNERS, OCONEE COUNTY, SC

● Mr. HOLLINGS. Mr. President, I would like to honor the 23 Right Stuff Award winners and alternates in Oconee County, SC. This year's winners and alternates come from 11 Oconee County schools and represent grades 5 through 10. To be eligible for the Right Stuff Award, these students had to maintain a B+ average in science and math courses for the school year. They also had to complete or participate in extra projects in science or math as well as write an essay. To win the Right Stuff Awards, these students had to have the right stuff, and I am pleased for them, their families, schools, and teachers.

The 1986 Oconee County Right Stuff Award winners are as follows:

1986—THE RIGHT STUFF AWARDS WINNERS AND ALTERNATES

GIGNILLIAT PARK ELEMENTARY

Sixth Grade: Winner—Sara Kennedy, Mr. and Mrs. Biff Kennedy, 122 Cedar Lane, Seneca, SC. Alternate—David Olsen, Mr. and Mrs. Norman Olsen, 121 Emerald Drive, Seneca, SC.

Fifth Grade: Winner—Keisha Fleming, Mrs. Linda Fleming, 111 King Drive, Seneca, SC. Winner—Amy Dowis, Mr. and Mrs. Joe Dowis, 1410 Hiwassee Drive, Seneca, SC.

KEOWEE ELEMENTARY

Fifth Grade: Winner—William Brown, Mr. and Mrs. William Brown, 8 Craig Lane, Salem, SC. Winner—Casey Vickery, Mr. and Mrs. John Vickery, Route 1—Box 191, Seneca, SC.

Fifth Grade: Alternate—Jeff Shirley, Mr. and Mrs. Bill Shirley, Route 1—Box 236, Seneca, SC.

OAKWAY ELEMENTARY

Fifth Grade: Winner—Krissy Bonham, Mr. and Mrs. Michael Bonham, Route 4—Box 146, Seneca, SC. Alternate—Carri Gillespie, Mr. and Mrs. Don Gillespie, Route 3, Timberlake #1, Seneca, SC.

SOUTH PINE STREET ELEMENTARY

Fifth Grade: Winner—Sonya McElreath, Mr. and Mrs. Terry McElreath, Route 1—Box 213, Walhalla, SC. Winner—Emily Hamilton, Mr. and Mrs. Phil Hamilton, 149 Lovinggood Avenue, Walhalla, SC. Winner—Bradon Stephens, Mr. and Mrs. Ken Stephens, 206 Fowler Road, Walhalla, SC.

SENECA JUNIOR HIGH

Eighth Grade: Winner—Brian Sisk, Mr. and Mrs. Thomas V. Sisk, 1501 Cherokee Circle, Seneca, SC.

SENECA SENIOR HIGH

Ninth Grade: Winner—Elaine Morris, Mr. and Mrs. Robert D. Morris, Route 5—Box 468, Seneca, SC.

UTICA ELEMENTARY

Fifth Grade: Winner—Mat Shelby, Mr. and Mrs. Mike Shelby, 106 Kirk Drive, Seneca, SC. Alternate—Glen George, Mr. and Mrs. Ken George, 414 Fernwood Drive, Seneca, SC.

Sixth Grade: Winner—Scott Leslie, Mr. and Mrs. Steve Leslie, 303 Plantation Road, Seneca, SC.

WALHALLA ELEMENTARY

Fifth Grade: Winner—Chris Burns, Mr. and Mrs. Ronney Burns, Route 1—Box 358, Seneca, SC.

WALHALLA MIDDLE SCHOOL

Eighth Grade: Winner—Andrew Thorne, Mr. and Mrs. Michael Thorne, Route 1—Box 209, Seneca, SC.

Seventh Grade: Winner—Rob Calhoun, Mrs. Vickie Calhoun, 400 S. Catherine Street, Walhalla, SC.

WALHALLA SENIOR HIGH

Ninth Grade: Winner—Susan Biggers, Mr. and Mrs. Larry Biggers, Route 1—Box 469, West Union, SC.

WESTMINSTER MIDDLE SCHOOL

Seventh Grade: Winner—Rebecca Greene, Mr. and Mrs. Ted Greene, P.O. Box 475, Westminster, SC. Winner—Rob DeFoor, Mr. and Mrs. Reg DeFoor, 210 Adams Street, Westminster, SC.

I also would like to say that although it is only in its third year, the Oconee County Education Associa-

tion's Right Stuff Awards have done much to encourage student interest in the space program and to recognize outstanding achievement in math and science. The winners of this year's awards won scholarships to the U.S. Space Camp in Huntsville, AL—scholarships I might note that are provided as a result of the generosity of 90 sponsors from the businesses, industries, community organizations, schools, and individuals of Oconee County.

The efforts of these students, the Oconee County Association, and the residents of Oconee County, are to be applauded. I am pleased to see that South Carolinians are making the necessary investment in their youth and in America's future. Truly, Oconee County, SC, has the right stuff as do the distinguished winners of the 1986 Right Stuff Awards.

I would like to congratulate each of the 1986 winners and hope that one day their dreams and visions of space will become realities.●

CHIEF JUDGE PATRICIA M. WALD OF THE U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

● Mr. KERRY. Mr. President, I wish to congratulate Judge Patricia M. Wald of the U.S. Court of Appeals for the D.C. Circuit on assuming the position of chief judge. Judge Wald assumed that position on July 26, 1986. As chief judge, she follows in the footsteps of such judicial giants as David L. Bazelon, and J. Skelly Wright. She is only the second woman ever to serve as chief judge of a Federal circuit court.

Judge Wald is a graduate of Yale Law School, where she was a member of Phi Beta Kappa and the Order of the Coif. After clerking for Judge Jerome Frank on the Second Circuit Court of Appeals, she became affiliated with the noted law firm of Arnold & Porter in Washington, DC. Judge Wald was an attorney with the Office of Criminal Justice of the Justice Department in 1967-68. She then worked for D.C. Legal Services, and later for the Mental Health Law Project in Washington, where she served with distinction as litigation director. From 1977 to 1979, she was Assistant Attorney General for Legislative Affairs at the Department of Justice.

Judge Wald has a distinguished record as an expert on the subjects of juvenile justice, drug abuse issues, mental health law, administrative law, and the judicial process. She was appointed by President Carter to the D.C. circuit in 1979.

The U.S. Court of Appeals for the D.C. Circuit is second in importance only to the Supreme Court of the United States. Its jurisdiction extends over the decisions of all Federal agencies, and rules on many important issues of administrative law. The court has been a leader for many years in assuring the rights of all Americans, especially minorities, and has broken new legal ground in areas such as mental health law, communications law, and legal issues of science and technology.

In a recent interview, Judge Wald said:

> I believe that being a woman chief judge has some significance. It's important in one sense to get it over with, so that if I do well, nobody will raise an eyebrow the next time . . . After a while people should forget that I am a woman, but I should never forget it. There are still areas in which women, because of their past experience, should always try hard to make sure that some of the things that happened to them won't happen to other women.

At a time when considerations of ideology have crept into the judicial nomination process, and the qualifications of some nominees for the Federal bench have been questioned, it is gratifying to see a woman of unquestioned excellence and integrity assume the high responsibilities of the chief judge of the D.C. circuit. Judge Patricia Wald exemplifies the best in the American tradition of judicial excellence. I am confident that she will serve the American people well as chief judge of the U.S. Court of Appeals.●

A TRIBUTE TO HORACE MAYNARD LAYMAN

● Mr. HEFLIN. Mr. President, it is with deep sadness that I rise, today, to note the death of my good friend Horace Maynard Layman, of Decatur, AL, the former farm editor and assistant publisher of the Decatur Daily newspaper. Throughout his life, Maynard Layman faithfully served the citizens of his city and the State of Alabama in many, many different ways. His life is an inspiration and an example. He was dedicated to helping people, and his efforts resulted in a better way of life for citizens everywhere.

Maynard Layman grew up on his grandfather's farm during the 1910's and 1920's. His background in farming enabled him to make a tremendous contribution to agriculture. His farm column, "Mud Tavern," which appeared in the newspaper until last month, kept farmers knowledgeable of important agricultural issues and concerns. Throughout his life, he labored to further the plight of the farmer. He was chairman of the agricultural committee of the Decatur Chamber of Commerce and worked to see that there was "a farm market every day in the year for every farm product grown in the Decatur area." Decatur today is one of the finest farm marketing centers in the State of Alabama. He served on the Alabama Agriculture Center Board, he was a consultant with the Alabama Legislative Cotton Study Committee, he was a member of the original North Alabama Cotton Hardship Committee, and he was a soil conservation supervisor for 20 years. His work was especially crucial in the 1950's and 1960's, when he came to Washington many times to work with Members of Congress and national agricultural leaders in order to help farmers. He played a tremendous role in the formulation of the 1965 farm bill, which helped to make it possible for America's farmers to compete in world markets. These efforts were truly outstanding, and, yet, they represent only a fraction of the achievements which Maynard Layman made in his lifetime.

Maynard Layman's efforts to benefit his community were equally outstanding. He was extremely active in recruiting industry to the Decatur area. He was a member of the Decatur Rotary Club, and in 1982 was named a Paul Harris fellow, the single highest honor that a Rotarian can be awarded, for his leadership and service to the Decatur community and a civic organization. He was actively involved with the American Cancer Society, served as State crusade chairman, as chairman of the State committee, and in 1981 was honored as Volunteer of the Year by the State chapter. He served as president of the Alabama Educational Television Commission, as president of the Alabama Episcopal Church, and he was a member of the Alabama Ethics Commission.

Mr. President, the achievements accomplished by Maynard Layman during his incredible service throughout his life is astounding. The benefits which he made possible in the State of Alabama and in the Decatur area are truly incredible. His strong and tireless voice for his hometown and his beloved State will not be forgotten. His contributions to the cultural, spiritual, and business climate of his community and State will serve as a monument to his memory. He provided essential leadership and direction through many important years in our history.

Farmers throughout this Nation have lost a valued and dedicated spokesman for their interests and concerns. Citizens throughout Alabama have lost a trusted servant for whom no task was too great or too taxing. I have lost a great friend.

I know that I am joined in my grief by thousands of citizens in Alabama and America who were touched by the great deeds and service of Horace Maynard Layman. In our sorrow, let us remember the good that Maynard did and the contributions that he struggled to achieve. His name and reputation will long be an inspiration to us all.

I wish to extend my condolences to Mrs. Layman and her family.

Mr. President, I ask that an article which appeared in the Times Daily be printed in the RECORD.

The article follows:

LAYMAN'S DEATH CALLED GREAT LOSS TO STATE, REGION

DECATUR.—Horace Maynard Layman, a long-time Decatur newspaper executive and a well-known figure in state politics, died at his Athens home Tuesday. He was 79.

Layman, assistant to the publisher of The Decatur Daily, had triple-by-pass heart surgery June 28 and never recovered completely, family members said.

Layman went to work for The Decatur Daily in 1950 and served for many years as assistant to the late publisher Barrett Shelton, Sr.

At The Daily, Layman wore many hats. He was also the farm editor of The Daily and wrote a farm column, "Mud Tavern," that appeared in his newspaper until last month. He served as circulation manager of the newspaper for more than 20 years.

While serving as circulation manager, he supervised hundreds of young carriers who later became successful in various professions.

Probably his best known carriers, Layman said many times, were former Gov. Albert Brewer and actor Dean Jones.

Known for his civic pride, Layman was actively involved in recruiting industry to the Decatur area and counted among his successes ConAgra, Monsanto and 3M.

He was a past president of the Alabama Educational Television Commission and a former member of the Alabama Ethics Commission and the Alabama Agricultural Center Board.

"His strongest faith was to his God, and he loved to work for a better north Alabama," said Barrett Shelton, Jr., publisher and editor of The Decatur Daily.

One of Layman's closest friends, Ed Mauldin, chairman of the board of directors of Bank Independent of the Shoals, called his death "a great loss to the region and a great loss to the state. He was a great man and always put the welfare of others ahead of himself."

The funeral for Layman is scheduled at 11 a.m. today at St. John's Episcopal Church in Decatur, with burial in Decatur Cemetery.

He is survived by his wife Joyce Layman, and a daughter, Ann Riggs, Decatur.●

NUCLEAR SAFETY STUDY

● Mr. D'AMATO. Mr. President, I rise today in support of S. 2593, introduced by my distinguished colleague from Arkansas, Senator BUMPERS. This legislation establishes an independent 12-member commission of experts to study the Chernobyl nuclear accident and a broad range of domestic nuclear safety issues.

Mr. President, one of the early lessons we learned from Chernobyl is that the threat of a nuclear accident is not theoretical. Since that time, we have seen alarming press reports that indicate that this accident could have been avoided. We have seen reports that indicate that the Soviets were performing an experiment: an experiment that resulted in disaster.

Ever since the accident at the Chernobyl Power Station, there has been a great deal of concern over whether such an incident could happen here. It is essential that we learn from this unfortunate Russian accident and apply its lessons to our own nuclear industry.

Unfortunately, there has been no comprehensive, cohesive source of information regarding the incident. Most information about Chernobyl has come from a combination of the media, lobbying groups, and various government agencies with specific, limited areas of jurisdiction or expertise. I believe we would be better able to respond if all of this information were brought together in a comprehensive, organized manner.

S. 2593 does just that. It creates an independent commission comprised of 12 individuals knowledgeable in the field of nuclear science and requests of them a report on the Chernobyl incident and other nuclear issues, such as evacuation procedures and reactor design. The adequacy of evacuation procedures is of critical importance to residents living near the proposed Shoreham nuclear power facility on my native Long Island.

Mr. President, I believe it is extremely important that we take a comprehensive look at the life-and-death issues surrounding the Chernobyl accident. I urge my colleagues to join in supporting S. 2593.●

CAMPUS DRUG USE

● Mrs. HAWKINS. Mr. President, when we send our daughters and sons off to college, we bid farewell to nearly two decades of life together. When our children leave our homes, they leave our care. They leave our scrutiny. They leave our protection.

But though they no longer live in the home in which they have been raised, we hope that a part of the home goes with them—the love and caring and teaching that we have bestowed upon them when they were under our wing. We trust that we have made them strong—strong enough to resist the myriad temptations that await.

A parent should not chastise a child for making mistakes while in college. Rather, we parents should have the wisdom to offer the same understanding and concern we would have if our children were still at home. After all, college is a time of learning in all forms; not only from books and professors, but from new friends, new surroundings, new ideas, and new experiences, as well.

Parents have a right to expect that the college that they send their children to will care almost as much as they do. For a college is not just a place to live and learn. A college has the responsibility to care for the physical and moral well-being of its students.

That is why I rise today to offer my name as a cosponsor of the resolution introduced by my distinguished colleague from Indiana, Senator QUAYLE, which expresses the sense of the Congress that colleges and universities should enforce strict but fair antidrug use policies. I praise Senator QUAYLE's interest in this issue. He has displayed a willingness to stay in the drug fight over the long haul that has preceeded the current wave of interest we are now riding on the drug abuse issue. He has shown a determination that, rather than stopping with the bandied rhetoric we are all too familiar with, seeks to establish substantial goals which will change the way we are dealing with drug abuse.

As I have often said with regard to drug abuse in our Nation, it always seems that they never put a stop light on the corner until after someone's been killed.

Once again we see, in the wake of the death of Len Bias, there's a flurry of interest in the drug abuse issue.

Better late than never, I say. I would only hope that this current spasm of interest, especially on the part of the news media, does not wane—that we can maintain interest in this vexing problem long enough to have an impact.

In sounding a call to action today, I look to those men and women who have been with me from the beginning, those who are not johnny-come-latelies to the drug abuse issue. That is why I am so pleased to be able to join with Senator QUAYLE in asking colleges and universities to enforce strict but fair policies in order to provide drug-free environments for their students. I join in the resolution's pledge to support academic and cultural institutions which focus upon these policies and responsibilities, and commit themselves to eliminating drug use on campus.

America's parents and students could ask that we do nothing less.●

CALIFORNIA DESERT PROTECTION ACT

● Mr. CRANSTON. Mr. President, on February 6 I introduced S. 2061, the California Desert Protection Act, to designate 82 BLM wilderness areas, upgrade Death Valley and Joshua Tree National Monuments to National Parks and expand their boundaries, and create a new Mojave National Park. These desert lands possess outstanding scenic and natural values and fully qualify for inclusion in the national wilderness and National Park Systems. Nonetheless, many questions have been raised about the legislation and its impact on various activities in the desert. I would like to share with

my colleagues my responses to these questions.

Question 1. Why is wilderness so important? Aren't there other ways we could protect these lands and still have multiple use management?

Answer. Congress declared in 1964, after years of debate, that wilderness is an important part of our national heritage and important to the survival of many species. Congress set very high standards of protection while still allowing some multiple uses to continue. Those standards were established as the minimum necessary to protect the wilderness character of an area for present and future generations. Simple BLM land use classes do not meet the stringent requirements for wilderness and would not protect the wildernesses for future generations. Present BLM standards have not been adequate within the limited use guidelines for Class C (controlled) and L (limited).

Question 2. Will the public have an opportunity to comment on the California Desert Protection Act?

Answer. I encourage all members of the public to begin now to analyze the bill and send their questions and comments to my office. The California Desert Protection Act, like most legislation, arises as the result of a perceived need for change. I believe there is a need for change in the protection afforded the desert under current law. Initially I asked for the opinions of the environmentalists. S. 2061 reflects their proposal for the California Desert. Since the bill's introduction I have repeatedly invited additional public comment. Also the legislation will receive extensive scrutiny and thorough review during hearings in the coming years in both the House and the Senate before a single vote is taken.

Question 3. Have adequate studies been done on the millions of acres designated as wilderness under S. 2061?

Answer. The California Desert Protection Act was developed using the same information available to the BLM in its review process. An extensive inventory of the California Desert was done as part of the planning process for the California Desert Conservation Area, and volumes of detailed information was collected, including extensive public input. My bill differs only in its conclusions from the BLM. The BLM is waiting for detailed mineral studies on about 30% of the areas. So far these additional studies have developed very little new information.

Question 4. If the BLM has spent years of effort and millions of dollars studying the California Desert and developing its Desert Plan, why is this legislation necessary?

Answer. The desert study process was just one step in a continuing process. The California Desert Protection Act is the next step to manage the California Desert effectively. Congress must act to designate BLM wilderness areas or release the study areas to multiple use.

Question 5. How does S. 2061 affect private property?

Answer. Only the proposed Mojave National Park includes a substantial number of private acres. Section 414 of the bill provides that private land may be acquired only with the consent of the owner unless the property is being developed in a manner detrimental to the park. State lands may be acquired only by donation or exchange. Section 607 of the bill directs the BLM to give priority to consolidating ownership within the park and wilderness units.

Question 6. What will happen to state lands? Aren't they used for the State Teacher's Retirement Fund?

Answer. Only a very small percentage of the income of the State Teacher's Retirement Fund comes from desert lands owned by the State of California. I have consulted with the State Lands Commission and, as a result of our discussions, intend to modify the bill to allow for the trade of state lands within the proposed park and wilderness areas for other BLM lands with development potential. The State Lands Commission is very supportive of this approach to consolidating state holdings for more efficient management.

Question 7. What effect will the California Desert Protection Act have on boating and other uses along the Colorado River?

Answer. The bill will not affect navigation on the main channel of the Colorado River. It will protect some of the reedbeds and other riverside habitat in the side bays in two National Wildlife Refuges along the river. Canoeing and other non-motorized recreation may continue in these areas. Camping, hunting, and fishing are now regulated in the refuges and this will not change.

Question 8. The California Desert is used extensively by the military for aircraft training and weapon testing. Would this be changed? What will be the impact on general aviation?

Answer. Current military regulations governing flights over national parks would present some conflicts for low level flights. The exact nature of these flights, applicable regulations and their impacts on park expansions and wilderness areas is being investigated. Under current regulations, general aviation would continue unchanged. These regulations are being analyzed in the light of the recent Grand Canyon National Park accident.

Question 9. What will be the impact of S. 2061 on rock-hounding?

Answer. While some rock-hounding opportunities will no longer be available in those areas being added to the national park system, wilderness areas remain available for collectors of mineral specimens. Areas being placed in wilderness are by definition without roads, and very little loss of access will occur under the California Desert Protection Act.

Question 10. What will the impact of the California Desert Protection Act be on hunting by the public?

Answer. Hunting is allowed in wilderness areas, and serious hunters will no doubt welcome the additional protection given to wildlife by wilderness management. Hunting will not be permitted in the new national parks.

Question 11. Will the thousands of ORV users still have a place to ride?

Answer. Over four and a half million acres will remain open for current BLM multiple use management practice, including Open Areas. Over $8 million in State Off-Highway Vehicle funds from user fees and gas taxes have been used in the last few years to provide additional ORV areas in and out of the desert. Only the north end of the Algodones Dunes, south of the Mammoth Wash would be closed. This area was recommended for wilderness in the "Final EIS" for the Desert Plan. BLM changed its recommendation from "Recommended for Wilderness" to "Open for ORV use" after the Final EIS was published. The number of endangered species and sensitive plants and animals indicates it should be closed.

Question 12. Will the dirt roads in the California Desert be closed by the bill?

Answer. Tens of thousands of miles of roads remain open under the California Desert Protection Act. No currently maintained roads used for touring and sightseeing will be closed by the bill. In many cases, wilderness boundaries have been drawn specifically to allow vehicle access on existing routes.

Question 13. How will S. 2061 affect the long distance point-to-point motorcycle races in the California Desert, including the Barstow-to-Vegas race?

Answer. The legislation does not prohibit any of the point-to-point motorcycle races in the desert. However, there will need to be a slight change in the current course used for the Barstow-to-Vegas race.

Question 14. What happens to grazing under this bill?

Answer. Grazing may continue in wilderness areas. Section 410 of the bill provides that grazing in the proposed Mojave National Park will be phased out as current permits expire.

Question 15. I have heard that there are millions of dollars of minerals, including critical strategic minerals, in the California Desert. Would these be lost to development under the bill?

Answer. The major mineral commodities now being produced in the California Desert are sand and gravel. The California Desert has been intensively prospected for over a hundred years. Most studies show that there is little remaining commercially developable mineralization in the California Desert.

Question 16. What will happen to current mining under the California Desert Protection Act?

Answer. All active commercial mining will be allowed to continue under the bill.

Question 17. Will archaeologists and other scientists be able to continue to study the California Desert under S. 2016?

Answer. Yes.

Question 18. Is access by the handicapped changed by the California Desert Protection Act?

Answer. No, access would remain essentially unchanged. Tens of thousands of miles of roads remain open under the bill. In many cases, wilderness boundaries have been drawn specifically to allow vehicle access on existing routes.

Question 19. Will the new parks and wilderness areas change the way other parts of the California Desert may be used because of the Clean Air Act.

Answer. The legislation does not change air classifications. This remains under state control. Changes to the existing classes can be made only by an act of the California State Legislature and signed by the Governor.

Question 20. Are all of these proposed wilderness areas free of roads and do they have those qualities required for wilderness designation?

Answer. Absolutely. With a few exceptions, the areas proposed for wilderness have been identified in the BLM's own inventory as areas meeting the criteria of the Wilderness Act. The exceptions have been thoroughly reviewed also.

Question 21. What happens to mining claims in the new national parks?

Answer. The legislation requires first that the claims be recorded. Experience in Death Valley National Monument indicates that only 10 to 20 per cent of the claims will ever be recorded with the National Park Service

and require a validity examination. After the validity examination, the Secretary of the Interior must submit recommendations to Congress on whether the valid or patented claims should be acquired.

Question 22. Do the proposed additions to Joshua Tree National Monument include areas of enormous mineral values?

Answer. No. The Joshua Tree National Monument boundary was changed in 1951 to allow mining in support of the Korean War effort. The only area developed was around the now closed Kaiser Iron Mine at Eagle Mountain. The boundaries of the proposed additions have been drawn to exclude the developed area.

Question 23. Will entrance fees charged in these new national parks restrict traffic in the surrounding desert communities?

Answer. The California Desert Protection Act does not propose any fees for use of the new national parks. Current regulations permit the National Park Service to charge fees at the existing Death Valley and Joshua Tree National Monuments, and the Park Service has not chosen to do so. The usual practice has been to charge fees on cross-park highways only if they were constructed after the park was established, or if the road was constructed with park funds.

Question 24. I'm concerned that the National Park Service will block off most dirt roads in the desert and pave all the rest. What about it?

Answer. The bill leaves these decisions to the National Park Service as the land management agency. Current practice has been for few road improvements in the parks in the California Desert. Any road closures will be done only with full public review and comment.

Question 25. If the new national parks attract thousands of visitors, can the Park Service keep the parks from being overrun and destroying the very values they are supposed to protect?

Answer. I would anticipate an increase in visitation to these park areas. However, the National Park Service has decades of experience in providing a quality experience for the visitor while at the same time protecting the outstanding natural resources. Leaving the areas without park status would not protect them from the inevitable increase in visitors.

Question 26. Will the National Park Service restrict camping to a few overcrowded and overdeveloped camping areas?

Answer. Not necessarily. Death Valley National Monument currently permits extensive dispersed back road camping opportunities.

Question 27. Will the California Desert Protection Act close the Saline Valley hot springs to public use?

Answer. No. The bill does not address this issue.

Question 28. Will it be costly to implement the requirements of the California Desert Protection Act?

Answer. There is no requirement to purchase additional lands for the new parks and wilderness areas established under the bill. While improved management may have some increased cost, it is a small price to pay for the protection of these valuable natural resources.

Question 29. Will the California Desert Protection Act have any effect on county tax bases?

Answer. In one desert county, the property tax revenues from grazing leases and mining claims in the proposed wilderness areas are less than 1 percent of the total county budget. This minor loss of income will undoubtedly be offset by increased sales tax, bed tax, and property taxes resulting from increased tourism in the new national parks.

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive formal 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 be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications I have received. The classified annexes referred to in two of the covering letters are available to Senators in the office of the Foreign Relations Committee, SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 24, 1986.

In reply refer to: I-03862/86ct.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 86-44 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter(s) of Offer to Portugal for defense articles and services estimated to cost $45 million. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

GLENN A. RUDD,
Acting Director.

[Transmittal No. 86-44]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b)(1) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Portugal.

(ii) Total Estimated Value: Major defense equipment,[1] $22 million; other, $23 million; total, $45 million.

(iii) Description of Articles or Services Offered: Sixty-six MIM-72 CHAPARRAL missiles, five M48A2 Aerial Intercept Fire Unit Launching Stations, two AN/MPQ-54 Forward Area Alerting Radars (FAAR), support equipment and spare parts.

(iv) Military Department: Army (UKZ).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See Annex under separate cover.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: July 24, 1986.

POLICY JUSTIFICATION

PORTUGAL—CHAPARRAL/FORWARD AREA ALERTING RADAR WEAPON SYSTEM

The Government of Portugal has requested the purchase of 66 MIM-72 CHAPARRAL missiles, five M48A2 Aerial Intercept Fire Unit Launching Stations, two AN/MPQ-54 Forward Area Alerting Radars (FAAR), support equipment and spare parts. The estimated cost is $45 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Portual; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

The Government of Portugal needs a short-range low altitude air defense system to enhance its present air defense capability and this sale would provide for this requirement. Portugal will have no difficulty absorbing these missiles into its armed forces.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor for the CHAPARRAL-FAAR Weapon System will be the Ford Aerospace and Communications Corporation of Newport Beach, California.

Implementation of this sale will require the assignment of six additional U.S. Government personnel and three contractor representatives in Portugal for one year.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 24, 1986.

In reply refer to: I-03693/86.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 86-46 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter(s) of Offer to the Netherlands for defense articles and services estimated to cost $22 million. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

GLENN A. RUDD,
Acting Director

[Transmittal No. 86-46]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b)(1) OF THE ARMS EXPORT CONTROL ACT

(i) Propective Purchaser: Netherlands.

(ii) Total Estimated Value: Major defense equipment,[1] $21 million; other, $1 million; total, $22 million.

(iii) Description of Articles or Services Offered: One thousand eight hundred seventy eight TOW II anti-armor guided missiles.

(iv) Military Department: Army (VRI)

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

[1] As defined in Section 47(6) of the Arms Export Control Act.

[1] As defined in section 47(6) of the Arms Export Control Act.

(vi) Sensitivity of Technology Contained in the Defense Articles of Defense Services Proposed to be Sold: See Annex under separate cover.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: July 24, 1986.

POLICY JUSTIFICATION

NETHERLANDS—TOW II MISSILES

The Government of the Netherlands has requested the purchase of 1.878 TOW II anti-armor guided missiles. The estimated cost is $22 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of the Netherlands; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

Netherlands needs these TOW II missiles to upgrade its anti-armor capabilities. The Netherlands will have no difficulty absorbing these missiles into its armed forces.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Hughes Aircraft of Tucson, Arizona.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to the Netherlands.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

ANTIFRAUD LEGISLATION COMPROMISES

● Mr. GRASSLEY. Mr. President, over the past several months, I have been working with my colleagues Senators COHEN, HATCH, and THURMOND, as well as with a broad-based business coalition led by the Chamber of Commerce and including the Aerospace Industries Association, the Electronic Industries Association and the Professional Services Council, to reach a consensus on comprehensive antifraud legislation. I am happy to report that we have reached agreement on both S. 1562, the False Claims Reform Act, reported favorably from the Judiciary Committee, and S. 1134, the Program Fraud Civil Remedies Act, reported favorably from the Governmental Affairs Committee.

I would like to express sincere thanks to my colleague, Senator COHEN, who has labored long and hard to advance antifraud provisions, as well as to Senators HATCH and THURMOND, whose efforts successfully addressed concerns raised and whose cooperation moved these important pieces of legislation forward.

● Mr. COHEN. Mr. President, I am pleased to join Senator GRASSLEY in announcing that a compromise has been reached on both his legislation and my program fraud bill that should allow the Senate to pass both measures expeditiously.

The compromises, in my judgment, meet the concerns raised by Senator HATCH and others without in any way weakening the fundamental provisions of either bill. Passage of S. 1562 and S. 1134 will send a strong signal to those individuals and companies tempted to defraud the Federal Government that such behavior will not be tolerated.

I want to take this opportunity to commend Senator HATCH and his staff, who have worked tirelessly to reach a compromise that would be fair to all concerned. Similarily, the Chamber of Commerce has shown responsible leadership in negotiating a compromise that responds to the major concerns expressed by the business community.

Finally, Senator GRASSLEY and his staff deserve much credit for their unwavering commitment to strengthening the False Claims Act.

Mr. President, I believe that the compromise amendments that we are submitting today will pave the road to enactment of S. 1134 and S. 1562, providing the Government with much-needed tools in the fight against fraud. I am pleased to yield now to the distinguished Senator from Utah for his comments.

● Mr. HATCH. Mr. President, the seriousness of fraud against the Government is well documented. A 1981 General Accounting Office report documented over 77,000 cases of fraud and other illegal activities reported in 21 agencies during a 3-year period. While the tremendous impact of such fraud is clear, particularly in light of efforts to trim the burgeoning Federal deficit, the investigatory tools, the penalties and damages, as well as the broad based administrative procedure proposed in these legislative efforts have many important implications.

A hearing was held in the Senate Judiciary Committee to examine this legislation and to outline the due process and other constitutional concerns raised by opponents of this legislation. In response to the criticisms noted at the hearing and elsewhere, Senators GRASSLEY, COHEN, THURMOND, and myself, entered into negotiations. I wish to express my gratitude and appreciation to these Senators for their diligent efforts to meet the concerns raised and to reach a compromise on these important bills.

● Mr. GRASSLEY. I ask that the agreed upon amendments, which will be offered by myself and Senator COHEN when the bills are considered on the Senate floor, be printed in the RECORD. It is my hope that the full Senate will soon approve these bills as amended and take an important and much-needed step forward in the fight to stop fraud against the taxpayers.

The material follows:

In lieu of the matter proposed to be inserted by the amendment to the text reported by the Committee on Governmental Affairs, insert the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the "Program Civil Fraud Remedies Act of 1986".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) false, fictitious, and fraudulent claims and statements in Government programs are a serious problem;

(2) false, fictitious, and fraudulent claims and statements in Government programs result in the loss of millions of dollars annually by allowing persons to receive Federal funds to which they are not entitled;

(3) false, fictitious, and fraudulent claims and statements in Government programs undermine the integrity of such programs by allowing ineligible persons to participate in such programs; and

(4) present civil and criminal remedies for such claims and statements are not sufficiently responsive.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide Federal agencies which are the victims of false, fictitious, and fraudulent claims and statements with an administrative remedy to recompense such agencies for losses resulting from such claims and statements, to permit administrative proceedings to be brought against persons who make, present, or submit such claims and statements, and to deter the making, presenting, and submitting of such claims and statements in the future; and

(2) to provide due process protections to all persons who are subject to the administrative adjudication of false, fictitious, or fraudulent claims or statements.

SEC. 3. PROVISION OF ADMINISTRATIVE REMEDIES FOR FALSE CLAIMS AND STATEMENTS.

(a) ESTABLISHMENT OF REMEDIES.—Title 5, United States Code, is amended by inserting after chapter 7 the following new chapter:

"CHAPTER 8—ADMINISTRATIVE REMEDIES FOR FALSE CLAIMS AND STATEMENTS

"Sec.
"801. Definitions.
"802. False claims and statements; liability.
"803. Hearing and determinations.
"804. Subpoena authority.
"805. Judicial review.
"806. Collection of civil penalties and assessments.
"807. Right to setoff.
"808. Limitations.
"809. Regulations.
"810. Reports.
"811. Effect on other law.
"812. Prohibition against delegation.

"§ 801. Definitions

"(a) For purposes of this chapter—

"(1) 'authority' means—

"(A) an executive department;

"(B) a military department;

"(C) an establishment (as such term is defined in section 11(2) of the Inspector General Act of 1978) which is not an executive department; and

"(D) the United States Postal Service;

"(2) 'authority head' means—

"(A) the head of an authority; or

"(B) an official or employee of the authority designated, in regulations promulgated by the head of the authority, to act on behalf of the head of the authority;

"(3) 'claim' means any request, demand, or submission—

"(A) made to an authority for property, services, or money (including money representing grants, loans, insurance, or benefits);

"(B) made to a recipient of property, services, or money from an authority or to a party to a contract with an authority—

"(i) for property or services if the United States—

"(I) provided such property or services;

"(II) provided any portion of the funds for the purchase of such property or services; or

"(III) will reimburse such recipient or party for the purchase of such property or services; or

"(ii) for the payment of money (including money representing grants, loans, insurance, or benefits) if the United States—

"(I) provided any portion of the money requested or demanded; or

"(II) will reimburse such recipient or party for any portion of the money paid on such request or demand; or

"(C) made to an authority which has the effect of decreasing an obligation to pay or account for property, services, or money,

except that such term does not include any claim made in any return of tax imposed by the Internal Revenue Code of 1954;

"(4) 'hearing examiner' means—

"(A) in the case of an authority to which the provisions of subchapter II of chapter 5 of this title apply, an administrative law judge appointed in the authority pursuant to section 3105 of this title or detailed to the authority pursuant to section 3344 of this title; or

"(B) in the case of an authority to which the provisions of such subchapter do not apply, an officer or employee of the authority who—

"(i) is selected under chapter 33 of this title pursuant to the competitive examination process applicable to administrative law judges;

"(ii) is appointed by the authority head to conduct hearings under section 803 of this title;

"(iii) is assigned to cases in rotation so far as practicable;

"(iv) may not perform duties inconsistent with the duties and responsibilities of a hearing examiner;

"(v) is entitled to pay prescribed by the Office of Personnel Management independently of ratings and recommendations made by the authority and in accordance with chapter 51 of this title and subchapter III of chapter 53 of this title;

"(vi) is not subject to performance appraisal pursuant to chapter 43 of this title; and

"(vii) may be removed, suspended, furloughed, or reduced in grade or pay only for good cause established and determined by the Merit Systems Protection Board on the record after opportunity for hearing by such Board;

"(5) 'investigating official' means an individual who—

"(A)(i) in the case of an authority in which an Office of Inspector General is established by the Inspector General Act of 1978 or by any other Federal law, is the Inspector General of that authority or an officer or employee of such Office designated by the Inspector General;

"(ii) in the case of an authority in which an Office of Inspector General is not established by the Inspector General Act of 1978 or by any other Federal law, is an officer or employee of the authority designated by the authority head to conduct investigations under section 803(a)(1) of this title; or

"(iii) in the case of a military department, is the Inspector General of the Department of Defense or an officer or employee of the Office of Inspector General of the Department of Defense who is designated by the Inspector General; and

"(B) who, if a member of the Armed Forces of the United States on active duty, is serving in grade O-7 or above or, if a civilian employee, is serving in a position for which the rate of basic pay is not less than the minimum rate of basic pay for grade GS-16 or above under the General Schedule;

"(6) 'knows or has reason to know', for purposes of establishing liability under section 802, means that a person, with respect to a claim or statement—

"(A) has actual knowledge that the claim or statement is false, fictitious, or fraudulent;

"(B) acts in deliberate ignorance of the truth or falsity of the claim or statement; or

"(C) acts in reckless disregard of the truth or falsity of the claim or statement.

"(7) 'person' means any individual, partnership, corporation, association, or private organization;

"(8) 'reviewing official' means any officer or employee of an authority—

"(A) who is designated by the authority head to make the determination required under section 803(a)(2) of this title;

"(B) who, if a member of the Armed Forces of the United States on active duty, is serving in grade O-7 or above or, if a civilian employee, is serving in a position for which the rate of basic pay is not less than the minimum rate of basic pay for grade GS-16 or above under the General Schedule; and

"(C) who is—

"(i) not subject to supervision by, or required to report to, the investigating official; and

"(ii) not employed in the organizational unit of the authority in which the investigating official is employed; and

"(9) 'statement' means any written representation, certification, affirmation, document, record, or accounting or bookkeeping entry—

"(A) with respect to a claim; or

"(B) with respect to—

"(i) a contract with, or a bid or proposal for a contract with;

"(ii) a grant, loan, or benefit from;

"(iii) an application for insurance from; or

"(iv) an application for employment with, an authority, or any State, political subdivision of a State, or other party acting on behalf of, or based upon the credit or guarantee of, an authority,

except that such term does not include any statement made in any return of tax imposed by the Internal Revenue Code of 1954.

"(b) For purposes of paragraph (3) of subsection (a)—

"(1) each voucher, invoice, claim form, or other individual request or demand for property, services, or money constitutes a separate claim;

"(2) each claim for property, services, or money is subject to this chapter regardless of whether such property, services, or money is actually delivered or paid; and

"(3) a claim shall be considered made, presented, or submitted to an authority, recipient, or party when such claim is actually made to an agent, fiscal intermediary, or other entity, including any State or political subdivision thereof, acting for or on behalf of such authority, recipient, or party.

"(c) For purposes of paragraph (9) of subsection (a)—

"(1) each written representation, certification, or affirmation constitutes a separate statement; and

"(2) a statement shall be considered made, presented, or submitted to an authority when such statement is actually made to an agent, fiscal intermediary, or other entity, including any State or political subdivision thereof, acting for or on behalf of such authority.

"§ 802. False claims and statements; liability

"(a)(1) Any person who makes, presents, or submits, or causes to be made, presented, or submitted, a claim that the person knows or has reason to know—

"(A) is false, fictitious, or fraudulent;

"(B) includes or is supported by any statement which is described in clause (i) or (ii) of paragraph (2)(A); or

"(C) is for payment for the provision of property or services which the person has not provided as claimed,

shall be subject to, in addition to any other remedy that may be prescribed by law, a civil penalty of not more than $10,000 for each such claim. Except as provided in paragraph (3) of this subsection, such person shall also be subject to an assessment, in lieu of damages sustained by the United States because of such claim, of not more than twice the amount of such claim, or the portion of such claim, which is determined under this chapter to be in violation of the preceding sentence.

"(2) Any person who makes, presents, or submits, or causes to be made, presented, or submitted, a written statement that—

"(A) the person knows or has reason to know—

"(i) asserts a material fact which is false, fictitious, or fraudulent; or

"(ii)(I) omits a material fact;

"(II) as a result of such omission, such statement is false, fictitious, or fraudulent; and

"(III) the person making, presenting, or submitting such statement has a duty to include such material fact in the statement; and

"(B) contains or is accompanied by an express certification or affirmation of the truthfulness and accuracy of the contents of the statement,

shall be subject to, in addition to any other remedy that may be prescribed by law, a civil penalty of not more than $10,000 for each such statement.

"(3) An assessment shall not be made under the second sentence of paragraph (1) with respect to a claim if payment by the Government has not been made on such claim prior to the date on which a notice is issued with respect to such claim under section 803(d)(1) of this title.

"(b)(1) Except as provided in paragraphs (2) and (3) of this subsection—

"(A) a determination under section 803(a)(2) of this title that there is adequate evidence to believe that a person is liable under subsection (a) of this section, or

"(B) a determination under section 803 of this title that a person is liable under subsection (a) of this section,

may provide the authority with grounds for commencing any administrative or contractual action against such person which is authorized by law and which is in addition to any action against such person under this chapter.

"(2) A determination referred to in paragraph (1) of this subsection may be used by the authority, but shall not require such authority, to commence any administrative or contractual action which is authorized by law.

"(3) In the case of an administrative or contractual action to suspend or debar any person who is eligible to enter into contracts with the Federal Government, a determination referred to in paragraph (1) of this subsection shall not be considered as a conclusive determination of such person's responsibility pursuant to Federal procurement laws and regulations.

"§ 803. Hearing and determinations

"(a)(1) The investigating official of an authority may investigate allegations that a person is liable under section 802 of this title and shall report the findings and conclusions of such investigation to the reviewing official of the authority. The preceding sentence does not modify any responsibility of an investigating official to report violations of criminal law to the Attorney General.

"(2) If the reviewing official of an authority determines, based upon the report of the investigating official under paragraph (1) of this subsection, that there is adequate evidence to believe that a person is liable under section 802 of this title, the reviewing official shall transmit to the Attorney General a written notice of the intention of such official to refer the allegations of such liability to a hearing examiner of such authority. Such notice shall include—

"(A) a statement of the reasons of the reviewing official for the referral of such allegations;

"(B) a statement specifying the evidence which supports such allegations;

"(C) a description of the claims or statements for which liability under section 802 of this title is alleged;

"(D) an estimate of the amount of money or the value of property or services requested or demanded in violation of section 802 of this title; and

"(E) a statement of any exculpatory or mitigating circumstances which may relate to such claims or statements.

"(b)(1) Within 90 days after receipt of a notice from a reviewing official under paragraph (2) of subsection (a), the Attorney General or an Assistant Attorney General designated by the Attorney General shall transmit a written statement to the reviewing official which specifies—

"(A) that the Attorney General or such Assistant Attorney General approves or disapproves the referral to a hearing examiner of the allegations of liability stated in such notice;

"(B) in any case in which the referral of allegations is approved, that the initiation of a proceeding under section 803 of this title with respect to such allegations is appropriate; and

"(C) in any case in which the referral of allegations is disapproved, the reasons for such disapproval.

"(2) A reviewing official may refer allegations of liability to a hearing examiner only if the Attorney General or an Assistant Attorney General designated by the Attorney General approves the referral of such allegations in accordance with paragraph (1) of this subsection.

"(3) If the Attorney General or an Assistant Attorney General designated by the Attorney General transmits to an authority head a written finding that the continuation of any hearing under this section with respect to a claim or statement may adversely affect any pending or potential criminal or civil action related to such claim or statement, such hearing shall be immediately stayed and may be resumed only upon written authorization of the Attorney General.

"(c) No allegations of liability under section 802 of this title with respect to any claim made, presented, or submitted by any person shall be referred to a hearing examiner under paragraph (2) of subsection (b) if the reviewing official determines that—

"(1) an amount of money in excess of $100,000; or

"(2) property or services with a value in excess of $100,000,

is requested or demanded in violation of section 802 of this title in such claim or in a group of related claims which are submitted at the time such claim is submitted.

"(d)(1) On the date on which a reviewing official is permitted to refer allegations of liability to a hearing examiner under subsection (b) of this section, the reviewing official shall mail, by registered or certified mail, or shall deliver, a notice to the person alleged to be liable under section 802 of this title. Such notice shall specify the allegations of liability against such person and shall state the right of such person to request a hearing with respect to such allegations.

"(2) If, within 30 days after receiving a notice under paragraph (1) of this subsection, the person receiving such notice requests a hearing with respect to the allegations contained in such notice—

"(A) the reviewing official shall refer such allegations to a hearing examiner for the commencement of such hearing; and

"(B) the hearing examiner shall commence such hearing by mailing by registered or certified mail, or by delivery, of a notice which complies with paragraphs (2)(A) and (3)(B)(i) of subsection (g) to such person.

"(e)(1)(A) Except as provided in subparagraph (B) of this paragraph, at any time after receiving a notice under paragraph (2)(B) of subsection (d), the person receiving such notice shall be entitled to review, and upon payment of a reasonable fee for duplication, shall be entitled to obtain a copy of, all relevant and material documents, transcripts, records, and other materials, which relate to such allegations and upon which the findings and conclusions of the investigating official under paragraph (1) of subsection (a) are based.

"(B) A person is not entitled under subparagraph (A) to review and obtain a copy of any document, transcript, record, or material which—

"(i) is privileged under Federal or State law; or

"(ii) is an interagency or intraagency letter, memorandum, analysis, or other material which would not be available by law to a party other than an agency in a legal action to which an agency is a party.

"(2) At any time after receiving a notice under paragraph (2)(B) of subsection (d), the person receiving such notice shall be entitled to obtain all exculpatory information in the possession of the investigating official or the reviewing official relating to the allegations contained in such notice. The provisions of subparagraph (B) of paragraph (1) do not apply to any document, transcript, record, or other material, or any portion thereof, in which such exculpatory information is contained.

"(f) Any hearing commenced under paragraph (2) of subsection (d) shall be conducted by the hearing examiner on the record in order to determine—

"(1) the liability of a person under section 802 of this title; and

"(2) if a person is determined to be liable under such section, the amount of any civil penalty and assessment to be imposed on such person.

Any such determination shall be based on the preponderance of the evidence.

"(g)(1) Each hearing under subsection (f) of this section shall be conducted—

"(A) in the case of an authority to which the provisions of subchapter II of chapter 5 of this title apply, in accordance with—

"(i) the provisions of such subchapter to the extent that such provisions are not inconsistent with the provisions of this chapter; and

"(ii) procedures promulgated by the authority head under paragraph (3) of this subsection; or

"(B) in the case of an authority to which the provisions of such subchapter do not apply, in accordance with procedures promulgated by the authority head under paragraphs (2) and (3) of this subsection.

"(2) An authority head of an authority described in subparagraph (B) of paragraph (1) shall by regulation promulgate procedures for the conduct of hearings under this chapter. Such procedures shall include:

"(A) The provision of written notice of the hearing to any person alleged to be liable under section 802 of this title, including written notice of—

"(i) the time, place, and nature of the hearing;

"(ii) the legal authority and jurisdiction under which the hearing is to be held; and

"(iii) the matters of facts and law to be asserted.

"(B) The provision to any person alleged to be liable under section 802 of this title of opportunities for the submission of facts, arguments, offers of settlement, or proposals of adjustment.

"(C) Procedures to ensure that the hearing examiner shall not, except to the extent required for the disposition of ex parte matters as authorized by law—

"(i) consult a person or party on a fact in issue, unless on notice and opportunity for all parties to the hearing to participate; or

"(ii) be responsible to or subject to the supervision or direction of the investigating official or the reviewing official.

"(D) Procedures to ensure that the investigating official and the reviewing official do not participate or advise in the decision required under subsection (h) of this section or the review of the decision by the authority head under subsection (i) of this section, except as provided in subsection (j) of this section.

"(E) The provision to any person alleged to be liable under section 802 of this title of opportunities to present such person's case through oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

"(F) Procedures to permit any person alleged to be liable under section 802 of this title to be accompanied, represented, and advised by counsel or such other qualified representative as the authority head may specify in such regulations.

"(G) Procedures to ensure that the hearing is conducted in an impartial manner, including procedures to—

"(i) permit the hearing examiner to at any time disqualify himself; and

"(ii) permit the filing, in good faith, of a timely and sufficient affidavit alleging personal bias or another reason for disqualification of a hearing examiner or a reviewing official.

"(3)(A) Each authority head shall promulgate by regulation procedures described in

subparagraph (B) of this paragraph for the conduct of hearings under this chapter. Such procedures shall be in addition to the procedures described in paragraph (1) or paragraph (2) of this subsection, as the case may be.

"(B) The procedures referred to in subparagraph (A) of this paragraph are:

"(i) Procedures for the inclusion, in any written notice of a hearing under this section to any person alleged to be liable under section 802 of this title, of a description of the procedures for the conduct of the hearing.

"(ii) Procedures to permit discovery by any person alleged to be liable under section 802 of this title only to the extent that the hearing examiner determines that such discovery is necessary for the expeditious, fair, and reasonable consideration of the issues, except that such procedures shall not apply to documents, transcripts, records, or other material which a person is entitled to review under paragraph (1) of subsection (e) or to information to which a person is entitled under paragraph (2) of such subsection. Procedures promulgated under this clause shall prohibit the discovery of the notice required under subsection (a)(2) of this section. Procedures promulgated under this clause shall provide that requests for discovery under this clause shall not be denied unreasonably.

"(4) Each hearing under subsection (f) of this section shall be held—

"(A) in the judicial district of the United States in which the person alleged to be liable under section 802 of this title resides or transacts business;

"(B) in the judicial district of the United States in which the claim or statement upon which the allegation of liability under such section was made, presented, or submitted; or

"(C) in such other place as may be agreed upon by such person and the hearing examiner who will conduct such hearing.

"(h) The hearing examiner shall issue a written decision, including findings and determinations, after the conclusion of the hearing. Such decision shall include the findings of fact and conclusions of law which the hearing examiner relied upon in determining whether a person is liable under this chapter. The hearing examiner shall promptly send to each party to the hearing a copy of such decision and a statement describing the right of any person determined to be liable under section 802 of this title to appeal the decision of the hearing examiner to the authority head under paragraph (2) of subsection (i).

"(i)(1) Except as provided in paragraph (2) of this subsection and section 805 of this title, the decision, including the findings and determinations, of the hearing examiner issued under subsection (h) of this section are final.

"(2)(A)(i) Except as provided in clause (ii) of this subparagraph, within 30 days after the hearing examiner issues a decision under subsection (h) of this section, any person determined in such decision to be liable under section 802 of this title may appeal such decision to the authority head.

"(ii) If, within the 30-day period described in clause (i) of this subparagraph, a person determined to be liable under this chapter requests the authority head for an extension of such 30-day period to file an appeal of a decision issued by the hearing examiner under subsection (h) of this section, the authority head may extend such period if such person demonstrates good cause for such extension.

"(B) Any authority head reviewing under this section the decision, findings, and determinations of a hearing examiner shall not consider any objection that was not raised in the hearing conducted pursuant to subsection (f) of this section unless a demonstration is made of extraordinary circumstances causing the failure to raise the objection. If any party demonstrates to the satisfaction of the authority head that additional evidence not presented at such hearing is material and that there were reasonable grounds for the failure to present such evidence at such hearing, the authority head shall remand the matter to the hearing examiner for consideration of such additional evidence.

"(C) The authority head may affirm, reduce, reverse, compromise, remand, or settle any penalty and assessment determined by the hearing examiner pursuant to this section. The authority head shall promptly send to each party to the appeal a copy of the decision of the authority head and a statement describing the right of any person determined to be liable under section 802 of this title to judicial review under section 805 of this title.

"(j) The reviewing official has the exclusive authority to compromise or settle any allegations of liability under section 802 of this title against a person without the consent of the hearing examiner at any time after the date on which the reviewing official is permitted to refer allegations of liability to a hearing examiner under subsection (b) of this section and prior to the date on which the hearing examiner issues a decision under subsection (h) of this section. Any such compromise or settlement shall be in writing.

"§ 804. Subpoena authority

"(a)(1) For the purposes of an investigation under section 803(a)(1) of this title, an investigating official is authorized—

"(A) to administer oaths or affirmations; or

"(B) to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and data not otherwise reasonably available to the authority.

"(2) In conducting an investigation under section 803(a)(1) of this title, the Inspector General of an authority may require by subpoena the attendance and testimony of witnesses if—

"(A) such Inspector General transmits a written notice to the Attorney General specifying that—

"(i) such attendance and testimony are necessary to the conduct of such investigation; and

"(ii) means other than a subpoena to obtain such attendance and testimony are inadequate; and

"(B) within 30 days after the Attorney General receives the notice required by subparagraph (A) of this paragraph, the Attorney General, the Deputy Attorney General, or an Associate Attorney General designated by the Attorney General transmits to such Inspector General a written statement approving such subpoena.

"(3)(A) Within 30 days after receiving a notice under subparagraph (A) of paragraph (2), the Attorney General, the Deputy Attorney General, or an Associate Attorney General designated by the Attorney General, shall transmit to such Inspector General a written statement approving or disapproving the subpoena with which such notice is concerned.

"(B) If a subpoena has been issued under this subsection to a person with respect to a particular allegation or set of allegations of liability under section 802 of this title, the Attorney General, the Deputy Attorney General, or an Associate Attorney General designated by the Attorney General, may not approve an additional subpoena under this subsection to such person with respect to such allegation or set of allegations unless such person requests the issuance of an additional subpoena under this subsection or unless—

"(i) the Attorney General, the Deputy Attorney General, or an Associate Attorney General designated by the Attorney General determines, after investigation, that an additional subpoena under this subsection to such person is necessary; and

"(ii) the Attorney General, the Deputy Attorney General, or such Associate Attorney General requires the Inspector General issuing such subpoena to include with such subpoena a statement specifying the determination of the Attorney General, the Deputy Attorney General, or such Associate Attorney General under clause (i) of this subparagraph and the reasons for such determination.

"(4)(A) An Inspector General of an authority may not delegate the authority of such Inspector General under paragraph (2) of this subsection to require by subpoena the attendance and testimony of witnesses to any officer or employee of the authority.

"(B) For purposes of this paragraph and paragraph (2), the term 'Inspector General' means an Inspector General of an authority in which an Office of Inspector General is established by the Inspector General Act of 1978 or by any other Federal law.

"(5)(A) Each subpoena issued under this subsection shall—

"(i) prescribe a date, time, and place at which oral testimony shall be commenced;

"(ii) describe the procedures under which, in accordance with this section, such testimony will be taken;

"(iii) notify the person receiving the subpoena of the right to be accompanied by an attorney and any other representative;

"(iv) describe the general purpose for which the subpoena is being issued and the general nature of the testimony, including the primary areas of inquiry, which will be taken pursuant to the subpoena; and

"(v) identify the investigating official designated by the Inspector General who shall conduct the investigation.

"(B) The date prescribed under clause (i) of subparagraph (A) for the commencement of oral testimony pursuant to a subpoena issued under this subsection shall be a date which is not less than 7 days after the date on which such subpoena is received, unless the Attorney General, the Deputy Attorney General, or an Associate Attorney General designated by the Attorney General, determines that exceptional circumstances are present which warrant the commencement of such testimony within a lesser period of time.

"(6)(A) Any investigating official before whom oral testimony is to be taken shall put the person giving such testimony under oath or affirmation and shall personally, or by any individual acting under the direction and in the presence of such investigating official, record and transcribe the testimony of such person.

"(B) Any investigating official before whom oral testimony under this section is to be taken shall exclude from the place where the testimony is to be taken all persons

except the person giving the testimony, the attorney and any other representative for the person giving the testimony, the attorney for the investigating official, any person who may be agreed upon by the investigating official and the person giving the testimony, and any stenographer taking such testimony.

"(C) The oral testimony of any person taken pursuant to a subpoena issued under this subsection shall be taken in the judicial district of the United States in which such person resides or transacts business, or in such other place as may be agreed upon by such person and the investigating official before whom the oral testimony of such person is to be taken.

"(D) Any person compelled to appear under a subpoena issued under this subsection may be accompanied, represented, and advised by an attorney. The attorney may advise such person, in confidence, either upon the request of such person or upon the initiative of the attorney, with respect to any question asked of such person.

"(E)(i) After the testimony of any person is fully transcribed, the investigating official shall afford the person (who may be accompanied by an attorney) a reasonable opportunity to examine the transcript of such testimony. The transcript shall be read to or by such person, unless such examination and reading are waived by such person. Any changes in form or substance which such person desires to make shall be entered and identified upon the transcript by the investigating official with a statement of the reasons given by such person for making such changes. The transcript shall then be signed by such person, unless such person in writing waives the signing, is ill, cannot be found, or refuses to sign.

"(ii) If the transcript is not signed by the person within 30 days after the date upon which the person is first afforded a reasonable opportunity to examine the transcript, the investigating official shall sign the transcript and state on the record the fact of the waiver, illness, absence of such person, or the refusal to sign, together with any reasons given for the failure to sign.

"(F) The investigating official shall certify on the transcript that the person giving testimony was duly sworn by the investigating official and that the transcript is a true record of the testimony given by such person.

"(G) The investigating official shall furnish a copy of the transcript (upon payment of reasonable charges for the transcript) to the person giving testimony.

"(H) Any person appearing for the taking of oral testimony pursuant to a subpoena issued under this subsection shall be entitled to the same fees and mileage which are paid to witnesses in the district courts of the United States.

"(b) For the purposes of conducting a hearing under section 803(f) of this title, a hearing examiner is authorized—

"(1) to administer oaths or affirmations; and

"(2) to require by subpoena the attendance and testimony of witnesses and the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence which the hearing examiner considers relevant and material to the hearing.

"(c) In the case of contumacy or refusal to obey a subpoena issued pursuant to subsection (a) or (b) of this section, an investigating official or a hearing examiner, as the case may be, may request the Attorney General to invoke the aid of any district court of the United States in the district in which such investigation or hearing is being conducted, or where the person receiving the subpoena resides or conducts business. The district courts of the United States shall have jurisdiction to issue an appropriate order for the enforcement of any such subpoena. Any failure to obey such order of the court is punishable by such court as contempt.

"§ 805. Judicial review

"(a)(1) A determination by a reviewing official under section 803 of this title shall be final and shall not be subject to judicial review.

"(2) Unless a petition is filed under this section, a determination under section 803 of this title that a person is liable under section 802 of this title shall be final and shall not be subject to judicial review.

"(b)(1)(A) Any person for whom a determination of liability under section 802 of this title has been made pursuant to section 803 of this title may obtain review of such determination in—

"(i) the United States Court of Appeals for the circuit in which such person resides or transacts business;

"(ii) the United States Court of Appeals for the circuit in which the claim or statement upon which the determination of liability is based was made, presented, or submitted; or

"(iii) the United States Court of Appeals for the District of Columbia Circuit.

"(B) Such review may be obtained by filing in any such court a written petition that such determination be modified or set aside. Such petition shall be filed—

"(i) only after such person has exhausted all administrative remedies under this chapter; and

"(ii) within 60 days after the date on which the authority head sends such person a copy of the decision of such authority head under section 803(i)(2) of this title.

"(2) The clerk of the court shall transmit a copy of a petition filed under paragraph (1) of this subsection to the authority head and to the Attorney General. Upon receipt of the copy of such petition, the authority head shall transmit to the Attorney General the record in the proceeding resulting in the determination of liability under section 802 of this title. Except as otherwise provided in this section, the courts of appeals of the United States shall have jurisdiction to review the decision, findings, and determinations in issue and to affirm, modify, remand for further consideration, or set aside, in whole or in part, the decision, findings, and determinations of the hearing examiner and the authority head, and to enforce such decision, findings, and determinations to the extent that such decision, findings, and determinations are affirmed or modified.

"(c) The findings of the hearing examiner with respect to questions of fact shall be final and conclusive, and shall not be set aside unless the decision of the hearing examiner is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, or if such findings are not supported by substantial evidence.

"(d) Any court of appeals reviewing under this section the decision, findings, and determinations of a hearing examiner or an authority head shall not consider any objection that was not raised in the hearing conducted pursuant to section 803(f) of this title unless a demonstration is made of extraordinary circumstances causing the failure to raise the objection. If any party demonstrates to the satisfaction of the court that additional evidence not presented at such hearing is material and that there were reasonable grounds for the failure to present such evidence at such hearing, the court shall remand the matter to the hearing examiner for consideration of such additional evidence.

"(e) Upon a final determination by the court of appeals that a person is liable under section 802 of this title, the court shall enter a final judgment for the appropriate amount in favor of the United States, and such judgment may be recorded and enforced by the Attorney General to the same extent and in the same manner as a judgment entered by any United States district court.

"§ 806. Collection of civil penalties and assessments

"(a) The Attorney General shall be responsible for judicial enforcement of any civil penalty or assessment imposed pursuant to the provisions of this chapter.

"(b) Any penalty or assessment imposed in a determination which has become final pursuant to section 803 of this title may be recovered in a civil action brought by the Attorney General. In any such action, no matter that was raised or that could have been raised in a hearing conducted under section 803(f) of this title or pursuant to judicial review under section 805 of this title may be raised as a defense, and the determination of liability and the determination of amounts of penalties and assessments shall not be subject to review.

"(c) The district courts of the United States and of any territory or possession of the United States shall have jurisdiction of any action commenced by the United States under subsection (b) of this section.

"(d) Any action under subsection (b) of this section may, without regard to venue requirements, be joined and consolidated with or asserted as a counterclaim, cross-claim, or setoff by the United States in any other civil action which includes as parties the United States and the person against whom such action may be brought.

"(e)(1) The United States Claims Court shall have jurisdiction of any action under subsection (b) of this section to recover any penalty and assessment if the cause of action is asserted by the United States as a counterclaim in a matter pending in such court. The United States may join as additional parties in such counterclaim all persons who may be jointly and severally liable with the person against whom such counterclaim is asserted.

"(2) No cross-claims or third-party claims not otherwise within the jurisdiction of the United States Claims Court shall be asserted among additional parties joined under paragraph (1) of this subsection.

"(f) The Attorney General shall have exclusive authority to compromise or settle any penalty and assessment the determination of which is the subject of a pending petition pursuant to section 805 of this title or a pending action to recover such penalty or assessment pursuant to this section.

"(g)(1) Except as provided in paragraph (2) of this subsection, any amount of penalty and assessment collected under this chapter shall be deposited as miscellaneous receipts in the Treasury of the United States.

"(2)(A) Any amount of a penalty or assessment imposed by the United States Postal Service under this chapter shall be deposit-

ed in the Postal Service Fund established by section 2003 of title 39, United States Code.

"(B) Any amount of a penalty or assessment imposed by the Secretary of Health and Human Services under this chapter with respect to a claim or statement made in connection with old age and survivors benefits under title II of the Social Security Act shall be deposited in the Federal Old Age and Survivors Insurance Trust Fund.

"(C) Any amount of a penalty or assessment imposed by the Secretary of Health and Human Services under this chapter with respect to a claim or statement made in connection with disability benefits under title II of the Social Security Act shall be deposited in the Federal Disability Insurance Trust Fund.

"(D) Any amount of a penalty or assessment imposed by the Secretary of Health and Human Services under this chapter with respect to a claim or statement made in connection with benefits under part A of title XVIII of the Social Security Act shall be deposited in the Federal Hospital Insurance Trust Fund.

"(E) Any amount of a penalty or assessment imposed by the Secretary of Health and Human Services under this chapter with respect to a claim or statement made in connection with benefits under part B of title XVIII of the Social Security Act shall be deposited in the Federal Supplementary Medical Insurance Trust Fund.

"§ 807. Right to setoff

"(a)(1) The amount of any penalty or assessment which has become final under section 803 of this title, or for which a judgment has been entered under section 805(e) or 806 of this title, or any amount agreed upon in a settlement or compromise under section 803(j) or 806(f) of this title, may be deducted from any sum, except for a refund of an overpayment of Federal taxes, then or later owing by the United States to the person liable for such penalty and assessment.

"(2) The authority head shall transmit written notice of each deduction made under this paragraph to the person liable for such penalty and assessment.

"(3) All amounts retained pursuant to this paragraph shall be remitted to the Secretary of the Treasury for deposit in accordance with section 806(g) of this title.

"(b) An authority head may forward a certified copy of any determination as to liability for any penalty or assessment which has become final under section 803 of this title, a certified copy of any judgment which has been entered under section 805(e) or 806 of this title, or a certified copy of any settlement or compromise under section 803(j) or 806(f) of this title, to the Secretary of the Treasury for action in accordance with subsection (a) of this section.

"§ 808. Limitations

"(a) A hearing under section 803(d)(2) of this title with respect to a claim or statement shall be commenced within six years after the date on which such claim or statement is made, presented, or submitted.

"(b) A civil action to recover a penalty and assessment under section 806 of this title shall be commenced within three years after the date on which the determination of liability for such penalty and assessment becomes final.

"(c) If at any time during the course of proceedings brought pursuant to this chapter the authority head receives or discovers any specific information regarding bribery, gratuities, conflict of interest, or other corruption or similar activity in relation to a false claim or statement, the authority head shall immediately report such information to the Attorney General, and in the case of an authority in which an Office of Inspector General is established by the Inspector General Act of 1978 or by any other Federal law, to the Inspector General of that authority.

"§ 809. Regulations

"(a) Within 180 days after the date of enactment of this chapter, each authority head shall promulgate rules and regulations necessary to implement the provisions of this chapter. Such rules and regulations shall—

"(1) ensure that investigating officials and reviewing officials are not responsible for conducting the hearing required in section 803(f) of this title, making the determinations required by subsections (f) and (h) of section 803 of this title, or making the collections under section 806 of this title; and

"(2) require a reviewing official to include in any notice required by section 803(a)(2) of this title a statement of the reviewing official which—

"(A) specifies that the reviewing official has determined that there is a reasonable prospect of collecting, from a person with respect to whom the reviewing official is referring allegations of liability in such notice, the amount for which such person may be liable; and

"(B) describes the financial data specified in subsection (c) of this section.

"(b) The determination required under paragraph (2)(A) of subsection (a) shall be made by the reviewing official after the consideration of the financial data specified in subsection (c) of this section.

"(c) The financial data referred to in subsections (a)(2)(B) and (b) of this section may include—

"(1) a commercial credit report with respect to the person alleged to be liable under this chapter;

"(2) an agency investigative report specifying the assets, liabilities, income, and expenses of such person;

"(3) a financial statement of such person specifying the assets, liabilities, income, and expenses of such person;

"(4) an audited balance sheet of such person; or

"(5) such financial information as is reasonably available to the authority.

"§ 810. Reports

"Not later than October 31 of each year, each authority head shall prepare and transmit to the appropriate committees and subcommittees of the Congress an annual report summarizing actions taken under this chapter during the most recent twelve-month period ending the previous September 30. Such report shall include—

"(1) a summary of matters referred by the investigating official of the authority to the reviewing official of the authority under section 803(a)(1) of this title during such period;

"(2) a summary of matters transmitted to the Attorney General under section 803(a)(2) of this title during such period;

"(3) a summary of all hearings conducted by hearing examiners under section 803(f) of this title, and the results of such hearings, during such period; and

"(4) a summary of the actions taken during such period to collect any civil penalty or assessment imposed under this chapter.

"§ 811. Effect on other law

"(a) This chapter does not diminish the responsibility of any agency to comply with the provisions of chapter 35 of title 44.

"(b) This chapter does not supersede the provisions of section 3512 of title 44.

"(c) For purposes of this section, the term 'agency' has the same meaning as in section 3502(1) of title 44.

"§ 812. Prohibition against delegation

"Any function, duty, or responsibility which this chapter specifies be carried out by the Attorney General, the Deputy Attorney General, an Associate Attorney General designated by the Attorney General, or an Assistant Attorney General designated by the Attorney General, shall not be delegated to, or carried out by, any other officer or employee of the Department of Justice.".

(b) TECHNICAL AMENDMENT.—The table of chapters for part I of title 5, United States Code, is amended by inserting after the item relating to chapter 7 the following new item:

"8. Administrative Remedies for False Claims and Statements ..... 801.".

(c) CONFORMING AMENDMENTS.—Section 504(b)(1)(C) of title 5, United States Code, is amended—

(1) by striking out "and" before "(ii)"; and

(2) by inserting before the semicolon a comma and "and (iii) any hearing conducted under chapter 8 of this title".

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of enactment of this Act, and shall apply to any claim or statement made, presented, or submitted on or after such date.

On page 9, line 24, strike out "$2,000" and insert in lieu thereof "$2,000,".

On page 9, line 25, after "$10,000" insert the following: "unless the court finds:

"(A) the defendant furnished officials of the United States responsible for investigating false claims violations with all information known to such defendant about such violation within 30 days after the date on which the defendant first obtained the information;

"(B) the defendant fully cooperated with any Government investigation of such violation; and

"(C) at the time the defendant furnished the United States with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title, with respect to such violation, and the defendant did not have actual knowledge of the existence of an investigation into such violation;

in which case the court may assess not less than $5,000".

On page 10, line 3, after "damages" insert the following: "unless the court finds the provisions of paragraphs (A) through (C), in which case the court may assess not less than 2 times the damages,'.".

On page 10, line 22, strike out the period and insert in lieu thereof a comma.

On page 10, between lines 22 and 23, insert the following:

and which were reasonably foreseeable to the defendant at the time the alleged fraud was committed or at the time of the submission of the claim or statement.

On page 11, strike out lines 1 through 6, and insert in lieu thereof the following:

"(2) acted in deliberate ignorance of the truth or falsity of the information; or

"(3) acted in reckless disregard of the truth or falsity of the information;

and no proof of specific intent to defraud is required.

On page 12, line 11, strike out the closing quotation marks and the final period.

On page 12, between lines 11 and 12, insert the following:

"(f) Any information furnished pursuant to clauses (A) through (C) of subsection (a) shall be exempt from disclosure under section 552 of title 5.".

On page 12, after "person." on line 19, strike out through line 22.

On page 13, line 15, strike out "additional extensions of the stay" and insert in lieu thereof "stays".

On page 15, line 9, strike out "(2)(C),".

On page 16, line 14, strike out "solely" and insert in lieu thereof "primarily".

On page 17, after "person" on line 10, strike out all through "action," on line 12, and insert in lieu thereof "is bringing an action which is frivolous, vexatious, or brought for purposes of harassment,".

On page 18, after "suit" on line 11, insert "or an administrative civil money penalty proceeding".

On page 18, after "party" on line 12, strike out through "media" on line 16.

On page 18, between lines 16 and 17, insert the following:

"(5)(A) No court shall have jurisdiction over an action under this section based upon the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, a congressional, administrative, or Government Accounting Office report, hearing, audit or investigation, or from the news media, unless the action is brought by the Attorney General or the person bringing the action is an original source of the information.

"(B) For purposes of this paragraph, 'original source' means an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily informed the Government or the news media prior to an action filed by the Government.

On page 19, line 1, after "Act" insert "or under section 286, 287, or 1001 of title 18".

On page 19, line 3, strike out the closing quotation marks and the final period.

On page 19, between lines 3 and 4, insert the following:

"(h) In civil actions brought under this section by the United States, the provisions of section 2412(d) of title 28 shall apply.

On page 19, line 10, strike out "within the Department of Justice" and insert in lieu thereof "of the United States".

On page 20, line 22, strike out "Court of Claims" and insert in lieu thereof "Claims Court".

On page 21, lines 6 and 7, strike out "Court of Claims" and insert in lieu thereof "Claims Court".

On page 23, line 10, after "(b)(1)" insert "(A)".

On page 23, lines 10 and 11, strike out ", the Deputy Attorney General, or an Assistant Attorney General".

On page 23, line 14, insert ", and not otherwise reasonably available," after "relevant".

On page 23, lines 23 and 24, strike out ", the Deputy Attorney General, or an Assistant Attorney General".

On page 24, between lines 3 and 4, insert the following:

"(B) Notwithstanding the provisions of section 510 of title 28, United States Code, the Attorney General may not authorize the performance of any function of the Attorney General vested in him pursuant to this paragraph, by any other officer, employee, or agency.

On page 25, line 6, strike out "and".

On page 25, line 10, strike out the period and insert in lieu thereof a semicolon.

On page 25, between lines 10 and 11, insert the following:

"(iii) specify that such attendance and testimony are necessary to the conduct of the investigation;

"(iv) notify the person receiving the subpoena of the right to be accompanied by an attorney and any other representative; and

"(v) describe the general purpose for which the subpoena is being issued and the general nature of the testimony, including the primary areas of inquiry, which will be taken pursuant to the subpoena.".

On page 25, between lines 14 and 15, insert the following:

"(E) The date prescribed for the commencement of oral testimony pursuant to a civil investigation demand issued under this section shall be a date which is not less than seven days after the date on which demand is received, unless the Attorney General or an Assistant Attorney General designated by the Attorney General determines that exceptional circumstance are present which warrant the commencement of such testimony within a lessor period of time.

"(F) Any official before whom oral testimony under this section is to be taken shall exclude from the place where the testimony is to be taken all persons except the person giving the testimony, the attorney and any other representative for the person giving the testimony, the attorney for the Government, any person who may be agreed upon by the attorney for the Government, and the person giving the testimony, and any stenographer taking such testimony.

"(G) The Attorney General shall not authorize a second demand for oral testimony to a person unless such person requests otherwise or unless the Attorney General, after investigation, notifies that person in writing that an additional demand for oral testimony is necessary. The Attorney General may not authorize the performance of any function vested in him under this subparagraph, by any other officer, employee, or agency, notwithstanding section 510 of title 28.".

On page 42, line 10, after "$1,000,000" insert ", notwithstanding the provisions of section 3623,".

On page 42, line 13, after "years" insert ", or both".

On page 42, line 14, after "years" insert "or both, notwithstanding the provisions of section 3623".

S. 1562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3729 of title 31, United States Code, is amended by—

(1) inserting "(a)" before "A person";

(2) striking out "$2,000" and inserting in lieu thereof "$10,000";

(3) striking out "2 times the amount of damages" and inserting in lieu thereof "3 times the amount of damages in addition to the amount of the consequential damages";

(4) striking out "not a member of the armed forces of the United States" the first place it appears;

(5) striking out "or" at the end of clause (5);

(6) striking out the period in clause (6) and inserting in lieu thereof "; or"; and

(7) adding at the end thereof the following:

"(7) knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the Government.

"(b) Consequential damages as used in subsection (a) shall include damages which the United States would not have sustained but for—

"(1) the doing or commission of any of the acts prohibited by subsection (a); or

"(2) having entered into or made any contract or grant as a result of any material part of any false statement.

"(c) For purposes of this section, the terms 'knowing' and 'knowingly' mean the defendant—

"(1) had actual knowledge; or

"(2) acted in gross negligence of the duty to make such inquiry as would be reasonable and prudent to conduct under the circumstances in order to ascertain the true and accurate basis of the claim;

and no proof of intent to defraud or proof of any other element of a claim for fraud at common law is required.

"(d) For purposes of this section, 'claim' includes any request or demand whether under a contract or otherwise for money or property which is made to a contractor, grantee, or other recipient if the Government provides any portion of the money or property which is requested or demanded or if the Government will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.

"(e)(1) The Attorney General or his designee may apply for provisional relief to any district court having jurisdiction pursuant to section 3732 whenever he has reasonable cause to believe this section or section 3730, or 3731 may have been violated. If the court finds there is a reasonable likelihood that the United States will prevail after trial on the merits of its claims, the court shall enjoin the defendant from taking any action which the court, in the exercise of its discretion, finds reasonably likely to hinder or delay the United States in the collection of any judgment which may be obtained in such action.

"(2) In addition, the court may from time to time make such other orders as it deems appropriate, including requiring the defendant to post security for judgment, to seek the prior approval of the court before making any transfer without adequate and full consideration, paying an antecedent debt which has matured more than thirty days prior to the date of payment, or otherwise engaging in any transaction not in the usual and regular course of the defendant's business. Except as provided in this section, such application and proceedings by the Attorney General shall be governed by Rule 65 of the Federal Rules of Civil Procedure.".

SEC. 2. Section 3730 of title 31, United States Code, is amended to read as follows:

"§ 3730. Civil actions for false claims

"(a) The Attorney General diligently shall investigate a violation under section 3729 of this title. If the Attorney General finds that a person has violated or is violating section 3729, the Attorney General may bring a civil action under this section against the person. The person may be arrested and bail set for an amount of not more than $2,000 and 2 times the amount of damages sworn to in an affidavit of the Attorney General or his designee.

"(b)(1) Except as provided in subsection (e), a person may bring a civil action for a

violation of section 3729 of this title for the person and for the United States Government. The action shall be brought in the name of the Government. An action may be dismissed only if the court and the Attorney General give written consent and their reasons for consenting.

"(2) A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Government under Rule 4(d)(4) of the Federal Rules of Civil Procedure. The complaint shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders. The Government may elect to intervene and proceed with the action within 60 days after it receives both the complaint and the material evidence.

"(3) The Government may, for good cause shown, move the court for additional extensions of the stay and for extensions of the time during which the complaint shall remain under seal. Any such motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this section until 20 days after the complaint is unsealed and served upon him pursuant to Rule 4 of the Federal Rules of Civil Procedure.

"(4) Before the expiration of the initial 60-day period or any stays obtained, the Government shall—

"(A) proceed with the action, in which case the action shall be conducted only by the Government; or

"(B) notify the court that it declines to take over the action, in which case the action shall be conducted by the person bringing the action.

"(5) Where a person brings an action under this subsection, no person other than the Government may intervene or bring a related action based on the facts underlying the pending action.

"(c)(1) If the Government proceeds with the action, the action is conducted solely by the Government and it shall not be bound by an act of the person who initiated the action. If he so requests, the person bringing the action shall be served with copies of all pleadings filed in the action, shall be supplied with copies of all deposition transcripts (at his expense), and shall be permitted to file objections with the court and petition for an evidentiary hearing to object to any proposed settlement or to any motion to dismiss filed by the Government. The court may grant such an evidentiary hearing only upon a showing of substantial and particularized need. The person bringing the action may move the court for leave to conduct the action in the name of the United States if, after making its election to take over the suit, the Government does not proceed with the action with reasonable diligence within six months or such reasonable additional time as the court may allow after notice.

"(2) If the Government elects not to proceed with the action, the action shall be conducted by the person who initiated the action. If the Government so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts (at its expense). Where a person proceeds with the action in the name of the United States pursuant to subsection (b)(2)(C), the court may nevertheless permit the Government to intervene and proceed with the action by its own attorneys at a later date upon a showing of good cause.

"(3) Notwithstanding subsection (b), the Government may elect to pursue its claim through any alternate remedy available to it, including, but not limited to, any administrative civil money penalty proceeding.

"(d)(1) If the Government proceeds with the action, including any proceeding pursuant to subsection (c)(3), the person bringing the action may receive an amount the court decides is reasonable. The amount may not be less than 10 percent, nor more than 20 percent, of the proceeds of the action or settlement of a claim and shall be paid out of those proceeds.

"(2) If the Government does not proceed with an action, the person bringing the action or settling the claim may receive an amount the court decides is reasonable for collecting the civil penalty and damages. The amount may not be less than 20 percent, nor more than 30 percent, of the proceeds of the action or settlement and shall be paid out of those proceeds.

"(3) The amount awarded under this section shall be in the discretion of the court, taking into account—

"(A) the significance of the information provided to the Government;

"(B) the contribution of the person bringing the action to the result obtained; and

"(C) whether the information which formed the basis for the suit was known to the Government.

"(4) Where the persons brought an action based solely on disclosures of specific information relating to allegations or transactions in a criminal, civil, or administrative hearing, a congressional or Government Accounting Office report or hearing, or from the news media, the court may award such sums as it deems appropriate, not to exceed 10 percent of the recovery and taking into account the significance of the information and the role of the person in advancing the case to litigation.

"(5) In addition to any other amounts awarded by the court, the court may also award the person bringing the action reasonable attorney fees and other expenses. The Government shall not be liable for the expenses or legal fees a person incurs in bringing or defending an action under this section.

"(6) If the Government does not proceed with the action and it is litigated by the person bringing the action, the court shall award to the defendant its reasonable attorney fees and expenses if the defendant prevails in such action and the court finds that the claim of the person bringing the action was clearly frivolous, vexatious, or brought for purposes of harassment. In cases where it appears that the person bringing the action is motivated by bad faith or is bringing a clearly frivolous action, the court shall require such assurances that payment of legal fees and expenses will be made, if such are awarded, as it deems appropriate before allowing the action to proceed.

"(7) After any final judgment is issued in any action brought under this section, or any alternate remedy available to the Government, any person who brought an action under subsection (b) shall have 60 days to petition the court for any award to which he is entitled under this section.

"(e)(1) No court shall have jurisdiction over an action brought by a former or present member of the armed services under subsection (b) of this section against a member of the armed forces arising out of such person's service in the armed forces.

"(2) No court shall have jurisdiction over an action brought against a member of Congress, a member of the judiciary, or a senior executive branch official if the action is based on evidence or information known to the Government when the action was brought.

"(3) For purposes of this subsection, 'senior executive branch official' means those officials listed in section 201(f) of Appendix IV of title 5.

"(4) In no event may a person bring an action under this section based upon allegations or transactions which are the subject of a civil suit in which the Government is already a party, or within six months of the disclosure of specific information relating to such allegations or transactions in a criminal, civil, or administrative hearing, a congressional or Government Accounting Office report or hearing, or from the news media.

"(f) The district courts shall have jurisdiction over any action brought under State law for the recovery of funds paid by State or local governments where such action grows out of the same transaction or occurrence as an action brought under this section.

"(g) The Attorney General or his designee is authorized to make payments from Department of Justice appropriations for information or assistance leading to a civil or criminal recovery under this section, section 3729, or sections 3731 through 3734, known as the False Claims Act. Any such payment shall be at the discretion of the Attorney General or his designee.".

SEC. 3. Section 3731 of title 31, United States Code, is amended by—

(1) inserting before the period at the end of subsection (b) the following: "or within three years after the date when facts material to the right of action are known or reasonably should have been known by the official within the Department of Justice charged with responsibility to act in the circumstances, whichever occurs last"; and

(2) inserting after subsection (b), the following new subsections:

"(c) In any action brought under this section or section 3729, 3730, 3732, or 3733, the United States shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

"(d) Notwithstanding any contrary provision of law, the Federal Rules of Criminal Procedure, or the Federal Rules of Evidence, a final judgment rendered in favor of the United States in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action brought by the United States pursuant to this section or section 3729, 3730, 3732, or 3733.".

SEC. 4. Subchapter III of chapter 37 of title 31, United States Code, is amended by adding at the end thereof the following:

"§ 3732. False claims jurisdiction

"(a) The district courts of the United States, including such courts for Puerto Rico, the Virgin Islands, Guam, and any territory or possession of the United States, shall have jurisdiction over any action commenced by the United States under this section, or under section 3729, 3730, 3731, 3733, or 3734. Venue of any such action shall be proper in any district in which any defendant, or in the case of multiple defendants, any one defendant can be found, resides, transacts business, or in which any act prescribed by such sections is alleged by the

United States to have occurred. A summons as required by the Federal Rules of Civil Procedure shall be issued by the district court and served at any place within the United States, Puerto Rico, the Virgin Islands, Guam, any territory or possession of the United States, or in any foreign country.

"(b) The United States Court of Claims shall also have jurisdiction of any such action if the action is asserted by way of counterclaim by the United States. The United States may join as additional parties in such counterclaim all persons who may be jointly and severally liable with such party against whom a counterclaim is asserted by reason of having violated this section, or section 3729, 3730, 3731, or 3733, except that no cross-claims or third-party claims shall be asserted among such additional parties unless such claims are otherwise within the jurisdiction of the United States Court of Claims.".

SEC. 5. Subchapter III of chapter 37 of the title 31, United States Code is further amended by adding at the end thereof the following:

"§ 3733. Civil investigative demands

"(a) For purposes of this section, the term—

"(1) 'False Claims Act law' means—

"(A) this section and sections 3729 through 3731 of this title, commonly known as the False Claims Act; and

"(B) any Act of Congress enacted after this section which prohibits, or makes available to the United States in any court of the United States any civil remedy with respect to any false claim, bribery, or corruption of any officer or employee of the United States;

"(2) 'False Claims Act investigation' means any inquiry conducted by any False Claims Act investigator for the purpose of ascertaining whether any person is or has been engaged in any violation of any provision of the False Claims Act law;

"(3) 'False Claims Act investigator' means any attorney or investigator employed by the Department of Justice who is charged with the duty of enforcing or carrying into effect any False Claims Act law or any officer or employee of the United States acting under direction and supervision of such attorney or investigator in connection with a False Claims Act investigation;

"(4) 'person' means any natural person, partnership, corporation, association, or other legal entity, including any State or political subdivision;

"(5) 'documentary material' includes the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart, or other document, or data compilations stored in or accessible through computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret such data compilations, and any product or discovery;

"(6) 'custodian' means the custodian, or any deputy custodian, designated by the Attorney General; and

"(7) 'product of discovery' includes without limitation the original or duplicate of any deposition, interrogatory, document, thing, result of an inspection of land or other property, examination, or admission obtained by any method of discovery in any judicial or administrative litigation or action of an adversarial nature, any digest, analysis, selection, compilation, or any derivation thereof, and any index or manner of access thereto.

"(b)(1) Whenever the Attorney General, the Deputy Attorney General, or an Assistant Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material, or may have any information relevant to a False Claims Act investigation, he may, prior to the institution of a civil proceeding, issue in writing and cause to be served upon such person, a civil investigative demand requiring such person to produce such documentary material for inspection and copying, to answer in writing written interrogatories, to give oral testimony concerning documentary material or information, or to furnish any combination of such material, answers, or testimony. Whenever a civil investigative demand is an express demand for any product of discovery, the Attorney General, the Deputy Attorney General, or an Assistant Attorney General shall cause to be served, in any manner authorized by this section, a copy of such demand upon the person from whom the discovery was obtained and notify the person to whom such demand is issued of the date on which such copy was served.

"(2)(A) Each such demand shall state the nature of the conduct constituting the alleged violation of a False Claims Act law which is under investigation, and the applicable provision of law.

"(B) If such demand is for production of documentary material, the demand shall—

"(i) describe each class of documentary material to be produced with such definiteness and certainty as to permit such material to be fairly identified;

"(ii) prescribe a return date for each such class which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection, and copying; and

"(iii) identify the False Claims Act investigator to whom such material shall be made available.

"(C) If such demand is for answers to written interrogatories, the demand shall—

"(i) set forth with definiteness and certainty the written interrogatories to be answered;

"(ii) prescribe dates at which time answers to written interrogatories shall be submitted; and

"(iii) identify the False Claims Act investigator to whom such answers shall be submitted.

"(D) If such demand is for the giving of oral testimony, the demand shall—

"(i) prescribe a date, time, and place at which oral testimony shall be commenced; and

"(ii) identify a False Claims Act investigator who shall conduct the examination and the custodian to whom the transcript of such examination shall be submitted.

Any such demand which is an express demand for any product of discovery shall not be returned or returnable until twenty days after a copy of such demand has been served upon the person from whom the discovery was obtained.

"(c)(1) No such demand shall require the production of any documentary material, the submission of any answers to written interrogatories, or the giving of any oral testimony if such material, answers, or testimony would be protected from disclosure under—

"(A) the standards applicable to subpoenas or subpoenas duces tecum issued by a court of the United States to aid in a grand jury investigation; or

"(B) the standards applicable to discovery requests under the Federal Rules of Civil Procedure, to the extent that the application of such standards to any such demand is appropriate and consistent with the provisions and purposes of this section and sections 3729 through 3731.

"(2) Any such demand which is an express demand for any product of discovery supersedes any inconsistent order, rule, or provision of law (other than this section) preventing or restraining disclosure of such product of discovery to any person. Disclosure of any product of discovery pursuant to any such express demand does not constitute a waiver of any right or privilege which may be invoked to resist discovery of trial preparation materials to which the person making such disclosure may be entitled.

"(d)(1) Any such demand may be served by any False Claims Act investigator, or by any United States Marshal or Deputy Marshal, at any place within the United States.

"(2) Any such demand or any petition filed under subsection (k) may be served upon any person who is not found within the United States, in such manner as the Federal Rules of Civil Procedures prescribe for service in a foreign country. To the extent that the courts of the United States can assert jurisdiction over such person consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this section by such person that such court would have if such person were personally within the jurisdiction of such court.

"(e)(1) Service of any such demand or of any petition filed under subsection (k) may be made upon a partnership, corporation, association, or other legal entity by—

"(A) delivering an executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

"(B) delivering an executed copy thereof to the principal office or place of business of the partnership, corporation, or entity to be served; or

"(C) depositing such copy in the United States mails, by registered or certified mail, return receipt requested, addressed to such partnership, corporation, association, or entity at its principal office or place of business.

"(2) Service of any such demand or of any petition filed under subsection (k) may be made upon any natural person by—

"(A) delivering an executed copy thereof to the person to be served; or

"(B) depositing such copy in the United States mails by registered or certified mail, return receipt requested, addressed to such person at his residence or principal office or place of business.

"(f) A verified return by the individual serving any such demand or petition setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

"(g) The production of documentary material in response to a demand served pursuant to this section shall be made under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by a person having knowledge of the facts and circumstances relating to such production and authorized to act on behalf of such person. The certificate shall state that all of the docu-

mentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the custodian.

"(h) Each interrogatory in a demand served pursuant to this section shall be answered separately and fully in writing under oath unless it is objected to, in which event the reasons for the objection shall be stated in lieu of any answer, and it shall be submitted under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by a person or persons responsible for answering each interrogatory. The certificate shall state that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted. To the extent that any materials are not furnished, they shall be identified and reasons set forth with particularity for each.

"(i)(1) The examination of any person pursuant to a demand for oral testimony served under this section shall be taken before an officer authorized to administer oaths and affirmations by the laws of the United States or of the place where the examination is held. The officer before whom the testimony is to be taken shall put the witness on oath or affirmation and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed. When the testimony is fully transcribed, the officer before whom the testimony is taken shall promptly transmit a copy of the transcript of the testimony to the custodian. This subsection shall not preclude the taking of testimony by any means authorized by, and in a manner consistent with, the Federal Rules of Civil Procedure.

"(2) The False Claims Act investigator conducting the examination shall exclude from the place where the examination is held all other persons except the person being examined, his counsel, the officer before whom the testimony is to be taken, and any other stenographer taking such testimony.

"(3) The oral testimony of any person taken pursuant to a demand served under this section shall be taken in the judicial district of the United States within which such person resides, is found, or transacts business, or in such other place as may be agreed upon by the False Claims Act investigator conducting the examination and such person.

"(4) When the testimony is fully transcribed, the False Claims Act investigator or the officer shall afford the witness, who may be accompanied by counsel, a reasonable opportunity to examine the transcript and the transcript shall be read to or by the witness, unless such examination and reading are waived by the witness. Any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript by the officer or the False Claims Act investigator with a statement of the reasons given by the witness for making such changes. The transcript shall then be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within thirty days after his being afforded a reasonable opportunity to examine it, the officer or the False Claims Act investigator shall sign it and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with the reason, if any, given therefor. A refusal to sign or an unreasonable absence shall be deemed to be an acknowledgment of its accuracy and an affirmation of its contents.

"(5) The officer shall certify on the transcript that the witness was sworn by him and that the transcript is a true record of the testimony given by the witness, and the officer or False Claims Act investigator shall promptly deliver it or send it by registered or certified mail to the custodian.

"(6) Upon payment of reasonable charges therefor, the False Claims Act investigator shall furnish a copy of the transcript to the witness only, except that the Attorney General, the Deputy Attorney General, or an Assistant Attorney General may, for good cause, limit such witness to inspection of the official transcript of his testimony.

"(7)(A) Any person compelled to appear under a demand for oral testimony pursuant to this section may be accompanied, represented, and advised by counsel. Counsel may advise such person, in confidence, with respect to any question asked of such person. Such person or counsel may object on the record to any question, in whole or in part, and shall briefly state for the record the reason for the objection. An objection may be properly made, received, and entered upon the record when it is claimed that such person is entitled to refuse to answer the question on grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination. Such person shall not otherwise object to or refuse to answer any question, and shall not by himself or through counsel otherwise interrupt the oral examination. If such person refuses to answer any question, the False Claims Act investigator conducting the examination may petition the district court of the United States pursuant to subsection (k)(1) for an order compelling such person to answer such question.

"(B) If such person refuses to answer any question on the grounds of the privilege against self-incrimination, the testimony of such person may be compelled in accordance with the provisions of part V of title 18.

"(8) Any person appearing for oral examination pursuant to a demand served under this section shall be entitled to the same fees and mileage which are paid to witnesses in the district courts of the United States.

"(j)(1) The Attorney General, or his authorized designee shall designate a False Claims Act investigator to serve as custodian of documentary material, answers to interrogatories, and transcripts of oral testimony received under this section, and shall designate such additional False Claims Act investigators as he determines from time to time to be necessary to serve as deputies to such officer.

"(2) Any person upon whom any demand under subsection (b)(1) for the production of documentary material has been served shall make such material available for inspection and copying to the False Claims Act investigator designated therein at the principal place of business of such person, or at such other place as such False Claims Act investigator and such person thereafter may agree and prescribe in writing, or as the court may direct pursuant to subsection (k)(1) on the return date specified in such demand, or on such later date as such custodian may prescribe in writing. Such person may, upon written agreement between such person and the custodian, substitute copies for originals of all or any part of such material.

"(3)(A) The False Claims Act investigator to whom any documentary material, answers to interrogatories, or transcripts of oral testimony are delivered shall take physical possession thereof, and shall transmit them to the custodian who shall be responsible for the use made thereof and for the return of documentary material pursuant to this section.

"(B) The custodian may cause the preparation of such copies of such documentary material, answers to interrogatories, or transcripts of oral testimony as may be required for official use by any authorized official or employee of the Department of Justice or any authorized officer or employee of the United States acting under the direction and supervision of an attorney or investigator of the Department of Justice in connection with any False Claims Act investigation, under regulations promulgated by the Attorney General. Notwithstanding subparagraph (C) of this subsection, such material, answers, and transcripts may be used by any such person in connection with the taking of oral testimony pursuant to this section.

"(C) Except as otherwise provided in this section, while in the possession of the custodian, no documentary material, answers to interrogatories, or transcripts of oral testimony, or copies thereof, so produced shall be available for examination, without the consent of the person who produced such material, answers, or transcripts, and, in the case of any product of discovery produced pursuant to an express demand for such material, of the person from whom the discovery was obtained, by any individual other than an authorized official or employee of the Department of Justice, or an authorized officer or employee of the United States acting under the direction and supervision of an attorney or investigator of the Department of Justice in connection with any False Claims Act investigation. Nothing in this section is intended to prevent disclosure to either body of the Congress or to any authorized committee or subcommittee thereof, or to any other agency of the United States for use by such agency in furtherance of its statutory responsibilities. Disclosure to any other agency of the United States shall be allowed only upon application, made by the custodian to a United States district court, showing substantial need for use by such agency in furtherance of its statutory responsibilities.

"(D) While in the possession of the custodian and under such reasonable terms and conditions as the Attorney General shall prescribe—

"(i) documentary material and answers to interrogatories shall be available for examination by the person who produced such material or answers, or by an authorized representative of such person; and

"(ii) transcripts of oral testimony shall be available for examination by the person who produced such testimony, or his counsel.

"(4) Whenever any attorney of the Department of Justice has been designated to appear before any court, grand jury, or Federal administrative or regulatory agency in any case or proceeding, the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony may deliver to such attorney such material, answers, or transcripts for official use in connection with any such case, grand jury, or proceeding as such attorney determines to be required. Upon the completion of any

such case, grand jury, or proceeding, such attorney shall return to the custodian any such material, answers, or transcripts so delivered which have not passed into the control of such court, grand jury, or agency through the introduction thereof into the record of such case or proceeding.

"(5) If any documentary material has been produced in the course of any False Claims Act investigation by any person pursuant to a demand under this section, and—

"(A) any case or proceeding before any court or grand jury arising out of such investigation, or any proceeding before any Federal administrative or regulatory agency involving such material, has been completed, or

"(B) no case or proceeding in which such material may be used has been commenced within a reasonable time after completion of the examination and analysis of all documentary material and other information assembled in the course of such investigation, the custodian shall, upon written request of the person who produced such material, return to such person any such material (other than copies thereof furnished to the custodian pursuant to paragraph (2) of this subsection or made by the Department of Justice pursuant to paragraph (3)(B) of this subsection) which has not passed into the control of any court, grand jury, or agency through the introduction thereof into the record of such case or proceedings.

"(6) In the event of the death, disability, or separation from service in the Department of Justice of the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony produced under any demand issued pursuant to this section, or of the official relief of such custodian from responsibility for the custody and control of such material, answers or transcripts, the Attorney General or his authorized designee shall promptly (A) designate another False Claims Act investigator to serve as custodian of such material, answers, or transcripts, and (B) transmit in writing to the person who produced such material, answers, or testimony notice as to the identity and address of the successor so designated. Any successor designated under this subsection shall have, with regard to such material, answers or transcripts, all duties and responsibilities imposed by this Act upon his predecessor in office with regard thereto, except that he shall not be held responsible for any default or dereliction which occurred prior to his designation.

"(k)(1) Whenever any person fails to comply with any civil investigative demand served upon him under subsection (b) or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the Attorney General, through such officers or attorneys as he may designate, may file in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section.

"(2)(A) Within twenty days after the service of any such demand upon any person, or at any time before the return date specified in the demand, whichever period is shorter, or within such period exceeding twenty days after service or in excess of such return date as may be prescribed in writing, subsequent to service, by any False Claims Act investigator named in the demand, such person may file, in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, and serve upon such False Claims Act investigator a petition for an order of such court, modifying or setting aside such demand. In the case of a petition addressed to an express demand for any product of discovery, a petition to modify or set aside such demand may be brought only in the district court of the United States for the judicial district in which the proceeding in which such discovery was obtained is or was last pending.

"(B) The time allowed for compliance with the demand, in whole or in part, as deemed proper and ordered by the court shall not run during the pendency of such petition in the court, except that such person shall comply with any portions of the demand not sought to be modified or set aside. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person.

"(3) Within twenty days after the service of any express demand for any product of discovery upon, or at any time before, the return date specified in the demand, whichever period is shorter, or within such period exceeding twenty days after service or in excess of such return date as may be prescribed in writing, subsequent to service, by any False Claims Act investigator named in the demand, the person from whom such discovery was obtained may file, in the district court of the United States for the judicial district in which the proceeding in which such discovery was obtained is or was last pending, and serve upon any False Claims Act investigator named in the demand and upon the recipient of the demand, a petition for an order of such court modifying or setting aside those portions of the demand requiring production of any such product of discovery. Such petition shall specify each ground upon which the petitioner relies in seeking such relief and may be based upon any failure of such portions of the demand to comply with the provisions of this section, or upon any constitutional or other legal right or privilege of the petitioner. During the pendency of such petition, the court may stay, as it deems proper, compliance with the demand and the running of the time allowed for compliance with the demand.

"(4) At any time during which any custodian is in custody or control of any documentary material, answers to interrogatories delivered, or transcripts of oral testimony given by any person in compliance with any such demand, such person, and in the case of an express demand for any product of discovery, the person from whom such discovery was obtained, may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve upon such custodian, a petition for an order of such court requiring the performance by such custodian of any duty imposed upon him by this section.

"(5) Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section. Any final order so entered shall be subject to appeal pursuant to section 1291 of title 28. Any disobedience of any final order entered under this section by any court shall be punished as a contempt thereof.

"(6) To the extent that such rules may have application and are not inconsistent with the provisions of this section, the Federal Rules of Civil Procedure shall apply to any petition under this subsection.

"(7) Any documentary material, answers to written interrogatories, or oral testimony provided pursuant to any demand issued under this section and sections 3729 through 3731 shall be exempt from disclosure under section 552 of title 5.".

SEC. 6. (a) Subchapter III of chapter 37 of title 31, United States Code, is further amended by adding at the end thereof the following:

"§ 3734. Whistleblower protection

"Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms or conditions of such employment by his employer because of the good faith exercise by such employee on behalf of himself or others of any option afforded by this Act, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this Act, shall be entitled to all relief necessary to make him whole. Such relief shall include reinstatement with full seniority rights, backpay with interest, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney fees. In addition, the employer shall be liable to such employee for twice the amount of backpay and special damages and, if appropriate under the circumstances, the court shall award punitive damages.".

(b) The table of sections for chapter 37 of title 31, United States Code, is amended by adding at the end thereof the following new items:

"3732. False claims jurisdiction.
"3733. Civil investigative demands.
"3734. Whistleblower protection.".

SEC. 7. (a) Section 286 of title 18, United States Code, is amended by striking out "$10,000" and inserting in lieu thereof "$1,000,000".

(b) Section 287 of title 18, United States Code, is amended by striking out "$10,000, or imprisoned not more than five years" and inserting in lieu thereof "$1,000,000, or imprisoned for not more than ten years".

SEC. 8. This Act and the amendments made by this Act shall become effective upon the date of enactment.●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive formal 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 be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed

in the RECORD at this point the notification I have received. The classified annex referred to in the covering letter is available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY
Washington, DC, July 23, 1986.

In reply refer to: I-01390/86ct.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 86-43 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter(s) of Offer to Thailand for defense articles and services estimated to cost $45 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

GLEN A. RUDD, *Acting Director.*

[TRANSMITTAL NO. 86-43]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b)(1) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Thailand.

(ii) Total estimated value:

	Millions
Major Defense Equipment [1]	$25
Other	20
Total	45

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Four AH-1F Cobra TOW Helicopters, spare engines, spare parts, special tools, support personnel and test equipment.

(iv) Military department: Army (VMY).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending 31 March 1986.

(viii) Date report delivered to Congress: July 23, 1986.

POLICY JUSTIFICATION

THAILAND—AH-1F COBRA TOW HELICOPTERS

The Government of Thailand has requested the purchase of four Cobra TOW Helicopters, spare engines, spare parts, special tools, support personnel and test equipment. The estimated cost is $45 million.

This sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in East Asia.

Acquisition of these helicopters will provide the Royal Thai Army with a much needed capability to counter armor threats. Thailand will have no difficulty absorbing these helicopters into its armed forces.

The sale of this equipment and support will not affect the basic military balance in the region.

The principal contractors will be Bell Helicopter Textron, Incorporated of Fort Worth, Texas and AVCO Corporation Lycoming Division of Stratford, Connecticut.

Implementation of this sale will require the assignment to Thailand of six additional U.S. Government personnel for ten days and contractor representatives as follows: three for one year and four for six months.

There will no adverse impact on U.S. defense readiness as a result of this sale.●

HSU JUNG-SHU AND CHOU CHING-YU

● Mr. KENNEDY. Mr. President, I would like to call to the attention of my colleagues the remarks of two extraordinary Taiwanese women, Hsu Jung-Shu and Chou Ching-Yu, at a press conference held in the Senate on May 20, 1986—the 37th anniversary of martial law in Taiwan. At the conference, Senator PELL and Congressmen SOLARZ, LEACH, and TORICELLI joined me in denouncing the nearly four decades of martial law and calling on the government authorities to bring democracy to Taiwan.

It was an honor to be joined by Ms. Hsu and Ms. Chou who are members of the national legislative bodies in Taiwan. Their husbands are prisoners of conscience who were arrested in 1979 in connection with the Kaohsiung incident; they were convicted by a military tribunal and sentenced to 12 years in prison.

In the wake of that experience, these two courageous women entered politics, won places in the legislature, and have been working tirelessly ever since to obtain the release of their husbands and all political prisoners in Taiwan. They have been the victims of constant harassment and intimidation, but have persevered.

I urge my colleagues to read the eloquent statements of the two women who have relentlessly pursued their goal of justice, freedom, and democracy in Taiwan.

The statements follows:

STATEMENT OF LEGISLATOR HSU JUNG-SHU, MAY 20, 1986

I am very pleased to have the opportunity to be here with you today, although this is a very solemn occasion for the people on Taiwan.

I want to thank the Members of the U.S. Congress and the American people who have shown their concern about martial law on Taiwan. We are very grateful for your support for the cause of democracy and human rights. I especially appreciate the efforts of those who have worked on behalf of my jailed husband and those who recently have expressed concern over my own situation.

I would like to draw your attention to three particularly grave aspects of martial law on Taiwan. Martial law severely restricts freedom of expression and freedom of association, and prevents direct presidential elections.

For the past year, the authorities have banned or confiscated almost every issue published by the opposition magazines. In the case of my own magazine, Taiwan Weekly, the government has banned or confiscated every issue in recent months. Since March, police and agents of the Taiwan Garrison Command—the body which administers martial law and censorship—have staged three raids on the office of the publication. Each time, these agents have arrived in the dead of night and without any of my staff present. The government has censored my magazine not because of the content of the articles, but simply because of our advocacy of democracy and human rights.

Martial law also forbids us to establish new political parties, forcing members of the democratic movement to run for office as independents. Yet, collectively, we regularly receive 30% of the vote under a highly restrictive electoral code. We are confident that if we could form a political party and could run in truly free and fair elections, we could win a far higher share of the vote. In any event, freedom of association, including the right to form political parties, is the universally recognized right of all human beings and a right no government can legitimately stifle.

The president of Taiwan is currently elected by the members of the National Assembly, who were themselves elected on the China mainland in 1949. They have remained in office on Taiwan for nearly 40 years. Since they now represent neither China nor Taiwan, the people on Taiwan are denied their right to elect their own chief executive. I am, therefore, calling for direct presidential elections by the citizens of Taiwan.

Again, thank you so much.

STATEMENT OF ASSEMBLYWOMAN CHOU CHING-YU, MAY 20, 1986

I want to thank everyone here and elsewhere who has worked long and hard to call the attention to the abuses of martial law on Taiwan.

For the past 37 years, our people's civil liberties and political rights have been abridged by the authorities who restricted these freedoms although they are to be protected by the constitution. I am proud of the people of Taiwan who are among the most intelligent, friendly and hard-working in the world and who have made the economic miracle possible. But I am ashamed of the system of martial law which deprived us of our legitimate rights despite the high living standards, education and other achievements. The longest martial law rule in modern history has severely restricted our freedoms of expression, movement, association, and assembly and damaged our international image.

For too long the people of Taiwan have been denied a representative government. The legislative bodies on Taiwan, including the National Assembly in which I sit, have seats representing all of China, mostly elected 40 years ago. Less than ten percent of the total memberships were elected on Taiwan and are subject to either direct or indirect election. However, the people of Taiwan pay all of the taxes which support the government, and perform all of the obligations incumbent on citizens. As you know, your own country was founded because your earliest leaders said, "Taxation without representation is tyranny!"

Under martial law, if we challenge the unrepresentative nature of our government, we can be charged with "sedition" for challenging "basic national policy," tried by court martial, and sent to military jails.

Under martial law, organization of new political parties is banned and those who

dare to organize do so at the risk of being court-martialed and imprisoned.

For too long, many peaceful critics and reformers have been imprisoned without the benefit of a fair trial, my dear husband, Mr. Yao Chia-wen, among them.

I also want to thank everyone here in the United States who has worked on behalf of my jailed husband and other prisoners of conscience whose only crime was to advocate democracy and human rights for all the people on Taiwan. We must continue to press on until all political prisoners are released.

In order to have a truly democratic political system on Taiwan, we must insist on lifting martial law, a general election of all parliamentary bodies and restoring the rights guaranteed by the constitution.

Again, I thank you for giving me the privilege of speaking here today.●

HOSPITAL INDUSTRY PROBLEMS

● Mr. DURENBERGER. Mr. President, I am constantly amazed at the way in which the market for delivering public services changes with the introduction of incentives for buyers of services to spend their money more wisely.

We are all beginning to understand that is what is happening in doctor and hospital services all over America. When government or business employers change the way they help the elderly or the employed by health protection, the medical service industry changes dramatically.

California is certainly a State in which this change is most dramatic. I recently read an excellent report in the Los Angeles Times by a very good reporter, Jube Shiver, Jr., which I would ask be printed following my remarks so that my colleagues can learn by example the value of the change they have helped effect through annual modifications we make in national health financing policy.

The report follows:

[From the Los Angeles Times, July 20, 1986]

HEALTH FIRMS GO UNDER THE BUDGET KNIFE

(By Jube Shiver Jr.)

The black Chevrolet Caprice that ferries American Medical International President Walter L. Weisman to his office in Beverly Hills from his Woodland Hills home is one of the few corporate comforts at AMI since industry cost-cutting forced Weisman to put his health-care company on a stern regimen.

Since last fall, Weisman—who says the car and driver enable him to get more work done during a long commute—has slashed operating budgets by a third, laid off more than 120 employees and pared everything from overnight mail to office space.

Despite the moves, AMI suffered its first-ever quarterly loss—$82 million—for the three months ended in February, 1986.

"Private industry has only begun to scratch the surface" of cost containment, Weisman said. "You think this is bad, you haven't seen anything yet. . . . A year from now, it will be even tougher in our industry."

After a decade of robust growth and record profits, the hospital industry has been hit with financial problems. Medicare, Medicaid and private insurance have restricted payments and clamped down on escalating medical fees. Hospital companies are also losing patients to health maintenance organizations and preferred-provider programs, which seek to provide lower-cost health-care services.

MAJOR CHAINS HURT

Nowhere is the new climate being felt more strongly than at the major hospital chains such as AMI, National Medical Enterprises, Humana Inc. and Hospital Corp. of America. All four have suffered declines in net income in recent months. Admissions and occupancy rates at the 73,000 beds controlled by the four chains have dropped to all-time lows.

"This has become a tough, competitive environment—no doubt about it," said Richard K. Eamer, chairman and chief executive of NME.

In response, the companies have pared staff, sold dozens of hospitals and streamlined operations. They also are becoming more aggressive, eyeing new marketing techniques and sophisticated technology to stimulate business and improve efficiency.

The changes are especially evident in Southern California—home of AMI and NME, the nation's second- and third-largest hospital chains, as well as the headquarters of the nation's largest investorowned nursing home chain and health maintenance organization.

The two hospital chains, together with eight smaller publicly held health-care companies in Southern California, had about $10 billion in revenue last year. Altogether, the 10 top California health-care firms employ about a quarter of a million people nationwide.

For all their size, however, the giant chains have captured less than 3% of the $430-billion annual health-care market. And they remain deeply dependent on the federal government's cost-conscious Medicare program—which furnishes about 40% of hospital revenue—and the equally frugal state Medicaid programs, which contribute about 15% of hospital revenue.

A report by Sanford C. Bernstein & Co., an investment research firm in New York, said stagnating Medicare rates could "force 10% of the (nation's 5,550) hospitals into bankruptcy" by 1990.

"The financial pressures on hospitals are going to continue," said Randall Huyser, a health-care analyst at Montgomery Securities in San Francisco. "Hospitals are being hit with a double whammy" of tighter Medicare fees and competitive HMOs. "If we have another freeze on (Medicare rates), hospitals are going to find the financial climate onerous."

After decades of reimbursing hospitals for their actual costs in treating patients, Medicare began trying to be a tough customer. In April, 1983, a new fee system was approved that pays hospitals fixed rates for 467 specific ailments.

At first hospitals comfortably adjusted to the new rates, which were increased 6.25% in the first few months after the start of the payment program. But trouble began when rate increases slowed.

Congress approved a scant 0.5% increase in May, 1986, and Health and Human Services Secretary Otis R. Bowen has recommended a 0.5% increase for the fiscal year beginning Oct. 1, according to the Health Care Financing Administration.

Meanwhile, states too are holding the line on money for Medicaid—the health-care program for the poor.

SHOULD BE GRATEFUL

Last month, for instance, Gov. George Deukmejian, vowing to retain a $1-billion reserve in the state budget, vetoed about $40 million in increases for California's $2.3-billion Medi-Cal program. Most of the money would have been matched by federal dollars.

Despite the cutbacks, Secretary Bowen suggested in a statement released with his recommendation that hospitals should be grateful for the small 0.5% increase in Medicare rates since "our findings show that a net decrease would be justified."

But the beleaguered hospital industry—with its high capital and labor costs—has had a tough time coping with the austerity measures.

Last Wednesday, the nation's largest health-care chain, Nashville, Tenn.-based Hospital Corp. of America, reported that its net income for the second quarter ended June 30, 1986, declined to $68.9 million from $92.6 million for the same quarter a year ago. The company said the drop occurred partly because its 1986 earnings were being compared to the second quarter of 1985 when the company reported a $45-million pretax gain ($26 million after taxes) from the exchange of 3.5 million shares of HCA's investment in Beverly Enterprises.

AMI also reported sharply lower profits. Although the hospital chain posted record revenue of $907.5 million, its net income declined 59% to $21.5 million for the three months ended May 31, 1986, compared to $52.6 million in fiscal 1985.

And Los Angeles-based NME said last month that it would sell nine hospitals and undergo a major restructuring in order to improve its sagging bottom line. NME officials said the company, which incured write-offs and charges of about $53 million, could post its first quarterly loss ever from continuing operations.

Even Humana Inc., a Louisville, Ky. hospital chain that has had a reputation as being the most profitable and efficiently run, reported that net income in the three months ended May 31, declined to $52.7 million from $58 million during the same period a year ago.

EVERYONE AFFECTED

"Everyone's been affected by cost containment," said Maurice Lewitt, chairman of Nu-Med Inc., and Encino-based hospital chain that operates 15 U.S. hospitals and two acute-care facilities in England. "All the companies are taking writeoffs and adjusting balance sheets."

For a time, hospitals and other health-care providers were able to keep their heads above water by sending patients home a few days earlier, cutting labor costs and delaying big capital equipment purchases.

"Hospitals didn't do too badly under the first two years of (new Medicare price controls) and the reason was they were able to respond to the financial incentives by managing patients better," said Robert Pattison, vice president of finance and economics at the Hospital Council of Northern Californina.

But more recently, hospitals are discovering that some of the measures they are taking to stay afloat may be exacerbating their plight.

Some hospitals have been trying to offset government cost-cutting by increasing rates for the shrinking pool of privately insured patients whose policies pay for the full cost of medical care. But that approach has forced up insurance premiums and deductibles for the privately insured and prompted

many of them to defect to less-costly HMO and preferred-provider plans which directly compete with hospitals.

COSTLY READMISSIONS

Similarly, discharging patients early to contain costs has on occasion resulted in costly readmissions. Though Medicare has encouraged early discharges because it is less costly for a patient to recover at home, patients in weaker physical condition are more likely to encounter complications that require additional hospitalization, health-care experts says.

These predicaments have made hospital management a daunting task for administrators.

Other capital-intensive service industries have been able to achieve significant cost savings by lobbying for government deregulation, computerizing many apsects of their oeprations and building more energy-efficient plants and equipment.

Hotels, for example, operate mostly with low or unskilled blue-collar workers, which helps hold down wages. They have built more energy-efficient hotel rooms and have computerized many administrative functions, such as billings and reservations that used to require scores of white collar workers.

Hospitals also are beginning to experiment with new technology and better management after years of operating outside the arena of traditional supply-and-demand market forces. But progress has been slow.

Ron Bernier, president of Health Care Systems International, a New Haven, Conn.-based firm that sells computer software designed to help hospitals manage their Medicare paper work. He said his firm's annual sales have risen to about $7 million 1985 from $1 million in 1983. But he notes that interest in computers is still less than other fields.

"Hospitals have not used computers and new management systems to the extent of other industries," Bernier said. "The banking industries and financial services industries spend about 10% of their revenues on data processing equipment and software; the equivalent (figure) in the hospital industry is less than 3%" of revenue, Bernier said.

COMPUTER SAVED MILLIONS

A new multimillion-dollar AMI computer system that keeps track of patient medical records and hospital bills at the Medical Center of North Hollywood is credited with saving millions of dollars and paring more than 70 people from the hospital payroll.

AMI President Weisman said the health-care company plans to install the computer system in all of its 96 U.S. hospitals.

Hospitals have also used techniques such as imposing productivity standards on physicians, nurses and technicians. The nutritional staff at the Medical Center, for example, is required to serve meals within a given period of time and nurses must work faster when making rounds of patients on their floor, said Katherine Winters, director of nursing.

Most importantly, however, for-profit hospitals have turned to more aggressive marketing as a way to generate new profits.

To lure expectant mothers to its maternity ward, NME's Garfield Medical Center in Monterey Park offers champagne and lobster dinners to parents who choose the hospital for their delivery. The hospital also advertises on radio and in newspapers and holds an annual health fair at which it offers free and low-cost tests to community residents. More importantly, the hospital is expanding services in areas that are more financially lucrative and reducing reliance on unprofitable services.

INSULATE THEMSELVES

In June the hospital knocked down the walls of its little-utilized medical surgery unit in order to open a large physical rehabilitation section. Physical rehabilitation is not yet fully covered by the new Medicare payment system and is therefore more profitable than medical procedures subject to federal cost containment.

The new approach, however, is unlikely to slow the tremendous growth of HMOs and the preferred-provider organizations. Called PPOs, they seek to cut medical insurance bills by giving members a choice of using certain doctors and hospitals (medical providers) who will offer services at reduced rates.

There were more than 300 PPOs in 1985 with about 5 million members, compared to just 68 PPOs in 1980, according to the American Medical Care & Review Assn. Likewise, HMOs had more than 21 million members in 1985, up from 16.7 million in 1984.

In part HMOs and PPOs achieve cost savings by insulating themselves from the immense capital and labor costs that saddle hospitals. In effect, they lease hospital services by contracting with hospitals and agreeing to supply hospitals with a steady source of patients in return for discounted medical services. Hospitals, desperate to fill their vacant beds, have little choice but to acquiesce to their main competitors.

Roger W. Wessels, executive director of NME's Garfield Medical Center in Monterey Park, says he now spends nearly half of his time reviewing contract proposals from operators of HMOs and PPOs. In the first quarter of 1986, the hospital held contracts with 30 PPOs and 10 HMOs, about 10 times the number six years ago.

"They are our competition, Wessels acknowledged. But, he added, "we need their patients" and the revenue they generate.

Though HMOs and PPOs seem to be benefiting from the financial hardship hospitals are currently undergoing, some experts expect the belt-tightening will eventually spread even to the lower-cost health-care providers.

"I think you're going to see HMOs and PPOs under the same kind of economic pressures that hospitals are under" because of a dramatic increase in competition in that health-care sector, said Jeff C. Goldsmith, a senior consulting adviser to the Ernst & Whinney accounting firm, whose 1981 book "Can Hospitals Survive?" predicted the current hard times in the hospital industry.

Yet some hospital chains, such as AMI and Humana, are diversifying into the HMO and PPO business as a way to cushion the impact of industry cost-cutting. Still, Goldsmith believes the health-care plans offer no salvation.

"That's like jumping from the frying pan into the fire," he said. "I think NME has a better chance succeeding with their strategy" of concentrating in nursing homes and other industries not completely subject to cost controls.

Even so, said Goldsmith, "the outlook is going to be grim for most health-care providers."●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive formal 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 be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notification I have received.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 24, 1986.

In reply refer to: I-03512/86ct.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 86-45, concerning the Department of the Army's proposed Letter(s) of Offer to Tunisia for defense articles and services estimated to cost $60 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

GLENN A. RUDD,
Acting Director.

[Transmittal No. 86-45]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b)(1) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Tunisia.

(ii) Total estimated value:

	Million
Major defense equipment[1]	$42
Other	18
Total	60

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Fifty-seven M198 155mm towed howitzers, 70 5-ton trucks, three 5-ton wreckers, ammunition, concurrent spare parts and support equipment.

(iv) Military department: Army (JHW).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending March 31, 1986.

(viii) Date report delivered to Congress: July 24, 1986.

POLICY JUSTIFICATION

TUNISIA—155MM HOWITZERS

The Government of Tunisia has requested the purchase of 57 M198 155mm towed howitzers, 70 5-ton trucks, three 5-ton wreckers, ammunition, concurrent spare parts, and

support equipment. The estimated cost is $60 million.

This sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in North Africa.

The purpose of this particular sale is to strengthen Tunisia's capability to protect itself from the potential threat of neighboring countries. Tunisia will have no difficulty absorbing these defense articles into its armed forces.

The sale of this equipment and support will not affect the basic military balance in the region.

The source of supply for the M198 155mm howitzers will be the Rock Island Arsenal, Rock Island, Illinois. The source of supply for the 5-ton trucks and 5-ton wreckers will be LTV Aerospace and Defense Corporation, AM General Division, Livonia, Michigan.

Implementation of this sale will require the assignment of 15 additional U.S. Government personnel in Tunisia for two months; the number of contractor representatives and the length of time they will be required in Tunisia have not yet been determined.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

DEATH OF WILLIAM AVERELL HARRIMAN

● Mr. GLENN. Mr. President, I wish to pay tribute to the memory of William Averell Harriman, who died last week at the age of 94.

Averell Harriman was the embodiment of the dedicated public servant. Born into a life of wealth and privilege, he was guided by a strong sense of obligation to his country. For most of his extraordinarily long and productive life, he devoted himself to public service, not only as Governor of New York, but in a wide variety of appointed offices and unofficial capacities. He served every Democratic President since Franklin D. Roosevelt with distinction and unparalleled dedication.

Perhaps his greatest contribution to the Republic was in the field of international affairs. Governor Harriman's views on United States-Soviet relations were particularly valued and developed through extensive contact with Soviet leaders. Aware of the true threat posed by the Soviet regime, he was never an ideologue. He wisely counseled that U.S. foreign policy toward the Soviet Union should be guided by firmness and patience.

Adlai Stevenson once observed that it was "the life in your years and not the years in your life that matters." Averell Harriman was blessed with both—he had one of the longest and fullest lives in American history. To me, he was a good friend and a valued advisor. He will be sorely missed.●

GREG LEMOND MAKES SPORTING HISTORY

● Mr. HECHT. Mr. President, Sunday in Paris, Nevadan Greg LeMond made sporting history. By winning the Tour de France, he became not only the first American, but also the first non-European to win cycling's most grueling and prestigious event.

The race annually winds through all of France, past the wine country of Bordeaux and through the Pyrenee and Alpine mountains. This year's race, which was run for 23 consecutive days and covered more than 2,500 miles, began on the Fourth of July and culminated with a sprint up the Champs d'Elysees. The Tour is considered to be one of man's greatest sporting events, demanding psychological fortitude as well as tremendous athletic talent and endurance.

LeMond took the lead in the most difficult portion of the race, in the Alps on July 20, and never looked back. Over 200 riders started the Tour, and in the end, only 132 remained, with LeMond leading the way. He maintained his 3-minute lead over the last week of the race, and on Sunday, survived a final challenge from the remaining riders.

It is only through long hours of dedicated training and perseverance that such a victory can be achieved. I would like to note that all of America, and we especially in Nevada, are extremely proud of Greg LeMond. His athletic achievements and sportsmanship are an inspiration to us all. I can only hope that next year at this time, I will commemorate Greg LeMond for becoming the first American to win the Tour de France a second time.●

A UNIQUE GIFT

● Mr. ABDNOR. Mr. President, the miraculous history of this Nation is built on the fact that we have had a remarkable number of ordinary people doing extraordinary deeds.

One such instance occurred recently in Winner, SD, a community in the south central part of the State.

The Tripp County Library in Winner had long since outgrown the rooms in the courthouse basement where it was housed. The need for new quarters was evident, but the resources to build new quarters simply did not exist. The area is dependent on a farm/ranch-based economy and has been battling not only Mother Nature in the form of drought, grasshoppers, and blizzards—but low farm prices, declining land values, and rising costs. A new library was only a dim hope. Enter Blanche Grossenburg.

For many years, Charlie and Blanche Grossenburg operated a farm implement business in Winner. C.J. Grossenburg Implement, Inc., at one time was the largest John Deere dealer in the country. Charlie took care of the sales and service; Blanche took care of the office. Like a lot of businesses in South Dakota, it was a family operation and it was successful because the Grossenburgs were willing to put in the time and effort necessary to serve their customers well.

The flourishing business enabled them to build a beautiful home, spacious and gracious. Family and friends were frequent and welcome guests.

On Charlie's death, the business was taken over by son Gene. Blanche continued her interest not only in business and family affairs but in the activities of the community. She had an avid interest in the library, and the fact that resources were not available for new quarters distressed her. Then she had an idea. With her family grown and in their own homes, she didn't need all the space of the house for herself. She could find smaller quarters. Why not give the house to the library?

Why not indeed! And that is just what this remarkable lady did.

On the 22nd of July, Blanche Grossenburg turned over the keys to her house to the Tripp County Library Board and Tripp County commissioners.

Tripp County has a new and spacious library.

Mr. President, I commend to the attention of my colleagues an editorial in the Winner Advocate saluting this wonderful lady, whom I have been privileged to call friend all my life.

The editorial follows:

[From Winner Advocate, July 23, 1986]

A GIFT OUR COMMUNITY WILL APPRECIATE FOREVER

Some of the greatest resources available, free to any American who wants to use them, are library books.

Books were a very precious resource in the days when the only ones in circulation were handwritten by monks. Then came Guttenburg and a new method of setting type to print pages. Pages could be mass produced and the printed word became more available.

Advances in technology made books even more plentiful in the 1800's, when high speed presses and typesetting equipment became available. Yet hundreds of thousands of Americans could not afford to purchase them. Few cities had public libraries, which were expensive to build, operate, and fill.

Then steel magnate Andrew Carnegie decided to change this. He gave away millions and millions of dollars to communities across the country for use in building libraries. The Scottish immigrant, who had received so much from his new home, wanted to give something in return. It was a gesture which countless millions of Americans have benefited from since.

For some reason Tripp County never did receive a Carnegie grant, and instead was forced, because of lack of funds, to house its library in the basement of the county courthouse.

The library was started originally by the Winner Woman's Club, which raised funds

through various projects to purchase the first books.

But the library never really had a home and has since run out of space.

Then Blanche Grossenburg made a generous donation of her home for a new library. The home, which more than meets present or future needs, was where she raised her children and where she and her late-husband C.J. Grossenburg lived for many years.

Yesterday Blanche turned over the keys to her home to the library board and county commissioners. In order to see the library project completed in her lifetime, Blanche moved out of the house several months ago.

Blanche has done for our community what Carnegie did for the country—give our library a real home.●

COMMENDING PETER JOHNSON

● Mr. McCLURE. Mr. President, It gives me great pleasure to commend Peter Johnson—a friend and fellow Idahoan—on a job well done.

Earlier this month, Peter stepped down as Administrator of the Bonneville Power Administration after serving admirably for 5 years.

Peter's performance at BPA was, to put it mildly, outstanding. That is an adjective that must be interpreted in the strictest sense when one considers that Peter's success at BPA was accomplished during an era of great tumult for the power marketing industry in general, and BPA in particular.

Peter came to BPA when the problems of the Washington public power supply system were coming to a head. Utility executives were divided on how to handle the situation, with no resolution in sight. Peter, the consummate negotiator, forged a consensus and moved swiftly to act.

Of the three WPPSS plants with BPA financial backing, Peter decided to mothball two of them and push for efficient completion of a third, which is now operating at Hanford, WA.

He knew the decision would send tremors through the Northwest economy. But he also knew the present course, unless righted, would lead to a calamity of immense proportions. He was not afraid to act, and in doing so he quickly earned the enmity of some people, but the respect of most, particularly Northwest lawmakers and the administration.

Throughout his tenure at BPA, Peter drew on his background as a business executive and entrepreneur to create a lean, well-oiled, fiscally frugal Federal agency.

This type of operation, run more like a business than a bureaucratic entity, has given rise to many notable results. Among them:

No significant increase in wholesale rates since 1983.

A progressive plan that will allow aluminum companies to pay less for electricity when the price of aluminum drops.

A solution to the surplus electricity problem that put excess pressure on powerlines used to export the surplus to California and Canada.

Bringing interest payments to the Federal Government back on schedule—an achievement which, I might add, earned Peter great praise from President Reagan when Peter met with him last week.

Implementation of the Northwest Power Act of 1980, which enabled BPA to bring rate relief to farm and residential ratepayers of investor-owned utilities while protecting the preference status of publicly owned institutions.

In addition, in an indirect way, the efficiency of the Peter Johnson-led BPA added firepower to arguments against the administration's ill-fated plan to privatize the agency.

Peter Johnson will be sorely missed by the people of the Pacific Northwest. He was always cognizant of our great dependence on affordable power, which irrigates our farmlands, cuts our timber, mines our silver, and melts and rolls our aluminum. He was a friend of our direct service industries—keenly sensitive to their market situations and the important role they play in the region's economy.

I wish Peter well in his future endeavors and thank him for the years he so faithfully served the Pacific Northwest.

And while I am saddened to see him leave, I am consoled by the fact Jim Jura will be his successor. I am confident he will guide BPA with the same policy objectives and leadership skills that highlighted Peter's tenure.●

THE PRESIDENTIAL CERTIFICATION RELATED TO THE BINARY CHEMICAL MODERNIZATION PROGRAM

● Mr. WARNER. Mr. President, last year, after several years of debate, the Congress provided its approval for the modernization of the U.S. chemical deterrent with binary munitions. This has been a very serious issue in the Congress and in the general public, and it has posed problems for those who have supported this program. Nonetheless, I believe that last year's action by the Congress approving the Binary Chemical Modernization Program was one of the most important actions we have taken on a national security program.

The modernization of the aging and increasingly ineffective U.S. chemical weapons stockpile with binary munitions will enhance deterrence, and thus reduce the likelihood that United States and allied forces will be attacked with chemical weapons. We must not forget the important lesson of history that chemical weapons are used when one side possesses them and the other side does not, or when one side enjoys a clear advantage in this area. We in Congress have an obligation to our deployed forces to never let a potential adversary enjoy this advantage.

Finally, unlike the lethal unitary munitions that comprise our chemical stockpile today, binary chemical munitions will provide us with a credible chemical deterrent that is safe for our own personnel who store and handle them.

Mr. President, congressional approval of the Binary Chemical Modernization Program was made contingent on the administration meeting a series of certification requirements. The first of these must be met prior to the initial production of 155 millimeter binary artillery shell components scheduled for October 1, 1986. This stipulates that the administration must certify to the Congress that it had submitted a force goal to NATO for the modernization of the U.S. proportional share of NATO's chemical deterrent with binary munitions, and that NATO had formally adopted this force goal. In addition, it required the administration to certify that it has developed a plan, in cooperation with the Supreme Allied Commander, Europe, to deploy binary munitions under appropriate contingencies to defend United States and allied forces. Today, the President is forwarding these certifications to the Congress.

Some of my colleagues have expressed concern because NATO's Defense Planning Committee, and not the North Atlantic Council, formally adopted this chemical weapons force goal. However, in view of France's withdrawal from NATO's military structure in 1967, NATO—with the explicit support of the North Atlantic Council including France—established the Defense Planning Committee to handle all issues related to its integral military structure. Therefore, in matters like force goals, the Defense Planning Committee is NATO's highest authority. In its markup of the fiscal year 1987 defense authorization bill, the Committee on Armed Forces adopted an amendment making the appropriate technical change to last year's act.

Concerns have also been expressed in the Congress about the reported agreement with West Germany to remove the unitary munitions currently stored there. This action has been characterized as eroding NATO's chemical deterrent capability, which presupposes that our current chemical posture poses a real deterrent. I would simply remind my colleagues that this action is consistent with explicit congressional guidance last year regarding the accelerated destruction of the existing unitary stockpile. On the military issue of forward deployment and its relationship to effective chemical deterrence, I would defer to our Su-

preme Allied Commander in Europe, General Rogers:

Binary munitions offer contingency deployment options which make peacetime forward positioning unnecessary. Once we have adequate numbers of safe, readily deployable and militarily effective binary munitions, the existing European stockpile of unitary weapons will no longer be needed.

Mr. President, at this time I would request that the President's certification be included in the RECORD. Since the binary chemical modernization program will be an issue in the upcoming fiscal year 1987 defense authorization bill, I urge my colleagues to review this material:

THE WHITE HOUSE

July 29, 1986.

TO THE CONGRESS OF THE UNITED STATES:

Pursuant to Section 8093 of the Department of Defense Appropriations Act, 1986, Public Law 99-190, I hereby certify with respect to the binary chemical munitions program that the United States:

(1) has submitted to the North Atlantic Treaty Organization, a force goal stating the requirements for modernization of the United States proportional share of the NATO chemical deterrent with binary munitions and said force goal has been adopted by the North Atlantic Council;

(2) has developed, in coordination with the Supreme Allied Commander, Europe, a plan under which U.S. binary chemical munitions can be deployed under appropriate contingency plans to deter chemical weapons attacks against the United States and its allies; and

(3) has consulted with other member nations of the North Atlantic Treaty Organization (NATO) on that plan.

I note with regard to the first numbered paragraph that the force goal was adopted by the North Atlantic Council constituted as the Defense Planning Committee in accordance with the North Atlantic Treaty. I am pleased to make this certification on a program so vital to our national defense. We are earnestly seeking, as our top priority in the chemical weapons area, a comprehensive and verifiable ban on all chemical weapons. Until we achieve that goal, we must maintain a safe and viable chemical weapon stockpile to deter use of chemicals by our potential adversaries. I appreciate your continued support for this program.

RONALD REAGAN.

STATEMENT BY THE PRINCIPAL DEPUTY PRESS SECRETARY

The President today certified to Congress that certain conditions required by Congress for the release of Fiscal Year 1986 funds for the binary chemical weapons modernization program have been met.

This certification to Congress will allow the United States to proceed with the modernization of the chemical weapons deterrent stockpile so critical to our nation's security. U.S. policy on chemical warfare remains unchanged. The U.S. renounces the first use of lethal and incapacitating chemical weapons. A comprehensive, effectively verifiable global ban on all chemical weapons remains our foremost priority. However, until such a ban is attained, we will pursue deterrence through a strong defensive posture and a credible retaliatory capability. The chemical weapons threat to U.S. forces is a world-wide threat, not limited to NATO. The small, readily-deployable stockpile of binary munitions which we seek will provide the flexibility to meet and deter this threat.

Specifically, the legislation requires that the President certify to Congress that:

The North Atlantic Treaty Organization (NATO) has adopted a binary chemical munitions force goal addressed to the United States;

The United States has developed, in coordination with the Supreme Allied Commander Europe, a plan for the deployment of binary chemical muntions under appropriate contingencies; and,

The United States has consulted with NATO member nations on that plan.

On May 15, NATO's Defense Planning Committee in Permanent Session, composed of the Permanent Representatives to NATO of the 15 nations participating in the Alliance's military structure, adopted the NATO force goals for 1987 to 1992, including the binary chemical munitions force goal addressed to the United States. Defense Ministers, meeting as the Defense Planning Committee in Ministerial Session on May 22, according to normal NATO procedures "noted" the Permanent Representatives' action. The Defense Ministers' action completes the established NATO procedure for adopting force goals for Alliance.

The United States has developed, in coordination with SACEUR, a plan for the deployment of binary chemical munitions under appropriate contingency plans.

The United States has conducted extensive consultations with Allied governments on chemical weapons issues, including consultations on the plan for deployment of chemical weapons under appropriate contingencies. On June 19, consultations with Allies on this military contingency plan were completed in the appropriate NATO forum—NATO's Military Committee, which is composed of senior military representatives from nations to NATO. The U.S. Military Representative to the Military Committee briefed the Military Committee on the U.S. plan for contingency deployment of chemical weapons. Recognizing the conclusions reached in the Defense Planning Committee and within the context of those conclusions and of national statements and reservations expressed in the Defense Planning Committee, the Military Committee took note of the briefing of the U.S. plan for the contingency deployment of chemical weapons.●

PETER JOHNSON

● Mr. EVANS. Mr. President, unlike other Members of Congress, I was able to work with Peter Johnson in two official capacities: One as the first Chairman of the Northwest Power Planning Council, and now as a U.S. Senator. Of course, I have seen Peter on many occasions here in the Senate on issues related to Bonneville and the Congress. But it was in my Chairmanship of the Power Council that I first grew to know Peter. Let me recount some of that history today.

The implementation of the Pacific Northwest Electric Power Planning and Conservation Act was an adventure for both of us. Congress passed this complex piece of legislation in 1980 after many years of deliberation. But few could envision how it would be implemented by Bonneville and the Power Council in practice. In early 1981, I was appointed Chairman of the new Council and Peter was chosen by the Reagan administration to be the new Administrator of Bonneville.

It was a new experience for both of us. I had not been actively involved in public policy decisions since my decision not to run for a fourth term as Governor in 1977. The Power Council presented a great challenge to me. We were required to develop a comprehensive fish and wildlife plan for the Columbia River and its tributaries to restore the anadromous salmon runs that were decimated by the construction of hydroelectric dams. We were also required to develop a 20-year electric power plan for the Pacific Northwest in order to forecast the power resources for our region.

Both these tasks were unprecedented firsts for the Pacific Northwest. Our region historically had been dominated by the "mandarins" of Bonneville in energy matters—the thermal power program articulated by Bonneville in the 1970's that called for construction of several baseload nuclear plants to meet the region's energy needs. Extraordinary problems with the construction and finance of these plants had seriously eroded its public confidence. I remember that first council meeting when we eight members met for the first time. We had an uncharted course ahead of us, with no precedents to guide our actions. It was a unique and challenging experience.

For Peter Johnson, the management of Bonneville was perhaps an even more challenging experience. He was indeed a successful businessman from Boise, ID, but who had no prior experience in public management. Bonneville is not an easy agency to manage. It is a large, complex organization with over 3,200 employees that operates over 13,000 miles of transmission lines as well as having responsibilities for the sale of electric power from the multipurpose dams on the Columbia.

Furthermore, Peter assumed the helm at Bonneville at an especially difficult time. WPPSS had declared a default on its ⅘ bonds, an event which shook the national bond markets. Even though Bonneville wasn't directly responsible for those bonds, the default cast a shadow on the credibility of all public utilities in the Pacific Northwest.

Also, Peter had to make probably the toughest decision during his tenure at Bonneville—the decision to halt further construction of the WPPSS 1 and 3 nuclear plants. These were the two plants that Bonneville was financially responsible for through the system called net-billing. One plant is located in the western half of Washington State; the other is located in the central part of the State on the Hanford reservation. Peter made his decision firmly after a great

deal of deliberation and soul-searching.

I have described the relationship between Bonneville and the Power Council on many occasions as one of creative tension. Peter and I helped define and create that relationship. The Pacific Northwest Power Act passed by the Congress was ambiguous in many areas concerning the delineation between the responsibilities of Bonneville and the Power Council. It wasn't always easy to strike a reasonable balance between the two groups, while carrying out the legislative intent of the Congress. The oldtime officials at Bonneville didn't appreciate the newcomers at the Power Council suddenly telling them how to manage the Columbia River streamflows in order to protect and enhance fish and wildlife. Many continued to think of the Council as an advisory group that they would listen to, but conveniently ignore when it came time to make a decision.

But Peter took a different approach. He sincerely believed that Bonneville and the Council should coexist in a spirit of mutual interdependence. In the post-WPPSS era, Bonneville cannot enjoy the credibility of the public without the Power Council. Furthermore, Congress imposed specific requirements upon the Council that only it can fulfill. Peter worked hard to make the Council-Bonneville relationship work, and, in large measure, succeeded. I enjoyed working with him when I was at the Power Council to create that legacy. He should be proud of his accomplishments in this regard.

Peter also left his mark on the financial management of Bonneville. When he assumed control in 1981, Bonneville had fallen behind in its interest and principal payments to the U.S. Treasury. He took vigorous steps to put Bonneville back on track in its repayment program. He paid back all the deferred interest in 1984. Last year, he repaid $686 million in interest and principal, including a $237 million principal repayment on the unpaid appropriated investment. He strengthened considerably the Office of Financial Requirements at Bonneville. In sum, his expertise in efficient management in the private sector served us well at Bonneville.

Finally, he accomplished all this without raising electric power rates in the 1985 rate case, a complex, quasi-judicial proceeding that set all of Bonneville's rates for the 1985-87 period. The Pacific Northwest had experienced rapid rate increase in the 5 years prior to Peter's tenure—over 500 percent wholesale power rate increases. This was the first Bonneville rate case in a decade that provided essentially level rates. Stable rates are essential to the recovery of the Pacific Northwest's economy.

Peter Johnson leaves a fine legacy through his leadership of Bonneville. His management was marked by vigorous leadership, the ability to make tough and unpopular decisions, and provision of rate stability. He boosted the morale of Bonneville's employees and gave them a sense of mission. He worked well with our Northwest congressional delegation. I know our region will miss his leadership in our energy affairs. I wish him the best in his future endeavors.●

NAUM AND INNA MEIMAN: FREEDOM DENIED

● Mr. SIMON. Mr. President, my friends, Naum and Inna Meiman, desperately want to leave the Soviet Union. Since applying for exit visas over 10 years ago, the Meimans have been subjected to constant harassment and denial of their basic rights.

Naum, who was trained as a physicist, was fired from his job and isolated from the scientific community. He is 74 years old and wants to be reunited with his only daughter, Olga, who now lives in the West. Inna, Naum's wife, is suffering from cancer. She urgently requires medical treatment that is available only in the West. Although the Meimans have gone through the proper procedures for application many times, Soviet authorities refuse to grant them their freedom.

The recent release of Father Lawrence Martin Jenco, who was held captive for 19 months, reminds us of the precious nature of freedom. This reaffirms the necessity of fighting for those who have been denied freedom.

The Meiman's freedom has been delayed for over 10 years. I appeal to the Soviet authorities to allow the Meimans permission to emigrate to Israel.●

CHESTER BOWLES

● Mr. DODD. Mr. President, Connecticut lost one of its great statesman when Chester Bowles died on May 26. Chester Bowles was an important figure on the State and National political scene for almost half a century. He was a writer, a family man, a statesman, and a family friend. I am saddened by his passing.

Like many, Chester Bowles entered public life during World War II, abandoning a successful career in advertising. Denied active duty because of an ear injury, Chet turned his formidable managerial skills to the Home Front where he organized and directed Connecticut's wartime rationing program. His able performance soon gained him national attention, and, in 1943, President Franklin Roosevelt chose Chet to head the Federal Office of Price Administration.

After the war, Chet stayed in public life. After a brief stint as head of the peace-time Office of Economic Stability, Chet returned to Connecticut to win the governorship in 1948. In 1950, he was appointed Ambassador to India and Nepal by President Harry Truman. Chet served with such distinction that President Eisenhower wanted him to stay on when Ike was elected in 1952, but Connecticut Republicans objected. After a 6-year hiatus from public office, Chet returned to Washington in 1958 as Connecticut's newly elected Congressman.

In 1960, with his impressive record of service and progressive views, Chet was mentioned as a possible Presidential candidate but instead, he was tapped to be candidate John F. Kennedy's top foreign policy adviser. During the Kennedy-Johnson administrations, Chet served as an adviser on Latin American policy and then, for 6 years, as Ambassador to India.

Chester Bowles distinguished public career spanned three decades leaving an indelible mark on the American political scene. Beyond the formible list of offices, Governor, congressman, ambassador, adviser, was an outspoken liberal, and a compassionate teacher. His unquiet opinions on civil rights and foreign policy were not always popular, but he would not be stilled. His insistence on a foreign policy based on an understanding of local people and problems is as relevant today as it was 30 years ago. The Washington Post aptly described Chester Bowles as "One of the people who, by their own lives and convictions, defined American liberalism as that generation knew and used the word."

To his wife, Dorothy, and his children, I would like to extend my warmest sympathy and condolences. Chester Bowles was truly a civilized man; we will miss his counsel, his charity, and his friendship.●

□ 1850

ORDER FOR H.R. 3108 TO BE HELD AT THE DESK

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 3108, a bill to amend title 17 of the United States Code, it be held at the desk pending further disposition.

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

ORDER FOR HOUSE JOINT RESOLUTION 630 TO BE HELD AT THE DESK

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate receives from the House House Joint Resolution 630, a joint resolution designating the College of Wil-

liam and Mary as an official U.S. representative, it be held at the desk pending further disposition.

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

DATE FOR REPORTING S. 2477

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Armed Services have until August 8, 1986, to report S. 2477, the intelligence authorization bill, or be automatically discharged.

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

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Wednesday, July 30.

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

ORDERS FOR WEDNESDAY

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Mr. President, I ask unanimous consent that on tomorrow, 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: Mrs. HAWKINS, Mr. PROXMIRE, Mr. CHAFEE, Mr. BAUCUS, Mr. SASSER, and Mr. CHILES.

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

ORDER FOR ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that on tomorrow, following the special orders just identified, there be a period for the transaction of routine morning business, not to extend beyond 11 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. DOLE. Mr. President, on tomorrow, at 11 a.m., the Senate will resume consideration of House Joint Resolution 668, the debt limit bill. Votes can be expected throughout the day on Wednesday, and the Senate will likely be asked to remain in session into the evening period.

Also, the Senate could be asked to turn to any of the legislative or executive items if little progress can be made on the debt limit. In other words, if we get into a position where we are not making progress on the debt limit, I would hope we might go to some of the nominations on the Executive Calendar. It may be that we might even be able to bring up the Commodity Futures Trading Commission extension, so that we can accomplish some of these "must" items. Time is slipping away, and we are not making much progress.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. DOLE. I yield.

Mr. BYRD. It seems to me that we have already reached the point where we are not making progress on the debt limit extension measure. The Gramm-Rudman-Hollings amendments have all other amendments blocked on that measure. Unless unanimous consent can be gotten to set aside the Gramm-Rudman-Hollings amendments, no amendments can be offered to the debt limit.

Unless the distinguished majority leader calls up another measure or sets aside that measure or a motion is made to proceed to some other measure to displace that measure, the Senate is going to continue to be stymied from taking action.

Would the distinguished majority leader consider going to the DOD authorization bill?

Mr. DOLE. I am not certain that Senator GOLDWATER is out of the hospital. So that is one consideration. He is back in the hospital today. So I want to check that.

I am advised even by the optimists that that is going to take 6 to 8 legislative days, on the DOD authorization. As I count it, if we are here even through Saturday of this week and Saturday of next week, we will have only 13, 14, or 15 legislative days between now and August 15.

We have reconciliation to do. I assume that at some point there will be freedom fighter amendments, something with respect to South Africa.

I do not see how we can complete all that before the recess. I indicated to the Senator from Georgia [Mr. NUNN] that if we could work out a time agreement for 3 days, we probably could squeeze it in.

So I share the view of the minority leader, but I am also advised by the principals in the debate on the Gramm-Rudman amendment that they will be prepared to offer their modification tomorrow and hopefully have a vote by noon or shortly after.

Mr. BYRD. Mr. President, I would urge the distinguished majority leader to consider going to the DOD authorization bill at the very earliest even if we have to cut into the August 15 break.

Senator NUNN, who is the ranking minority member on this side, is not only ready to go to that bill but is eager to go to it, and it seems to me that that bill ought to be passed before the Senate proceeds to take up the military construction appropriation bill.

I say that because a measure authorizing appropriations should precede the measure which actually appropriates. It is the distinguished majority leader's responsibility to program the work schedule.

But we are not making any progress as it is, and every day that we wait we have just so many days less in which to consider measures which are going to have to be taken up.

Mr. DOLE. Let me indicate the bill was only available on Monday, and since that time the chairman of the committee has been hospitalized, so we could not have taken it up in any event.

Mr. BYRD. I would hope that the distinguished majority leader would move to that because as I see it, if we stay on this debt limit extension, unless we can get something up other than the Gramm-Rudman amendments, the Senate is just going to continue to spin its wheels, and we are going to be approaching, every day, closer to the August 15 break.

I want to assure the majority leader I want to see action on these measures, as he does. I want us to complete the work and I am offering my suggestions as helpful suggestions. We certainly are not making any progress as it is, and the DOD authorization measure is something that ought to precede the military construction appropriation bill, and that is the bill that has in it the Contra aid.

I hope the distinguished majority leader will consider what I intend to be helpful suggestions.

Mr. DOLE. I am sure it is frustrating. Today we did not accomplish a great deal. There was no one at fault. There were other intervening matters.

I have about reached the point on the debt limit extension. I have indicated at the policy luncheon we are going to move onto something else if people cannot have their amendments ready. They have had Friday, Saturday, Sunday, Monday, Tuesday, and you could draft the Magna Carta in that period of time.

Mr. BYRD. The Gramm-Rudman principals are working on language right now. I take it that is what the distinguished majority leader is referring to when he says that Senators should have their amendments ready.

Mr. DOLE. No. I am talking about the ones who have sort of the gate there blocking everyone else.

Mr. BYRD. The Gramm-Rudman principals?

Mr. DOLE. Yes.

Mr. BYRD. I thank the distinguished majority leader.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that the Senate stand in recess until 10 a.m., Wednesday, July 30, 1986.

The motion was agreed to, and at 6:58 p.m., the Senate recessed until tomorrow, Wednesday, July 30, 1986, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, July 29, 1986*

The House met at 12 noon.

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

Let us pray this day in the words of Isaac Watts:

O God, our help in ages past,
Our hope for years to come,
Our shelter from the stormy blast,
And our external home.

Under the shadow of Thy throne,
Thy saints have dwelt secure,
Sufficient is Thine arm alone,
And our defense is sure.

O God, our help in ages past,
Our hope for years to come,
Be Thou our guide while troubles last,
And our external home!

Amen.

THE JOURNAL

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 270, nays 117, answered "present" 3, not voting 40, as follows:

[Roll No. 254]

YEAS—270

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Bateman
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Callahan
Carper
Carr
Chapman
Chappell
Clinger
Coleman (TX)
Combest
Conyers
Cooper
Coyne
Daniel
Darden
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
DioGuardi
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Early
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Fish
Flippo
Florio
Foley
Ford (MI)
Frank
Frenzel
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Gray (IL)
Gray (PA)
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hatcher
Hawkins
Hayes
Hefner
Hendon
Hertel
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
LaFalce
Lantos
Latta
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lipinski
Long
Lowry (WA)
Lujan
Luken
Lundine
Manton
Markey
Martin (IL)
Martin (NY)
Matsui
Mazzoli
McCain
McCloskey
McCurdy
McDade
McEwen
McHugh
McKinney
McMillan
Mikulski
Miller (CA)
Miller (WA)
Mineta
Montgomery
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens
Panetta
Pease
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Rinaldo
Ritter
Rodino
Roe
Roemer
Rose
Rostenkowski
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sharp
Shelby
Shumway
Siljander
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sweeney
Swift
Synar
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitley
Whittaker
Whitten
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (MO)

NAYS—117

Armey
Badham
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Brown (CO)
Burton (IN)
Chandler
Chappie
Cheney
Clay
Coats
Cobey
Coble
Coleman (MO)
Conte
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Evans (IA)
Fawell
Fiedler
Fields
Gallo
Gekas
Gingrich
Goodling
Gregg
Guarini
Hansen
Henry
Hiler
Holt
Hopkins
Hunter
Hyde
Ireland
Jacobs
Kindness
Kolbe
Kramer
Lagomarsino
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Loeffler
Lott
Lungren
Mack
Madigan
McCandless
McCollum
McGrath
McKernan
Meyers
Michel
Miller (OH)
Mitchell
Molinari
Monson
Moorhead
Oxley
Packard
Pashayan
Penny
Ridge
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schroeder
Schuette
Sensenbrenner
Shaw
Shuster
Sikorski
Skeen
Slaughter
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Strang
Stump
Sundquist
Swindall
Tauke
Thomas (CA)
Vucanovich
Walker
Weber
Whitehurst
Wolf
Young (FL)
Zschau

ANSWERED "PRESENT"—3

Kemp
Lowery (CA)
Mica

NOT VOTING—40

Barnard
Barnes
Bentley
Breaux
Campbell
Carney
Coelho
Collins
Crockett
Dixon
Dyson
Feighan
Foglietta
Ford (TN)
Fowler
Franklin
Garcia
Green
Grotberg
Gunderson
Hartnett
Hillis
Kasich
Kostmayer
MacKay
Marlenee
Martinez
Mavroules
Moakley
Mollohan
Moore
Oakar
Parris
Robinson
Stangeland
Tallon
Weaver
Williams
Wilson
Wylie

□ 1215

Mrs. ROUKEMA changed her vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On June 24, 1986:

H.J. Res. 652. Joint resolution to provide for the temporary extension of certain programs relating to housing and community development, and for other purposes.

On July 1, 1986:

H.R. 4420. An act to amend title 10, United States Code, to revise the retirement system for new members of the uniformed services, and for other purposes.

On July 2, 1986:

H.J. Res. 297. Joint resolution to designate the week beginning July 27, 1986, as "National Nuclear Medicine Week";

H.J. Res. 429. Joint resolution to designate July 2, 1986, as "National Literacy Day";

H.J. Res. 664. Joint resolution to designate July 3, 1986, as "Let Freedom Ring Day," and to request the President to issue a proclamation encouraging the people of the United States to ring bells on such day immediately following the relighting of the torch of the Statue of Liberty; and

H.R. 4515. An act making urgent supplemental appropriations for the fiscal year ending September 30, 1986, and for other purposes.

On July 8, 1986:

H.R. 4841. An act to amend the Carl D. Perkins Vocational Education Act with respect to State allotments under the Act.

On July 9, 1986:

H.R. 237. An act to amend the Fair Debt Collection Practices Act to provide that any attorney who collects debts on behalf of a client shall be subject to the provisions of such Act; and

H.R. 5036. An act to make technical corrections to the National Foundation on the Arts and Humanities Act of 1965.

On July 11, 1986:

H.R. 4801. An act to amend section 994 of title 28, United States Code, to clarify certain duties of the U.S. Sentencing Commission.

SWEARING IN OF THE HONORABLE ALTON R. WALDON, JR., AS A MEMBER OF THE HOUSE

The SPEAKER. Will the dean of the New York delegation, Mr. STRATTON, bring to the well the newly elected Member? Any members of the New York delegation who would like to join them in the well are welcome.

Mr. WALDON appeared at the bar of the House and took the oath of office.

□ 1225

REQUEST FOR RECOGNITION OF A MEMBER

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. RANGEL] may have 1 minute to welcome the new Member. I make this request because he is a personal friend of the gentleman from New York [Mr. RANGEL].

The SPEAKER. The Chair will recognize the gentleman from New York [Mr. RANGEL].

A SPECIAL WELCOME TO THE HONORABLE ALTON R. WALDON, JR.

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

Mr. RANGEL. Mr. Speaker, I say to my colleagues that this is a great honor for me to welcome to this distinguished body ALTON R. WALDON, JR.

I remember many years ago when I first came to this House, for 6 months I was only referred to as the "person who replaced the late distinguished Adam Clayton Powell." I do not want this to happen to AL WALDON. AL WALDON follows our beloved late colleague, Joe Addabbo, but he comes here as one of the most popular State legislators we ever had coming from the County of Queens.

He came to New York City from Florida with his dad, who came to Brooklyn, worked as a longshoreman, and raised his son through the public schools of the city of New York. AL, of course, has distinguished himself in so many different areas that I do hope, when you find that area where you feel most comfortable, that you will be able to come and speak to AL WALDON, and you will find that he is going to make one great Member of the U.S. Congress. Whether we talk about his ability as a soldier where he served, how he came through the ranks as a patrolman on the New York City Police Department to become a captain, how he became a distinguished human rights specialist, or how he distinguished himself as a New York State legislator, each of you will find in your own way some reason to agree with us in New York that he is one heck of a great legislator.

The only area where I believe AL was not too successful was when he started to embark on his singing career, and I can only say one thing: After listening to the leadership of this House, even there maybe we find a talent to become a part of the House leadership.

He brings with him his wife Barbara and his three children, and I suspect he has a dog which will take care of the primaries to make certain that in this area, once he wins that primary, we have someone who will definitely be sworn in again next year.

Mr. Speaker, we welcome his friends from Queens and we welcome his friends from New York. The New York delegation, as well as the Congressional Black Caucus, feels strengthened by his presence, but we want all of you, Republicans and Democrats alike, to know that AL WALDON will make us all proud. Welcome to the House of Representatives.

AN EXPRESSION OF APPRECIATION AND THANKS BY A NEWLY ELECTED MEMBER

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

Mr. WALDON. Mr. Speaker, my colleagues, how sweet it is.

I am the son of a man who could not read and write, and only in America could this happen, to have someone to come from abject poverty, from Patchen Avenue in Brooklyn and to sit in this august body.

I owe a lot to a lot of people, to my mother and father and to my friends from Brooklyn and Queens, but there is a lady and a young man representing my grandmother and his brother and sister who could not be with us today, and I think it would be appropriate, Mr. Speaker, if you see a young man who is 6 foot 3 and 260 pounds and who will be the starting offensive guard for Hobart College right up there—Iany, why don't you stand up, son?

The SPEAKER. The Chair will caution the gentleman that the Chair has been extremely lenient. The rules do not allow clapping from the gallery, and the gentleman cannot acknowledge anybody in the gallery.

Mr. WALDON. I appreciate that, Mr. Speaker. So I will not recognize my wife, Barbara, who is sitting there next to my son. I appreciate that.

The SPEAKER. The Chair will overlook that.

Mr. WALDON. Thank you, sir.

Mr. Speaker, my colleagues, this is the proudest moment of my life. I will come here and work with you 7 days a week, 24 hours a day, on behalf of the people of the Sixth Congressional District, the people of the city and State of New York, and the people of all America. Thank you for having me. God bless each and every one of you.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will announce that there will be no further 1-minute speeches until the hour of 5:45 p.m., at which time we hope the formal business of the day will be concluded.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS AT ANY TIME ON THURSDAY, SEPTEMBER 18, 1986, TO RECEIVE IN JOINT MEETING THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, September 18, 1986, for the Speaker to declare a recess subject to the call of the Chair, for the purpose of receiving in joint meeting the President of the Republic of the Philippines, Corazon P. Aquino.

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

There was no objection.

RESIGNATION AS MEMBER OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Public Works and Transportation.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 29, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House, H-204, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I hereby resign from the Committee on Public Works and Transportation.

Sincerely,

CHESTER G. ATKINS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE AND TECHNOLOGY AND AS MEMBER OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science and Technology and as a member of the Committee on Public Works and Transportation:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 28, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
H-204, Capitol, Washington, DC.

DEAR MR. SPEAKER: I hereby resign my positions on the House Science and Technology and Public Works and Transportation Committee, pursuant to the rules of the U.S. House of Representatives.

Very truly yours,

MICHAEL A. ANDREWS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 29, 1986.

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

DEAR MR. SPEAKER: This is to inform you that I hereby resign my seat on the House Committee on Small Business.

Sincerely,

JIM CHAPMAN.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES

Mr. GEPHARDT. Mr. Speaker, as chairman of the Democratic caucus and by direction of the caucus, I call up a privileged resolution (H. Res. 515) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 515

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Interior and Insular Affairs: Chester G. Atkins, Massachusetts;

Committee on Science and Technology: Jim Chapman, Texas;

Committee on Ways and Means: Michael A. Andrews, Texas.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 5234, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1987

Mr. WHEAT, from the Committee on Rules, submitted a privileged report (Rept. No. 99-721) on the resolution (H. Res. 516) waiving certain points of order against consideration of the bill (H.R. 5234) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1987, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1235

DISAPPROVING THE PRESIDENT'S RECOMMENDATION TO EXTEND CERTAIN WAIVER AUTHORITY WITH RESPECT TO ROMANIA

Mr. CRANE. Mr. Speaker, pursuant to section 152 of Public Law 93-618, the Trade Act of 1974, I move to discharge the Committee on Ways and Means from further consideration of the resolution (H. Res. 475) disapproving the President's recommendation to extend certain waiver authority under the Trade Act of 1974 with respect to Romania.

The SPEAKER pro tempore (Mr. FOLEY). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 475

Resolved, That the House of Representatives does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on June 3, 1986, with respect to the Socialist Republic of Romania.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CRANE] will be recognized for 30 minutes and the gentleman from Florida [Mr. GIBBONS] will be recognized for 30 minutes.

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

Mr. CRANE. Mr. Speaker, I want to express a particular word of appreciation to my distinguished Trade Subcommittee chairman, the gentleman from Florida. He will at a later time introduce a motion to table this motion that we have under consideration, but he was gracious enough to let us address the question first. For that I am in his debt.

Let me explain first of all what this resolution is about. The President under the Trade Act can grant waivers of most-favored-nation treatment prohibitions dealing with Communist countries if those countries abide by the criteria that were established in the Jackson-Vanik bill dealing with the right of emigration. If the Congress sees fit to override a Presidential waiver, then this is the mechanism for so accomplishing that objective.

However, Mr. Speaker, at the outset let me explain that the termination date is August 3 wherein both Houses of Congress can take this action. Inasmuch as the Senate has not proceeded to prepare a companion piece, the significance of the vote that we register on this issue in the House is simply to communicate a message. It is an expression of indignation on the part of Members of the House of Representatives over the failure of the Government of Romania to live up to the criteria of Jackson-Vanik and to live up to any standards of decency with respect to observance of human rights.

The Jackson-Vanik legislation requires that a country will not be granted MFN if:

First, it denies its citizens the right or opportunity to emigrate.

Second, it imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause.

Third, it imposes more than a nominal tax, levy, fine, fee, or other charge on any citizens as a consequence of the desires of such citizen to emigrate to the country of his choice.

First, on November 1, 1983, the Romanian Government announced the imposition of an emigration tax.

The tax required any prospective emigrant to reimburse his government in hard Western currency for the full cost of his or her education above the

secondary level. The levies include $2,000 for minors—I am quoting American dollar figures—$6,400 for university students, $8,000 for skilled laborers, $16,000 for engineers, and $20,000 for physicians. Since Romanian citizens are prohibited by law from possessing Western currency, though, the likelihood of would-be emigrants being able to pay the tax is very remote.

Second, former Gen. Ion Pacepa, the defector who had previously served as President Ceausescu's personal hit man, supervising assassination efforts, and in addition to that the equivalent of the head of their KGB, reported in the Washingtonian:

> Over the years, many hundreds of millions of dollars were secretly paid to Romania, along with low-interest credits issued through the DIE—

Which is in effect their KGB—

> as bonuses for increasing the emigration quotas. For reasons of secrecy, most of the payments were made in cash and only in U.S. dollars. No other member of the Romanian government knew anything about them except the Prime Minister, who was given only a general briefing and instructed that if the matter even came up, he should vehemently deny any suggestion that Jews and Germans were being sold.

During the hearings that we had on this legislation to overturn the waiver of the ban on MFN to Romania, we had substantiating testimony from those people representing the communities in question as to reasons why Jewish emigration was permitted and emigration to West Germany was permitted. It was because the Romanian Government had this behind the scenes deal of putting a levy on the head of any Romanian citizen who wanted to get out, who was either of Jewish nationality or otherwise.

In addition to this, there are Romanians awaiting U.S. visas or refugee documents, according to the Finance Committee trade staff report to us, who have faced severe sanctions. They wait for several years, during which time they repeatedly pay to renew exit visas; namely, every 3 months, or passports every 6 months.

Once granted emigration permits, they must divest themselves of all real property at confiscatory state-set rates, and then rent what they previously owned until they leave. They are routinely fired from their jobs. They become stateless individuals with no access to social services, including schooling for their children.

In addition to these violations, clear violations of the Jackson-Vanik provisions, Mr. Speaker, there has come to develop with the passage of time the application of human rights criteria as a consideration in the waiver of MFN to Communist countries.

I have some colleagues who wish to speak on this subject, Mr. Speaker. I want to guarantee that we provide time to some of those who were eyewitnesses, having visited Romania recently, eyewitnesses to some of the atrocities, especially to organized religion in that country.

Mr. Speaker, I would like to reserve the balance of my time, because my understanding is that my distinguished committee chairman wishes to speak.

Mr. GIBBONS. Mr. Speaker, I yield 5 minutes to the chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in opposition to the motion to discharge House Resolution 475 from the Committee on Ways and Means. House Resolution 475 would overturn the President's recent decision to extend most-favored-nation trading status for Romania for 1 more year. I oppose the motion and the resolution on both substantive and procedural grounds.

My substantive concerns over the resolution stem from the fact that title IV of the Trade Act of 1974—the Jackson-Vanik amendment—is aimed at promoting the freedom for citizens from Communist countries to emigrate to the country of their choice. It is not a human rights law, as the sponsors of House Resolution 475 would have you believe.

The annual MFN renewal process has proved to be a highly effective lever in achieving the goal of increased emigration. The numbers speak for themselves: In 1975, the year that MFN was granted to Romania, only 6,975 Romanians were allowed by their Government to leave for the United States, Israel, or Germany. In 1985, 17,350 Romanians were allowed to depart to those countries. Legal emigration from Romania now exceeds the combined total emigration from the Soviet Union, Hungary, Bulgaria, and Czechoslovakia. MFN has also strengthened our hand in improving the human rights conditions for thousands of Romanians choosing to remain in Romania but who are being persecuted for their religious or political activities.

While the resolution's sponsors are understandably disturbed over reports of human rights violations in Romania, as are we, cutting off MFN will only cut hope for the thousands of Romanians waiting to join their families in the West or seeking to start a new life here. No one supports human rights abuse and religious persecution. We don't. You don't. But the real issue here is whether we retain the leverage we now have to improve one important form of human right—freedom of emigration—or throw it away by voting to cut off MFN for Romania.

It is significant that during hearings by the Trade Subcommittee, many important religious groups and human rights organizations testified in favor of continuing MFN—from B'nai B'rith to the International League for Human Rights. The administration also supports the continuation of MFN for Romania.

The procedural concern over this motion and the resolution itself relates to their constitutionality. In the 1983 Chadha case, the Supreme Court struck down as unconstitutional the very sort of one-House veto measure represented by House Resolution 475. I strongly urge Members not to risk needless, costly, and potentially time-consuming litigation on this issue. Vote against the motion to discharge House Resolution 475 from the Ways and Means Committee.

Mr. CRANE. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in support of House Resolution 475 to disapprove the administration's request to waive key human rights provisions of the Jackson-Vanik emigration standards in order to continue most-favored-nation trade status for Romania.

I am disappointed with the administration's announcement of its plans to renew MFN for Romania for next year. There are too many unanswered questions and, unfortunately, there are too many lives being destroyed and rights being violated for us not to seriously review MFN for Romania.

Of particular concern to me is the administration's belief that MFN is posing as some sort of "leverage," a wedge for effecting domestic reforms. After visiting the country, speaking with the people, and learning of continuing reports of domestic repression, torture, and persecution, I submit that the only actions taken by the United States that translate into leverage are congressional hearings and floor action like we are taking today. Allowing preferential trade status is not leverage. It is not justice. It is a mockery of everything Americans stand for.

Second, in its statement on MFN extension to Romania, the administration said: "Granting of MFN gives U.S. companies the ability to compete in those markets." I do not dispute that this is a positive benefit for American businesses; however, the full benefit is realized only by the Romanians who get their cake—economic support—and eat it too—continuation of domestic repression. It is important to note that the United States has a trade deficit with Romania of 1 to 4.8.

There are many other unanswered questions which surface upon reading the administration's statement of renewal for Romania. What about the continued repression of religious freedoms? What about the fact those religious and political dissidents who are released from prison are not allowed to remain in Romania, but must emigrate? What about reports from high-

ranking intelligence defectors of widespread espionage activity against the United States?

We should heed the voice of Ion Pacepa, the highest ranking intelligence officer to defect from a Soviet bloc country. He has stated:

> The West's support to Romania over the past 17 years, since its spectacular reaction to the Soviet invasion of Czechoslovakia, has not brought about any change in (Romania President Nicolai) Ceausescu's policies toward his own people, in terms of the economy, the standard of living, or human rights. Romania's political police are now the most oppressive in the entire Soviet bloc. The ratio of security forces to the total population is one to 15, higher than that in any Western jail. (The Washingtonian, December 1985.)

Mr. Speaker, we should also heed the voices of American citizens. I would like to read from a recent letter I received from a constituent. He said:

> Although last year I co-signed a statement with Rev. George Crisan and others in favor of renewing the MFN status of Romania, this year such action would be impossible without severely suppressing the voice of my conscience. Other than high-placed officials, with obvious interest in toing the Party line, all of the Romanians I spoke with urged me to convey their disapproval regarding the efforts to renew the MFN status * * *. The Romanians I spoke with argue that to continue to grant Romania MFN status is to allow Ceausescu to plunge the country into deeper and deeper chaos, with no real benefits at all filtering down to the population in general.

Mr. Speaker, we cannot control the internal politics of another nation, nor do we seek to—we just seek to. What we seek is to recognize that we underwrite the tortures, the policies, the deaths and repression in Romania when we voluntarily continue the economic support provided under continuation of MFN. Mr. Speaker, I urge my colleagues to support this resolution. We must take action. We must disapprove the administration's plans to renew Romania's MFN status.

□ 1250

Mr. Speaker, what we would like to do when given the opportunity is to suspend the most-favored-nation status for 6 months or for 3 months, to send a message. If we do not do this, we will allow the persecution to continue to take place.

So, Mr. Speaker, I strongly urge this on frankly the second most important human rights vote that this Congress will have to deal with.

If you care deeply about the fact that a Catholic priest is beaten to death for saying that Christmas, a sacred day, should be a holiday; if you feel deeply about the persecution and torture that Father Calciu went through; if you care about the Baptist ministers that have been arrested and the Pentacostal ministers that have been arrested; if you care about these things that have happened in this country, if you care about the KGB-type secret police, if you care about the bulldozing of the churches, then I ask you to vote no on this tabling motion.

Mr. GIBBONS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I did not come here today to defend Romania. I came here to talk in America's best interest, and to talk in the best interest of freedom for people within the boundaries of Romania.

Let us look at Romania. Romania comes from that very troubled area of Europe where for thousands of years religious persecution has been a way of life. Romania comes from that southern part of Eastern Europe controlled by the Russians that does not enjoy the religious liberties of the first amendment that we cherish so highly in our society.

If you look at the whole history of Romania, you will find that it has always been a troubled country, and I regret that it still is somewhat a troubled country.

But what are the best interests of America? Romania sits upon the border of Russia. It has a frontier with Russia of over 150 miles of land, plus a lot of water. It is very near the city of Chernobyl, and it has suffered needlessly from that Russian accident there. Most of its exports to other parts of Eastern Europe, as well as to Western Europe, were cut off because of radioactive contamination.

What is Romania's policy toward the Soviet Union? When you go to Romania you find that there are no Soviet troops in Romania. The Romanian foreign policy line is independent of Russia. No Eastern bloc Warsaw Pact maneuvers are allowed to be held in Romania. Romania is trying its level best to be independent of all of the trials and tribulations and wars that have racked that area of the world.

In 1974, when we adopted the Jackson-Vanik amendment, there was very little emigration from Romania. Since that time 154,000 people have emigrated from Romania. Let me repeat that figure: 154,000 people have emigrated from Romania, either to Israel or to the West.

Romania has had a drain of its better-trained and better-educated people unmatched by any of the Eastern bloc countries. The exodus from Romania is far higher than it is from Russia. In fact, the exodus from Romania allowed by the Government is larger than from Hungary, Czechoslovakia, Russia, and Bulgaria all put together. So while we have not gotten everything out of Romania that we would like to get by the Jackson-Vanik amendment, we have gotten a whole host of things.

Freedom of religion in Romania—let us look at it, because that is the issue here. Romania is one of those areas that was dominated first of all by the Eastern Orthodox Church. However, Romania now not only recognizes Israel, but Romania has training centers for the Jewish faith that operate freely with the Government's blessing. The Army of the Lord—probably one of the most unusual Christian movements in the world, with some 500,000 people in Romania—opposes the cutoff of MFN which the Crane resolution would do. This is a group of Christians not recognized by the Romanian Government, but not persecuted by the Romanian Government either. Its members gather frequently in homes in Romania to express their own religious views.

Most of the major Jewish organizations and many of the Christian organizations who are involved with this issue supported MFN for Romania.

Romania has tried to be a good trading partner, but unfortunately Romania is stuck with a large external debt. Instead of reneging on the debt, it has cut back sharply on its imports and increased it exports.

The SPEAKER pro tempore (Mr. NATCHER). The time of the gentleman from Florida [Mr. GIBBONS] has expired.

Mr. GIBBONS. Mr. Speaker, I yield myself 1 additional minute.

So I urge my colleagues to help freedom of emigration—remember, 154,000 people have emigrated from Romania. If we deny them MFN, even for 6 months, there will be no emigration. Perhaps never again will there be any emigration of religious dissidents from Romania, or other people, not only religious dissidents.

It is important that we keep track of what is in the best interest of America. It is to continue working with this country, with its leaders—its present leaders and its future leaders—trying to promulgate our ideas of freedom of religion, freedom of speech, and freedom from Russian domination. All of these conditions are much better now than they were at the end of World War II, when Romania was unfortunately assigned to be a part of the Russian empire or sphere of domination—a historical mistake.

Mr. Speaker, when the time comes and I make the motion to table the motion of the gentleman from Illinois [Mr. CRANE] I hope that all Members will vote "aye."

Mr. CRANE. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Speaker, I rise in support of the motion offered by the gentleman from Illinois [Mr. CRANE].

I encourage my colleagues on this side of the aisle to join with me to vote in favor of discharging House Resolution 475 from the Ways and Means Committee. We need a strong vote.

Discharging and passing this resolution will not end MFN for Romania. That would require action by both bodies and a signature from the President.

However, bringing this resolution up and passing it will send a strong signal to the Romanian Government that there is deep congressional concern about human rights violations and repression in Romania.

I would much prefer that we were voting today on a bill like H.R. 3599, which the gentleman from New Jersey [Mr. SMITH] and the gentleman from Virginia [Mr. WOLF] and I have introduced to temporarily suspend MFN to Romania for 6 months. During this time, the administration would assess whether progress was being made concerning religious freedom and human rights. Positive action on the part of the Romanian Government would permit MFN to be restored.

Our bill was considered at a hearing by the Subcommittee on Trade on June 10, 1986. A companion bill in the other body will be the subject of a hearing on August 1, 1986.

At this time, we have not received indications concerning when our bill might be acted upon further. A significant vote in favor of the motion to discharge before us would encourage the subcommittee to take early action on our bill.

I share the frustration of the gentleman from Illinois about the matter of MFN for Romania. For 11 years now, we have been giving MFN to Romania. I fail to see what we are getting in return. Certainly, trade with Romania remains a one-way street. In 1985, Romania exported to us about $949.7 million worth of goods, yet imported from the United States only about $206.5 million worth of goods.

More importantly, significant human rights violations continue. My special concern for the past year has been the matter of religious repression in Romania.

In July 1985, I went on a private factfinding mission to Romania, sponsored by Christian Response International. Along with the gentleman from New Jersey [Mr. SMITH] and the gentleman from Virginia [Mr. WOLF], I saw firsthand the persecution of Christian believers.

Churches have been bulldozed, Bibles have been turned into toilet paper, and pastors and lay leaders have been jailed or heavily fined for preaching. Beatings and other forms of torture are given to religious prisoners of conscience. At great personal risks, individuals would come up to us, and as they shook our hands, they would press messages into our palms about their family members in prison and other personal tribulations imposed on them. We were deeply moved by the faith and courage of the Romanian believers.

Unfortunately, the Romanian Government has no shame over its persecution of Christians. That Government will not be moved by mere expressions of concern or bad publicity. The only way to get their attention is to suspend MFN.

While I prefer the approach offered by H.R. 3599, it is very important today to send the strongest possible signal to the Romanian Government. Defeat of the motion before us might be misinterpreted by that Government as congressional approval of their repression.

I remain hopeful and confident that a bill like H.R. 3599 will eventually be enacted. In the meantime, it is imperative to keep the pressure up on Romania through whatever opportunities arise.

I commend the gentleman from Illinois for his efforts on behalf of this issue, especially in the Subcommittee on Trade. I urge my colleagues to take advantage of the motion he is offering today to place the House firmly on record against the repression in Romania. Vote "yes" on the motion to discharge House Resolution 475.

□ 1300

Mr. GIBBONS. Mr. Speaker, I yield 6 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, we find ourselves today in a rather strange situation. We are to consider House Resolution 475, disapproving the President's action extending the emigration waiver for Romania. This waiver extension allows Romania to continue to receive most-favored-nation trade status for 1 more year.

The procedure for considering this resolution, better known as the one-House veto, has been declared unconstitutional by the Supreme Court in a 1983 decision, Immigration and Naturalization Service versus Chadha. Yet, although passage of the resolution would have no legal effect, the House rules require this body to follow the procedure until the statute is repealed. So, we must take the time to go through the motions, however meaningless.

We could ask ourselves whether, if this discharge motion is passed and we move to 20 hours of debate, and if this resolution were constitutional, would the merits of the situation demand that we end most-favored-nation status for Romania. I believe we should not.

The administration, and many business and human rights groups, believe that most-favored-nation status has been an important tool in gaining increased emigration from Romania. The Council of Presidents of American Jewish Organizations, including B'nai B'rith and the American Jewish Committee, the Christian rescue Effort for Emancipation of Dissident, and the International League for Human Rights all support a continuation of most-favored-nation status along with continued pressure for further liberalization of emigration procedures.

Over the last 10 years, the number of emigrants from Romania to all parts of the world has risen from 6,975 to more than 17,000 persons. Legal emigration from Romania now far exceeds the combined emigration from the Soviet Union, Bulgaria, and Czechoslovakia. I believe, as do the organizations I have mentioned, that there is a clear relationship between the numbers of emigrants and the commercial and political leverage provided by most-favored-nation status.

We have heard of the travails of Father Calcin. He was treated in an inhuman way. But, MFN got him out. MFN won't make Romania observe our religious freedoms, but it does help relieve individual human rights problems.

In spite of a severe international debt problem that has curtailed Romanian purchases, United States-Romanian trade still exceeds $1 billion and continues to grow. United States businesses still consider Romania an important market and have supported continuing to expand the commercial relationship.

Mr. Speaker, the House has not voted on any introduced resolution involving the President's waiver authority since 1979. There was a vote on a motion to table in 1983. In 1983, this procedure was ruled unconstitutional. I believe it is important for political, commercial, and human rights leverage to continue most-favored-nation status for Romania.

Finally, I would invite the attention of this House to a letter from Secretary Shultz in which he cites the independence of Romania from the U.S.S.R. in several important respects, and his belief that MFN helps us to ameliorate what we consider human rights violations.

I urge my colleagues to vote "no" on the motion to discharge so as not to risk lengthy debate on an unconstitutional resolution.

THE SECRETARY OF STATE,
Washington, July 28, 1986.

Hon. BILL FRENZEL,
House of Representatives.

DEAR MR. FRENZEL: I have been informed that a motion has been introduced in the House of Representatives to discharge from the Committee on Ways and Means a bill, H.R. 475, which would withdraw Most Favored Nation tariff status from Romania.

The Department strongly opposes adoption of this bill. As you know, the President determined on June 3 that MFN for Romania should be renewed under the terms of the 1974 Trade Act. The Department recognizes and shares the concerns of many members of Congress about violations of human rights in Romania. We believe, however, that the access and leverage provided us by Romanian interest in MFN has given us the

ability to ameliorate those conditions. Our policy has achieved important results in human terms, including heightened emigration levels, releases of political and religious activists from jail, and access to press our concerns about religious rights issues. These gains fall short of what we would like to achieve, but in my judgment, revocation or suspension of MFN would make the human rights situation in Romania worse, not better. It also should be stressed that Romanian foreign policy continues to be independent of the Soviet Union in several important respects, and that this was an important reason for our decision to extend MFN to Romania in 1975.

With best regards,

Sincerely yours,

GEORGE P. SHULTZ.

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

Mr. SILJANDER. Mr. Speaker, I thank the gentleman for yielding and I rise in strong support of the motion of the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, I yield such time as he may consume to our distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

□ 1310

Mr. MICHEL. Mr. Speaker, the procedural nature of this question disguises some underlying substantive questions.

I am not going to address the procedural question. I'd rather discuss one aspect of this issue that has personal meaning to me.

For some time now, I have been working with representatives of the Church of the Nazarene who have brothers and sisters in the Faith in Romania who are experiencing all kinds of harassment as Christians from their government.

My most recent information is that while things have not improved for members of that church, they are at least receiving aid packages from the United States and have not been directly persecuted recently by Romanian officials.

This is not what I call human rights improvement because under a totalitarian regime, the pressure of persecution can start again when it suits the rulers.

But, as of this moment, members of the Church of the Nazarene, a small church dedicated only to prayer and good works, are receiving aid which is at least something to be thankful for.

In years past, there have been open attacks on members of this church in the state-controlled press and aid sent from the United States never reached its intended recipients.

I believe that men and women of good will can disagree on the question of whether or not extending most-favored-nation status to Romania helps or hurts religious freedom and human rights in that country.

The President believes "existing access and influence" of the United States can be preserved by extending most-favored-nation status since, in his words, "extension of most-favored-nation status has facilitated American citizens' access to coreligionists in Romania as well as the flow of several million dollars worth of material assistance to them each year."

We are faced with the usual questions: In dealing with dictatorial regimes, is it better to take economic measures in the hopes of improving human rights, or is it better to keep already existing economic benefits as a lever to move the government toward human rights?

Neither position is, in itself, a "hard" or "soft" line. What matters is the effect each position has on improving human rights.

I must confess that in this case, my heart is with the position taken by our colleague, Mr. CRANE. Romania has had the most-favored-nation status for 11 years. No truly informed person really believes any more that Romania, under its current leadership, is mellowing or becoming more liberal. The best that can be said is that, from time to time, gestures toward the West are made.

But here is the hard part. No matter how bad we find the Romanian Government, what about the captive people of Romania? What is best for them? The answer isn't quite as clear as some of us would suggest.

If we vote for House Resolution 475, we in effect throw away the tool of most-favored-nation status. But if we vote against it—if we support the President—we retain that tool.

The question is: Which method helps the people of Romania? Which approach offers the hope of greater emigration, perhaps even limited extensions of religious freedom?

My heart tells me to vote for House Resolution 475. But my knowledge of what the religious minorities of Romania are suffering tells me that even this small tool ought to be retained in this case.

When an American coreligionist of mine goes to Romania these days to help members of the church, at least he gets into the country; at least he sees and talks to our people.

What will happen if we cut off most-favored-nation status? Will he have the same access? Will those who ask us to vote for a cutoff guaranteed that we will still have access?

I wish I knew with absolute certainty I am right. But I don't. I can only do what I think is right.

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Speaker, this matter of favored-nation status for Romania and the impact of the Jackson-Vanik amendment is something that has concerned me for a number of years because of the fact that my hometown happens to be the home of the General Electric Co., in Schenectady; and the home of the large steam turbine generator business in the General Electric complex.

In fact, as you may know, this has been a very tough year for the steam turbine business. We have lost out almost completely on overseas orders, and 1 month ago the General Electric management announced, in Schenectady, that some 1,400 jobs in the steam turbine business were going to be eliminated, not only blue-collar employees, but also white-collar employees.

Over the last 3 years, because of the nonexistence of steam turbine orders, the work force in Schenectady General Electric has gone down from 27,000 to 12,000.

The one bright spot in this otherwise deplorable economic situation has been turbine orders from Romania. Back in 1982, the Romanians agreed to buy two turbine generators; these were to be financed by the Eximbank; but a few months later the Romanians defaulted on their agricultural loans from the United States and so they could no longer get the Eximbank assistance.

However, the Romanians proposed an ingenious scheme of barter to continue the production of these turbines. GE agreed to proceed piece by piece on the turbines, and in return the Romanians would provide Romanian nails to the manager of the turbine division, and also Romanian wine.

The turbine manager complained that he had Romanian nails coming out of his ears!

Moreover, as American and foreign steam turbine manufacturers wait out a revival of the steam turbine market, the Romanian authorities are still proposing to purchase two more of these quality turbines on the same barter business.

I believe we owe the people of Romania our gratitude for their unique efforts to keep the employees of one of America's greatest corporations gainfully employed for a longer period than would have been the case as a result of Romanian nails and Romanian wine. I have sampled some of the Romanian wine, but so far I haven't tried the Romanian nails.

Mr. Speaker, I don't believe that we should treat this fascinating country by denying them the most-favored-nation status which we have long granted them and which President Reagan has strongly supported.

As a result I shall vote with the gentleman from Florida [Mr. GIBBONS] and oppose the gentleman from Illinois [Mr. CRANE].

As a result of the efforts of the Romanians, they have made it possible to preserve American steam turbine technology during this economic crisis period, so that when the market situation turns up again, as it surely will turn up, that turbine customers will be seeking to buy American turbines rather than English turbines from Parsons, or Swiss turbines from Brown & Boveri, or from Hitachi in Japan.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I hope the Members will vote today to permit the gentleman from Illinois to bring his resolution to the floor disapproving the President's recommendation to extend MFN to Romania for another year. No matter how Members may feel on the particular issue, I would submit that the time has come for an extensive reevaluation of human rights in Romania including emigration policy, and religious freedom. The motion before us would simply discharge House Resolution 475 from the Ways and Means Committee and, thus, permit Members to consider this important issue.

I have always believed that human rights are indivisible. They are God given, not manmade. Respect for the human rights of their citizens by the countries of the world isn't optional. Clearly it is fundamental, and is the only legitimate basis for genuine trust and friendship in bilateral relations. While the Jackson-Vanik provision of the 1974 Trade Act cites emigration policy as the chief criteria for conference of MFN, I believe the broad array of interlocking human rights must not be overlooked or trivialized. Indeed, the lives and futures of many people depend on how well we utilize the considerable leverage at our disposal.

As you know, Mr. Speaker, the President reported to Congress on June 3 that he had decided to continue MFN for Romania for another year. I think it is very significant, however, that he said he made this determination with difficulty and noted that he was "disappointed by the Romanian Government's very limited response to numerous expressions of strong United States public, congressional, and administration concern about its performance in areas of human rights and religious issues * * *."

The President said he "share(s) the strong concerns manifested among the public and in Congress regarding the Romanian Government's restrictions on religious liberties." I know the chairman of the Trade Subcommittee, Mr. GIBBONS, and ranking member, Mr. FRENZEL, also share this concern.

Mr. Speaker, it is sad but true that the Communist authorities in Bucharest continue to restrict and control the right of religion, free speech, free assembly and association. Although Mr. GIBBONS pointed out that 174,000 Romanians have emigrated, the Romanian Government officially opposes emigration, erects substantial barriers to emigrating and there are numerous family reunification cases that still await resolution. Moreover, large numbers of emigrants begs the question of the status and quality of life inside Romania.

Having said that, Mr. Speaker, let me note with guarded optimism recent progress in solving some of the hard emigration cases—progress that I hope is not intended just to coincide with our Government's review of MFN.

Just prior to the June 3 decision, Bucharest officials indicated that over 1,000 of the 1,800 pending emigration cases would be solved. Several religious prisoners have been released from jail over the last few months and are emigrating to the West, including Constantin Sfatcu, Dorel Catarama, and Emil Moranu. In March, Beni and Buni Cocar, both Baptist ministers who had been continually harassed for their faith, and then efforts to promote the Gospel of Christ were given their walking papers and are now in the United States. Of course, we all celebrated when Father Calciu, who had been imprisoned a total of 20 years, was allowed to emigrate to the United States last summer.

Clearly these developments can be construed as limited progress but many of us who are deeply committed to this cause fear that one MFN is assured for another year, the Romanians may, as the United States Helsinki Watch Committee puts it, "lapse back into its previous disregard for human rights * * *."

That, Mr. Speaker, must not be permitted to happen and all of us, together, can be instrumental in seeing that it does not. This is not a game. I urge that my colleagues vote to discharge House Resolution 475 so we can delve further into this issue.

□ 1320

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. HAMILTON], the distinguished chairman of the Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs.

Mr. HAMILTON. Mr. Speaker, I rise in opposition to the privileged motion of the gentleman from Illinois, and in support of the motion of the gentleman from Florida to lay the privileged motion on the table.

Mr. Speaker, the Subcommittee on Europe and the Middle East of the House Committee on Foreign Affairs has spent considerable time over the last several months in hearings with the Department of State and other agencies and individuals examining carefully the domestic situation in Romania and United States-Romanian relations.

My conclusions are: There is harsh domestic repression in Romania and there are many human rights violations. But despite these serious problems, it is in our national interest to extend MFN status to Romania for the coming year in order to try to work with Romania on these issues which are of deep concern to many of us in the Congress.

Therefore, I urge support of the President's decision of June 3, 1986, for several reasons:

First, on the narrow legal criterion of the 1974 Trade Act and Jackson-Vanik amendment which ties Romania's MFN status to emigration, Romania has been fairly responsive. During the 11 years of MFN status for Romania, over 150,000 persons have emigrated from Romania. One out of every 160 Romanians has emigrated legally.

Second, the record of 11 years of annual MFN review has provided leverage over Romania on human rights and other issues. We have had success under present policies. Our ability to continue to try to resolve 4,000 pending reunification cases concerning emigration to the United States will depend in large measure on a continuation of those policies. It is my understanding that close to half of these 4,000 cases are on their way to resolution. We hope to try to make further progress on these issues, and to keep the door open for appeals on specific cases. Denial of MFN at this time would complicate the United States ability to influence further decisions in Bucharest and would allow a difficult situation to worsen because there would be less incentive and less pressure on Romania to resolve problems.

Third, the political situation in Romania is fragile. There are likely to be some leadership changes in the Romanian Government soon. If we are entering a transition period, and the consensus is that we could be, the United States has an interest in maximizing its leverage in this period. MFN is the primary way we can do that. It will enable the United States to be a more effective player during any transition period when forces for evolutionary change in Romania are likely to become prominent. It is not in our interest to cut ourselves out of competition for influence in Romania at a time when we know the Soviets will be pressing hard. We should allow Romania an opportunity to resolve its problems with the West, and give it a way to work out its problems.

Fourth, Romania has a unique foreign and international security policy which the United States has an interest in supporting and promoting. Even though its foreign policy is circumscribed by reason of geographic and other circumstances, Romania has maintained good relations with Israel, China, West Germany, and the United States. Romania's Warsaw Pact military participation is limited. It is the only Warsaw Pact country to conduct more than 50 percent of its trade with the non-Communist world.

Fifth, MFN status for Romania has brought clear economic advantages to the United States. Over the past 11 years, United States companies have sold $3.5 billion of goods to Romania:

10,000 jobs depend on U.S. exports to Romania, jobs that might otherwise go to Japan and Western Europe. Romania today remains as big a market for United States firms as Austria, and bigger than Finland or Greece. If Romania were to lose MFN status, it would cost Romania $300 million, less than 5 percent of its hard currency earnings. Clearly denying MFN represents high costs to the United States for limited impact on Romania.

Mr. Speaker, I am sure that not all the evidence supports my conclusion. Serious persecution in Romania of small denominations of Christian believers, interference with individual freedoms and political suppression are deeply offensive. But on balance my judgment is that MFN status for Romania is appropriate. Our ability to address our concerns in Romania and to help many individuals is enhanced by the annual review of MFN status. There may come a point where our ability to use this annual review as leverage is diminished or lost. But that point is not now.

Mr. Speaker, I urge my colleagues to defeat this motion.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, I oppose granting MFN to Romania and rise to speak in favor of Mr. CRANE's resolution to disapprove the President's waiver request.

What are my reasons? Romania has perhaps the worst human rights record in all of Eastern Europe. In the words of former U.S. Ambassador David Funderburk:

> Romania's abysmal record on human rights and its lack of internal reforms are a mockery of declared U.S. policy goals.

It is a regime that has instituted total censorship of mail coming from outside the country. It is a regime that monitors all international telephone calls. It is a regime that supports international terrorism and runs paramilitary training schools and gives support to the PLO. It is a regime that kills clergy, bulldozes churches and has even turned Bibles into toilet paper. It is a regime that denies true religious freedom and, according to the latest report from Helsinki Watch, one which uses the clergy as policemen. It is a regime that harasses and oppresses those who wish to emigrate—sometimes even depriving them of their apartments, their jobs, their ration cards, and their schooling. It is a regime which has ordered its intelligence service to savagely beat and even assassinate Romanians abroad who have criticized the Romanian Government. It is a regime which ordered the removal of "all but a few token Jews" from military and security forces and from sensitive Government positions.

Believe me, this is only a small recitation of what is a very long list of evil behavior by that regime. The Ceaucescu regime is also engaged in a campaign of harassment and discrimination of the large Hungarian minority in Romania. The Romanian Government is intent on systematically eliminating any traces of the Hungarian language and culture. As an example, according to Helsinki Watch, all Hungarian language broadcasting is no longer allowed and a decree was recently passed which limited the number of Hungarian-speaking students at the University of Cluj to 5 percent—it had been 65 percent until that time.

Mr. Speaker, I have a wealth of additional information on the abuses of the Ceaucescu regime for any Member who wishes to contact my office. Let me close by saying that I fail to see how any of my colleagues could support such a regime through the granting of MFN. In my view, and in the view of others, such action by our country makes a mockery of America's support of human rights.

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BOUCHER].

Mr. BOUCHER. Mr. Speaker, I rise in opposition to the motion.

On Tuesday, June 3, President Reagan transmitted to the Congress his decision to continue the waiver authority currently in effect under sections 402(a) and 402(b) of the Trade Act of 1974.

In addition, the President transmitted his determination that continuation of the waiver applicable to the Socialist Republic of Romania will substantially promote the objectives of the act.

In his report to Congress, President Reagan notes that progress has been made in resolving many of the concerns of those who have challenged Romania's MFN status. According to the President, emigration from Romania has increased substantially in the 10 years since the waiver authority has been in effect. The Romanian Government's implementation of new procedures for emigration from Romania to the United States has reduced the hardships previously imposed on such emigres. And the Romanian Government has continued to honor its commitment that it would not require reimbursement of eduction costs as a precondition of emigration.

While the President's transmission does note that progress remains to be made in the area of religious liberties, the President concludes that extension of Romania's MFN status will "* * * enable us to have an impact on human rights concerns and to help to strengthen the extent of religious observance in Romania."

I concur in his determination. Indeed, notwithstanding the alleged efforts of the Romanian Government to suppress the free expression of religious values by its people, the President has concluded that the widespread practice of religion in Romania, especially among the Protestant denominations, is growing faster than in other Communist-bloc nations.

I am also concerned that suspension or revocation of Romania's MFN status could substantially reduce coal mining and export opportunities in Virginia.

Since 1977 the Government of Romania has invested over $60 million in the development of a joint coal mining venture with Island Creek Coal Co. The agreement provides for the exportation of 14 million tons of coal from the Garden Creek Pocahontas Coal Co. mine in Buchanan County, VA, to Romania over a 35-year period—1980-2015. The mine was developed expressly for the sales to Romania. In 1986, Garden Creek will deliver 500,000 tons of coal with a delivered value of $25 million to Romania. Hereafter, Romania will purchase approximately 35 to 40 percent of Garden Creek's mine production until the year 2015.

The Garden Creek Pocahontas Coal Co. employs approximately 255 miners and 55 supervisory personnel in Buchanan County where the unemployment rate hovers in the 20- to 25-percent range. With an annual payroll of approximately $12 million, secondary employment effects are substantial. In addition to the important role that Garden Creek has played in Buchanan County generating jobs and revenues, all of Garden Creeks's coal is shipped on the Norfolk Southern railway, providing over $18 million per year in revenue to Norfolk Southern. Most of Garden Creek's coal is exported through the Norfolk Southern coal piers at Norfolk, VA.

The economic benefits of Island Creek's joint venture with the Romanian Government stretch from one end of Virginia to the other. Hundreds of coal miners and railroad and port workers depend on this venture as the source of their employment, and communities from Appalachia to the Atlantic benefit from the economy activity generated by the mining, transportation and shipment of Virginia coal to Romania.

I am concerned that should Romania's MFN status be suspended or revoked, they will turn to cheaper European sources of coal to meet their import needs.

Romania's decision to invest $60 million in Buchanan County, VA, was not made solely on the basis of the economic advantages of mining and importing Virginia coal. Romania's investment reflects, to a large extent, their good faith efforts to make trade between our two nation's a two-way street. Should the flow of Romanian

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products to the United States be cut or halted as a result of the suspension or revocation of MFN status, Romania will no longer have the incentive or the dollars to import our coal. That could deal a devastating blow to Buchanan County with ripple effects throughout the State.

I share President Reagan's view that we will continue to see improvements in the Romanian Government's treatment of minority religious groups if we continue the mutually beneficial flow of commerce between our two nations. Romania has responded, albeit slower that you and I might like, to our Nation's ongong expression of concern regarding their immigration policy. In addition, Romania has distinguished itself as the only Warsaw Pact nation which attended the Los Angeles Olympics and which does not participate in the Warsaw Pact's joint military exercises.

I believe that we can achieve both of our goals through cooperation rather than confrontation. Continuing our mutually beneficial trade relationship with Romania and continuing to bring diplomatic pressure on the Romanian Government to expand religious liberty go hand-in-hand.

Mr. CRANE. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I rise in support of the motion of the gentleman from Illinois and against the motion to table.

Mr. Speaker, ever since I was first elected to this House in 1980 I have attempted to have this body do something about the fact that the United States continues to grant most-favored-nation trading status to the Communist regime of Romania. Today I hope we will finally have a chance to act and to go on the record as to our concern about religious and nationality persecution in Romania.

I will support the discharge motion to allow House Resolution 475 to the floor for a vote. I urge all of my colleagues to join me in proving to ourselves and to the whole world that we stand by the principles of America in our relations with all nations of the world.

We have imposed sanctions, embargoed and passed resolutions against many countries and many forms of human rights abuses. Romania is high on the list of human rights violators and it is past time for this House to reaffirm our belief and commitment to our principles and deny most-favored-nation status to Romania.

Mr. CRANE. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. RUDD].

Mr. RUDD. Mr. Speaker, under the 1974 Trade Act, Communist countries that restrict emigration cannot be granted most-favored-nation status unless the President issues a waiver on the ground that emigration curbs have been relaxed. The time has come for Congress to override the President's waiver for Romania. Romania is a Communist nation that has intimate Soviet connections, blatant human rights abuses, and direct links to terrorism.

The people of Romania suffer under one of the most repressive regimes in the world. The Romanian security personnel have 1 agent for every 15 citizens—the world's highest ratio of security agents. However, Romania needs this excessive manpower to handle its censorship activities. Every single letter and package from abroad is opened, and all international telephone calls are monitored.

Even with its most-favored-nation status, Romania has grown closer—if that is possible—to the Soviet Union. Trade between the Soviet Union and Romania has dramatically increased, and a top Romanian official recently stated that "closer bonds with the Soviet Union and total reintegration within the Warsaw Pact are inevitable, sooner or later." The Washington Times recently reported that 550 Soviet advisers regulate factories in Romania, many of which manufacture Soviet weapons for export to Third World countries.

The Romanian record on human rights is atrocious. The Romanian "victory of socialism" campaign has resulted in arbitrary arrests and beatings, false criminal charges, torture, prejudged trials, and the forced incarceration of Christian believers into insane asylums. Those who apply for emigration lose their jobs, and often large bribes are demanded from relatives living abroad before exit papers are issued.

Even more startling is the direct involvement of Romania in terrorist acts. Romania has collaborated with the PLO in operations against their opponents in the West, and Romania has been declared responsible for the bombing of Radio Free Europe's Munich headquarters in February 1981.

Romania is a hostile Communist regime that mocks the democratic principles for which the United States stands. Romania has repeatedly proven that they do not deserve a $700 million trade subsidy. In the words of former U.S. Ambassador David Funderburk, "a regime that turns Bibles into toilet paper and bulldozes churches, does not deserve most-favored-nation status." I urge support of the motion and oppose the motion to table.

Mr. CRANE. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Speaker, I rise in support of the gentleman from Illinois and in opposition to the motion to table.

Mr. Speaker, although I do so with some reluctance, I rise today to support the pending measure to deny most-favored-nation trading status for Romania. As a cosponsor of H.R. 3599, which would suspend MFN status for Romania for 6 months, I feel compelled to support the measure before us now.

In voicing my support for this proposal, let me note that there are some arguments for continuing "business as usual" with Romania. Although it is a Warsaw Pact country, Romania must be considered something of a maverick within the Soviet bloc. It, alone among Soviet-dominated Eastern European nations, maintains relations with Israel. Of the Soviet bloc Communist countries, Romania has clearly been, relatively speaking, one of the most forthcoming on family-reunification cases.

My personal awareness of and involvement in two cases involving constituents, however, compels me to support this legislation. The first case involves Mr. Eugen Pancu, the former commercial attaché for the Romanian Government, who worked in New York City and lived there with his wife and daughter. In 1982, Romanian officials attempted to pressure him into engaging in espionage activities against the United States. He refused. Shortly thereafter he was summoned to Bucharest, the Romanian capital, for reorientation. When he returned to Bucharest he was dismissed from his post and was informed that he would not be permitted to leave Romania again.

Mr. Pancu's wife and daughter, who did not join him on his trip back to Romania, subsequently refused to leave America. They were granted political asylum by the United States in July 1982.

Since his return to Bucharest, Mr. Pancu has repeatedly sought reunification with his family in America. Although United States authorities have approved his immigration request and have intervened on his behalf with the Romanian regime, the Romanians have repeatedly denied him an emigration visa. He has been forced to take a low-paying clerk-typist position, and been pressured to divorce his wife and sever all ties to her and their daughter, who now live in Philadelphia. Repeated efforts to resolve this situation—including numerous phone calls and letters to the Romanian Ambassador and letters to Romanian President Ceausescu—have been met with stony silence by the Romanian Government.

In the other case, that of Ms. Angela Novac of Lafayette Hill, PA, the Romanians have failed to act in a timely manner to allow her fiancé, Mr. Ioan Draghici, to emigrate here. Ms. Novac and Mr. Draghici first applied to Romanian authorities for permission to marry in 1984. Since my involvement in this case in March 1985, I have written to the Romanian Ambassador four times in an effort to resolve this matter. After three letters, I finally received a response—indicating the Embassy had referred the case to the appropriate authorities in Bucharest. That was in January 1986. I have heard nothing since.

Mr. Speaker, these events, coupled with the consistent pattern of Romanian human rights violations identified by our State Department and in-

dependent observers including Helsinki Watch, compel me to support the legislation before us. President Ceausescu should understand that Americans cannot and will not condone or ignore violations of human rights.

While Romania has not been the worst violator of human rights, its record is moving in the wrong direction. Support of this measure—even if it is unlikely to be enacted—will send a message that must be heard in Bucharest.

Mr. CRANE. Mr Speaker, I yield such time as he may consume to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. Mr. Speaker, while the United States generally grants most-favored-nation status [MFN] unconditionally to all trading partners, the granting of this trade preference to Communist countries is tied to their emigration policies. Under the Jackson-Vanik amendment to the Trade Act of 1974, Communist countries may be granted MFN status only if their emigration policy is relatively unrestricted.

The purpose of the Jackson-Vanik amendment is to "assure the continued dedication of the United States to fundamental human rights * * *." Specifically, the amendment establishes minimum standards for emigration policy in recognition of the inherent right of an individual to leave a country.

If a country is in substantial compliance with the Jackson-Vanik provisions, the President may request the authority to waive their application with respect to that country. For the past 10 years Romania has been granted MFN status on the basis of such a waiver. In my view, it is time to take a hard look at the policies of the Romanian Government and discontinue this charade.

For the past decade we have rewarded Romania for its independence from the Soviet Union. Romania does not participate in joint Warsaw Pact exercises and refuses to allow Soviet troops to hold these exercises on its soil. Romania is the only Eastern-bloc nation to maintain relations with Israel. The Romanian Government criticized the Soviet invasion of Afghanistan and participated in the Los Angeles Olympic games despite a Soviet boycott.

At the same time, the Romanian Government, the fifth leading arms exporter, serves as a training ground for terrorists. According to Gen. Ion Pacepa, Romanian Foreign Intelligence Director until his defection in 1978, Romania trains members of Western Communist parties in sabotage, diversion and guerrilla tactics. Romania provides political and material support to the PLO and its terrorist factions, as well as secretly cooperating with Libyan security forces. General Pacepa also stated that "Mr. Ceaucescu serves as a conduit for the transmission of embargoed Western technology to Moscow." (Wall Street Journal, January 13, 1986, p. 86)

Romania's human rights record is as disconcerting as its support for terrorism. Last year David Funderburk, former United States Ambassador to Romania, concluded that, "Romania's abysmal record on human rights and its lack of internal reforms are a mockery of declared U.S. policy goals."

The Romanian Government controls every aspect of religious activities from the printing and distribution of religious materials to the salaries of the clergy and the number of admissions to the seminaries. A request by Baptist ministers to print more Bibles, train more ministers and manage church funds without State control was denounced as antistate provocation. Churches have been demolished for petty building code infractions, such as a construction error of 1 meter. Persons who belong to churches other than the 14 recognized by the State may be arrested for disturbing the peace or unlawful assemblies. Religious leaders are subject to imprisonment and in some cases death. Rev. Gaza Palfi, arrested for his Christmas sermon in 1983 opposing a government edict making Christmas an ordinary work day, was severely beaten and died 2 months later.

Romanians who wish to leave their country must be prepared to pay a price. The bribes extracted for exit papers range from 4,000 marks for a child to 10,000 for an adult. The Ceaucescu regime also collects 7,900 marks from the West German Government for each ethnic German allowed to emigrate to West Germany. Persons wishing to emigrate must sell all of their real property at low, fixed government rates. In addition, no money may be taken out of the country.

The emigration process is lengthy and approval is not assured. In the meantime, applicants may suffer demotion or dismissal from jobs, dismissal from universities, eviction from apartments, denial of ration cards, and loss of citizenship which are all common government responses. Persons wishing to leave Romania become in effect exiles within their own country.

Romania has enjoyed MFN status for the past 10 years. During this time the persecution and restricted emigration policies have continued. Indeed the only change over the past decade has been an increasing trade deficit with Romania which exported almost $1 billion in goods to the United States in 1985, including $134 million in duty free imports, creating a deficit of over $700 million.

Romania, a country which trains terrorists and exacts a very high price from those who wish to emigrate, does not deserve the trade preferences of MFN.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to my distinguished colleague of the Subcommittee on Trade, the gentleman from Pennsylvania [Mr. SCHULZE].

Mr. SCHULZE. Mr. Speaker, I rise in support of my colleague's motion to discharge House Resolution 475 from the Committee on Ways and Means for consideration by the Committee of the Whole House.

Under the provisions of the Jackson-Vanik amendment to the Trade Act of 1974, Congress mandated that most-favored-nation treatment for nonmarket economy countries be predicated on the existence of freedom of emigration from these countries. In the case of Romania, it is clear that the Romanian Government has not upheld its obligations called for under these provisions. To make matters worse, the United States Government annually condones Romania's notorious record on emigration by waiving the full requirements of Jackson-Vanik.

Just the fact that the number of Romanians allowed to emigrate in 1985 declined by 18.5 percent compared to 1984 demonstrates the unsupportability of continued MFN status for Romania.

Perhaps more important than mere numbers is the cold disregard for the basic human rights of those Romanians who apply to emigrate. Undue hardship and harassment, frequently leading to job demotion and dismissal, apartment eviction, and general ostracism by society, are synonomous with emigration. Obstacles are confronted every step of the way by those who wish to leave Romania. Examples of such obstacles range from inordinate delays in processing application forms to outright bribery.

And finally, Romania needs to realize once and for all that MFN is a privilege which carries with it responsibility. I would argue that in the trade arena Romania has been nothing but irresponsible. Not only does the Romanian Government fail to adhere to the emigration standards set forth under our trade laws, Romania continues to trade unfairly by dumping steel, shoes and textile and apparel products. This has caused irreparable harm to our Nation's manufacturing sector, and only continues to increase our trade deficit with Romania, which amounted to $743 million in 1985.

I remain convinced more than ever that MFN status must be revoked from Romania, at least temporarily, to ensure that emigration policies are promoted openly and responsibly, and to convince the Romania Government that its unfair trade practices will not go unnoticed. Thus, I strongly urge that my colleagues support the motion now before us.

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Mr. GIBBONS. Mr. Speaker, I yield 4 minutes to the gentleman from Washington [Mr. BONKER], the chairman of the Subcommittee on International Economic Policy and Trade of the Committee on Foreign Affairs.

Mr. BONKER. Mr. Speaker, I really share the concerns of those who are bringing this resolution to the House floor today, because anyone who knows anything about Romania knows that it is one of the most repressive governments anywhere in the world today, and that the Ceausescu regime is against all the tenets of freedom and liberty and democracy that we feel are important.

The concern here is how we best approach this issue. I do not believe that bringing House Resolution 475 to the

floor today is the best approach to deal with the problem.

The Jackson-Vanik amendment grants preferential trade credits on the basis of emigration policy. It is not a general human rights program.

Let me cite from section 402 of the Trade Act of 1974, which explicitly ties the granting of MFN to a country's performance on emigration only, not a general status of respect for human rights.

> * * * products from any nonmarket economy country shall be eligible to receive MFN * * * if the President reports to Congress that he has received assurances that the emigration practices of that country will henceforth lead substantially to the achievement of the objectives of this section.

We are attempting to be consistent with the law that this Congress has lead out, and the President is attempting to meet the spirit and the letter of that law.

When Mr. GIBBONS, the chairman, and Mr. FRENZEL and Mr. LANTOS and I were in Romania a few years ago, there was a different problem, and it also was emigration. It involved an education tax on everybody who wanted to leave the country. They would have to pay back to the Government all of the cost of their education. Now that smacked at the emigration policy. I recall the gentlemen who are here this afternoon who were in that meeting pressing Ceausescu, even threatening him, on MFN if he were to continue with that onerous policy. He subsequently withdrew the policy, and again met the basic test of MFN, the Jackson-Vanik amendment.

My concern here is if we bring this resolution to the floor and actually override the President's waiver, we will have set a new precedent for dealing with human rights problems.

You say, well we ought to have leverage for dealing with human rights. I rather imagine that if we were to attempt an MFN standard on human rights practices around the world, somewhere between 120 and 125 countries would be involved.

We do have a human rights policy in the Foreign Assistance Act. I would have to say that if we were to engage this issue, the Committee on Foreign Affairs ought to have some jurisdiction, because that is the committee which deals basically with human rights policy in section 16(c) of that act.

So we are talking about preferential trade agreements, we are talking about emigration and we are talking about human rights, but we do not need to necessarily mix them. If we want to greatly expand our human rights policy so that we use MFN as a leverage, then we ought to deal with that more broadly and not narrowly with one country like Romania.

Mr. Speaker, again, I support those who have expressed concern over the repression that exists in that country. I have been there and I have seen the repression. But I think that we need to approach this issue responsibly and in a way that is consistent with U.S. law.

I would side with those human rights groups that feel that while the human rights abuses there are very serious, that this is not the way to deal with the problem.

Mr. Speaker, I urge that we support the motion offered by the gentleman from Florida [Mr. GIBBONS] to table House Resolution 475.

Mr. CRANE. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. DENNY SMITH].

Mr. DENNY SMITH. Mr. Speaker, I rise in strong support of the action of the gentleman from Illinois [Mr. CRANE].

Mr. Speaker, I rise in strong support of House Resolution 475, offered by the gentleman from Illinois. Although I am normally supportive of the administration's foreign policy, flagrant and persistent human rights violations in Romania have gone unheeded for far too long.

Romania's MFN status has been renewed every year since 1974, despite its deplorable human rights record. This trade benefit has not helped the Romanian people. Nor has the United States benefited; we had a $743.3 million trade deficit with Romania in 1985. Only the repressive Ceausescu regime has reaped the economic benefits that accompany MFN status, since the state controls the economy.

Under the provisions of the Trade Act of 1974, MFN status for a Communist country is closely linked to that nation's emigration policies. Romania's policies in years past have been costly and obstructionist. Even now, family reunification remains difficult. Demotion or firing, expulsion from universities, eviction from apartments, denial of ration cards, and loss of citizenship are all common government responses to those who seek to emigrate.

Other human rights violations are rampant, even though Romania is a signatory of the Helsinki human rights accords. Those who practice their religious beliefs are continually harassed, churches are demolished for minute building code infractions, and several clergymen have died during or shortly after interrogation. Bibles that were legally imported were used by the government to make toilet paper. In addition, harsh treatment of the Hungarian minority continues unabated.

The time has come to stand up for the human rights aspirations of the Romanian people. We must vote to deny MFN status. Otherwise it will appear to the Ceausescu regime that there is little chance MFN status will ever be withdrawn. Each year—as the time for MFN renewal approaches—a few concessions are made, persecution of religious groups eases, and emigration increases slightly. Unfortunately, after years of deceit, many remain blind to the clyclical nature of these paultry symbolic concessions, and MFN status has always been approved. Once approval is given, repression and harassment resume.

If the granting of MFN status is to be an effective foreign policy tool, it must be withdrawn from Romania now. Only then will the United States be taken seriously when it offers trade concessions to Communist regimes in exchange for human rights and emigration reform. I urge all of my colleagues who share my concern for human rights to vote for adoption of this resolution.

Mr. BADHAM. Mr. Speaker, the American taxpayer is expected to do many things by many people, in and out of Government. Those who would support most-favored-nation status for Romania are asking the American taxpayer to subsidize a brutally repressive regime. This has been said many times before but for once we must be willing to stop putting the taxpayer's money where our mouths are.

In 1985, the United States ran a trade deficit of well over $700 million with the Communist Government of Romania. Under the program of most-favored-nation status, many Romanian products were shipped to the United States duty-free. So not only are we running a substantial trade deficit, we are expected to forgo normal import fees, thus contributing even further to our domestic deficit.

This would be a wrong-headed policy if we were talking about an allied democracy, but it becomes truly absurd when we allow a Communist dictatorship to take advantage of our trade policies without so much as a hint of a change in its emigration restrictions.

The burden of proof should not be upon those of us who oppose most-favored-nation status for Romania. Let those who see some improvement in the plight of the Romanian people stand here before us and show how the situation has been bettered by 10 years of most-favored-nation status. Let them respond to the Helsinki Watch Human Rights Committee when it states that Romania is one of the worst offenders of human rights in Eastern Europe. Let them respond to the thousands of Romanians who will never be allowed to leave that conquered land for freedom. Let them explain why the United States should help support a Soviet puppet that has not complied with any of the Jackson-Vanik requirements. And after they have spoken here, let them explain it to the American taxpayer.

Mr. GREEN. Mr. Speaker, no consideration of human rights abuses in Romania would be complete without mentioning the Hungarian minority in that country.

The repression of the 2.5 million Hungarian nationals in Romania, who constitute more than 10 percent of the population, continues unabated. In fact, according to testimony in congressional hearings, this repression is on the rise; in recent years, all television broadcasting in Hungarian has been stopped and Hungarian schools are being closed.

According to the State Department's Country Report on Human Rights, "In 1985 there were frequent reports of confiscations of foreign-source materials, including Hungarian-language publications, at the border * * *." In 1985 there was reportedly an increase in the number of books banned or restricted.

Since 1975, when the United States granted most-favored-nation status to Romania, it has

become increasingly clear that the goal of the Romanian Government is to destroy the very fabric of the cultural and religious life of its Hungarian citizens.

Just as the United States Government expresses its concerns for oppressed minorities in countries around the world—the Jews of the Soviet Union, the Tamil Separatists in Sri Lanka, the Sikhs of India—so must we continue to speak out on behalf of the Hungarians in Romania.

To continue to reward Romania with trade concessions while its government denies its minorities the most basic of human rights is wrong. I, therefore, urge my colleagues to send a message of hope to the beleaguered Hungarian minority and suspend MFN status for Romania.

Mr. GILMAN. Mr. Speaker, I rise in reluctant opposition to the motion of my good friend, the gentleman from Illinois [Mr. CRANE], and in support of President Reagan's decision to extend most-favored-nation status to Romania for another year.

No one in this Chamber can deny that Romania has an abysmal record on human rights. The issue, however, is not the human rights situation per se, but what good can be accomplished by our continuing imposition of trade restrictions on Romania; also we seek to improve Romanian emigration and its human rights policies.

Romania of late has been fairly responsive on emigration issues, especially family reunification cases. We have been able to make some progress on certain specific abuses of human rights. The political situation in Romania is subject to change, with the current leadership aging and under stress. It is therefore important that we should maintain our ties to the Romanian Government in order to have some access should a leadership change occur. Romania's current foreign policy of good relations with the United States, Israel, China, and West Germany, and of only limited participation in the Warsaw Pact, is of importance to our Nation.

By tabling this motion, we are not indicating our support for the intolerant aspects of Romania's policies. Rather, we are maintaining a weapon to blunt those policies in important respects. Let us discard that weapon.

Accordingly, I urge support for the motion to table the motion to discharge.

Mr. CRANE. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, we have heard commentary on some of the economic aspects of this relationship that we have with Romania. I think it is important to again harken back to Gen. Ion Pacepa's comments as they appeared in the Wall Street Journal.

"Mr. Ceausescu," as he indicated, "serves as a conduit for the transmission of embargoed Western technology to Moscow."

Then the Free Romania in May of this year pointed out that Romania's economic ties to the Soviet Union have increased, so indirectly we are providing assistance to the Soviet economy.

In this year, Soviet technical aid projects in Romania grew to 41 under the newest 5-year plan. Plants producing steel, electrical power, rolling stock and aircraft are being equipped with Soviet machinery. More and more Romanian plants are becoming involved in joint production arrangements using Soviet technology. Romania has also emerged as a large-scale producer of Soviet types of armaments, both for export to Russia and to Russia's clients in the Third World and elsewhere.

Finally, in conclusion, Mr. Speaker, let me again try to reframe the nature of this debate.

We have, theoretically, if my motion prevails, 20 hours allocated for debate. By a prior agreement, Mr. Speaker, I will make a unanimous-consent request if my motion prevails that that be limited to 1 hour.

Second, this is not a one-House veto. If we are going to overturn the President's action that has previously been taken, it would require companion action in the Senate, which is not contemplated, and the deadline for that action would be August 3; in any event, too short for Senate action.

What we are doing here is sending a message to those people who have been amongst the most flagrant violators of human rights, the Jackson-Vanik provisions with respect to freedom of emigration, people who have engaged in terrorist acts themselves, perpetrated by themselves, but who have also trained terrorists within their borders. These are people who have bulldozed churches and converted Bibles into toilet paper.

This, my colleagues in this body must recognize, is the only chance they are going to have to go on record and to be heard as far as having taken a public position on the issue.

I would urge all of my colleagues to vote against the motion to table and to support the resolution. It is a statement. It is a communication on this vital issue, this human rights question, and in fact is, as my colleague from Virginia noted earlier, probably the most meaningful human rights vote that this body will have the opportunity to take this year.

I urge my colleagues to defeat the motion to table and to support my resolution.

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

Mr. Speaker, many of the major human rights groups in the United States who are involved with this issue supports the motion I am about to make to table the Crane motion.

The President of the United States supports the motion. The Secretary of State supports the motion. The Secretary of Commerce supports the motion. Most of the major Jewish organizations in the United States agree with the motion I am about to make. Most of the major Christian organizations agree with that position.

PREFERENTIAL MOTION OFFERED BY MR. GIBBONS

Mr. GIBBONS. Mr. Speaker, I offer a preferential motion.

The SPEAKER pro tempore (Mr. NATCHER). The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. GIBBONS moves to lay the motion of the gentleman from Illinois [Mr. CRANE] on the table.

The SPEAKER pro tempore. The question is on the preferential motion offered by the gentleman from Florida [Mr. GIBBONS].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 216, nays 190, not voting 25, as follows:

[Roll No. 255]

YEAS—216

Ackerman	Evans (IA)	Lightfoot
Anderson	Evans (IL)	Lipinski
Andrews	Fascell	Loeffler
Annunzio	Fazio	Long
Anthony	Flippo	Lowry (WA)
Archer	Florio	Luken
Aspin	Foley	Lundine
Atkins	Ford (MI)	MacKay
AuCoin	Frank	Manton
Bateman	Frenzel	Markey
Bates	Frost	Martin (IL)
Bedell	Fuqua	Martinez
Beilenson	Garcia	Matsui
Bennett	Gejdenson	Mavroules
Bereuter	Gephardt	Mazzoli
Berman	Gibbons	McCollum
Biaggi	Gilman	McHugh
Boland	Glickman	McKinney
Bonior (MI)	Gonzalez	Meyers
Bonker	Gordon	Mica
Borski	Gradison	Michel
Bosco	Gray (IL)	Mikulski
Boucher	Gray (PA)	Miller (CA)
Boxer	Guarini	Mineta
Brooks	Hamilton	Mitchell
Brown (CA)	Hatcher	Moody
Bruce	Hawkins	Morrison (CT)
Burton (CA)	Hayes	Natcher
Bustamante	Hillis	Oakar
Carper	Horton	Oberstar
Chappell	Howard	Obey
Clay	Hoyer	Olin
Clinger	Hughes	Ortiz
Coleman (MO)	Jacobs	Owens
Combest	Jeffords	Panetta
Conte	Johnson	Pease
Conyers	Jones (NC)	Penny
Cooper	Jones (OK)	Pepper
Coyne	Jones (TN)	Perkins
Craig	Kaptur	Petri
Daschle	Kastenmeier	Pickle
de la Garza	Kennelly	Price
Dellums	Kildee	Rahall
Dicks	Kleczka	Rangel
Dingell	Kolter	Richardson
Dixon	LaFalce	Roberts
Donnelly	Lantos	Rodino
Dorgan (ND)	Leach (IA)	Roe
Dowdy	Lehman (CA)	Rostenkowski
Downey	Lehman (FL)	Roukema
Dymally	Leland	Rowland (CT)
Edgar	Lent	Rowland (GA)
Edwards (CA)	Levin (MI)	Russo
English	Levine (CA)	Sabo

Savage	St Germain	Visclosky
Scheuer	Staggers	Waldon
Schneider	Stallings	Waxman
Schroeder	Stangeland	Weber
Schumer	Stark	Weiss
Seiberling	Stokes	Wheat
Sharp	Stratton	Whitehurst
Shaw	Studds	Whitten
Shelby	Swift	Williams
Sikorski	Synar	Wilson
Sisisky	Tauke	Wirth
Skelton	Thomas (CA)	Wise
Slattery	Thomas (GA)	Wolpe
Smith (FL)	Torres	Wright
Smith (IA)	Torricelli	Wyden
Smith (NE)	Traficant	Wylie
Solarz	Vander Jagt	Yates
Solomon	Vento	Zschau

NAYS—190

Akaka	Green	Packard
Alexander	Gregg	Pashayan
Applegate	Hall (OH)	Porter
Armey	Hall, Ralph	Pursell
Badham	Hammerschmidt	Quillen
Bartlett	Hansen	Ray
Barton	Hefner	Regula
Bentley	Hendon	Reid
Bevill	Henry	Ridge
Bilirakis	Hertel	Rinaldo
Bliley	Hiler	Ritter
Boehlert	Holt	Robinson
Boggs	Hopkins	Roemer
Boner (TN)	Hubbard	Rogers
Boulter	Huckaby	Rose
Breaux	Hunter	Roth
Broomfield	Hutto	Roybal
Brown (CO)	Hyde	Rudd
Bryant	Ireland	Saxton
Burton (IN)	Jenkins	Schaefer
Byron	Kanjorski	Schuette
Callahan	Kasich	Schulze
Carr	Kemp	Sensenbrenner
Chandler	Kindness	Shumway
Chapman	Kolbe	Shuster
Chappie	Kramer	Siljander
Cheney	Lagomarsino	Skeen
Coats	Latta	Slaughter
Cobey	Leath (TX)	Smith (NJ)
Coble	Lewis (CA)	Smith, Denny (OR)
Coleman (TX)	Livingston	Smith, Robert (NH)
Coughlin	Lloyd	Smith, Robert (OR)
Courter	Lott	Snowe
Crane	Lowery (CA)	Snyder
Daniel	Lujan	Spence
Dannemeyer	Lungren	Spratt
Darden	Mack	Stenholm
Daub	Madigan	Strang
Davis	Martin (NY)	Stump
DeLay	McCain	Sundquist
DeWine	McCandless	Sweeney
Dickinson	McCloskey	Swindall
DioGuardi	McCurdy	Tallon
Dornan (CA)	McDade	Tauzin
Dreier	McEwen	Taylor
Duncan	McGrath	Traxler
Durbin	McKernan	Valentine
Dwyer	McMillan	Volkmer
Dyson	Miller (OH)	Vucanovich
Early	Miller (WA)	Walgren
Eckart (OH)	Molinari	Walker
Eckert (NY)	Monson	Watkins
Edwards (OK)	Montgomery	Whitley
Emerson	Moorhead	Whittaker
Erdreich	Morrison (WA)	Wolf
Fawell	Mrazek	Wortley
Fiedler	Murphy	Yatron
Fields	Murtha	Young (AK)
Fish	Myers	Young (FL)
Franklin	Neal	Young (MO)
Gallo	Nelson	
Gaydos	Nichols	
Gekas	Nielson	
Gingrich	Nowak	
Goodling	Oxley	

NOT VOTING—25

Barnard	Foglietta	Moakley
Barnes	Ford (TN)	Mollohan
Campbell	Fowler	Moore
Carney	Grotberg	Parris
Coelho	Gunderson	Towns
Collins	Hartnett	Udall
Crockett	Kostmayer	Weaver
Derrick	Lewis (FL)	
Feighan	Marlenee	

□ 1355

The Clerk announced the following pair:

On this vote:

Mr. Barnard for, with Mr. Lewis of Florida against.

Mr. MRAZEK and Mr. REID changed their votes from "yea" to "nay."

Messrs. WEBER, CONYERS, STANGELAND, ANDREWS, PEASE, SKELTON, BOLAND, FLIPPO, STAGGERS, and HAYES changed their votes from "nay" to "yea."

So the preferential motion was agreed to.

The result of the vote was announced as above recorded.

NATIONAL FOREST SKI AREA PERMIT ACT OF 1986

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4489) to provide for ski areas on national forest lands, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4489

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Forest Ski Area Permit Act of 1986".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(a) provide a unified and modern permitting process for nordic and alpine ski areas on national forest lands;

(b) provide for ski area permits which more closely reflect the acreage and other physical requirements of modern ski area development; and

(c) provide a permit system which will be more commensurate with the long-term construction, financing, and operation needs of ski areas on national forest lands.

SEC. 3. SKI AREA PERMITS.

(a) LAW APPLICABLE TO PERMITS.—The provisions of the Act of March 4, 1915 (16 U.S.C. 497) notwithstanding, the term and acreage of permits for the operation of nordic and alpine ski areas and facilities on National Forest System lands shall henceforth be governed by this Act and other applicable law.

(b) AUTHORITY.—The Secretary of Agriculture (hereinafter referred to as "the Secretary"), subject to such reasonable terms, conditions, and permit fees as he deems appropriate, is hereby authorized to issue permits (hereinafter referred to as "ski area permits") for the use and occupancy of suitable lands within the National Forest System for nordic and alpine skiing operations and purposes. A ski area permit—

(1) may be issued for a term not to exceed 40 years;

(2) shall ordinarily be issued for a term of 40 years (unless the Secretary determines that the facilities or operations are of a scale or nature as are not likely to require long-term financing or operation), or that there are public policy reasons specific to a particular permit for a shorter term;

(3) shall encompass such acreage as the Secretary determines sufficient and appropriate to accommodate the permittee's need for ski operations and appropriate ancillary facilities;

(4) may be renewed at the discretion of the Secretary;

(5) may be canceled by the Secretary in whole or in part for any violation of the permit terms or conditions, for nonpayment of permit fees, or upon the determination by the Secretary in his planning for the uses or the national forests that the permitted area is needed for higher public purposes; and

(6) may be modified from time to time by the Secretary to accommodate changes in plans or operations in accordance with the provisions of applicable law.

(c) RULES AND REGULATIONS.—Within one year after the date of enactment of this Act, the Secretary shall promulgate rules and regulations to implement the provisions of this Act, and shall, to the extent practicable and with the consent of existing permit holders, convert all existing ski area permits or leases on National Forest System lands into ski area permits which conform to the provisions of this Act within 3 years of the date of enactment of this Act.

(d) Nothing in this Act shall be deemed to amend, modify or otherwise affect the Secretary's duties under the National Environmental Policy Act, or the Forest and Rangelands Renewable Resources Planning Act as amended by the National Forest Management Act, including his duties to involve the public in his decisionmaking and planning for the national forests.

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

The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentleman from Colorado [Mr. STRANG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

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

Mr. Speaker, H.R. 4489 would institute a modernized and streamlined system for issuing permits for ski areas to operate on our national forests.

There are 170 ski areas now using national forest lands, and they presently operate under a clumsy, two permit system that gives them a long-term permit for a very small part of the land they use, while allowing the use of the vast majority of their area under a permit which has to be renewed every year.

The ski industry fears that this system—based on a 1915 law—will impede their ability to finance the growth and improvement they need to meet the demand of the public for ski facilities in the future.

H.R. 4489 replaces the dual permits with a single, long-term permit of up to 40 years, which will allow the orderly, planned development of ski facilities on the public lands and help the permittees obtain financing from private parties for that purpose.

I want to emphasize that this bill is quite clear in not doing anything to reduce the environmental standards which proposed new ski facilities or new ski areas have to meet to get approval. The committee strongly supports the comprehensive analysis of the environmental impacts of such development, and vigorous efforts of the Forest Service, working with State and local officials, to hold these developments up to a high standard and to mitigate environmental impacts.

Mr. Speaker, this is a bipartisan bill with a long list of cosponsors, but I wish to particularly single out the author of the bill, Representative TIM WIRTH of Colorado, for his initiative and leadership on this bill. In addition, our colleagues on the committee, BILL RICHARDSON, RICK LEHMAN, and MIKE STRANG have been most helpful in working to arrive at a final product that all the sponsors of the bill can support. I urge all of my colleagues to support this bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. WIRTH].

□ 1410

Mr. WIRTH. Mr. Speaker, initially I want to point out that this legislation has moved in a 120-day period of time from introduction to its debate here on the floor today. The expeditious handling of this legislation is a tribute to the leadership of the gentleman from Ohio [Mr. SEIBERLING] and the gentleman from Arizona [Mr. UDALL], and I want to express my thanks and those of all of the sponsors of the legislation for their great help.

I would also like to thank the gentleman from Texas [Mr. DE LA GARZA], the gentleman from Washington [Mr. FOLEY], and the gentleman from North Carolina [Mr. WHITLEY], who have helped us get this bill through the Committee on Agriculture, and my colleagues from the Rocky Mountain region who have helped so much on the legislation, the gentleman from Colorado [Mr. STRANG] and the gentleman from New Mexico [Mr. RICHARDSON].

Each year, Mr. Speaker, more and more Americans are using our great outdoors, and our national forests are certainly no exception. These forests are home to most of the ski areas of the West, and the use is remarkable. For example, last year, while 44 million tickets were sold to major league baseball, 55 million ski-lift tickets were sold.

Mr. Speaker, recreation and tourism is now the second largest industry in Colorado, surpassing both agriculture and mining. Skiing is a big part of that recreation industry. In Colorado alone, the ski industry generates 44,500 jobs and $132 million in State and local taxes. Overall, this industry makes a $1.3 billion contribution to the State's economy.

On the western slope of the Rockies, the ski industry is even more important to the economy. In that part of my State, skiing accounts for a remarkable 25 percent of total employment, 32 percent of retail sales, 21 percent of personal income, and 45 percent of all housing construction.

Skiing is important to Colorado, as it is to other States in the Rocky Mountain West and other regions.

However, much of the land base that makes for good skiing is controlled by the Federal Government. As a result, 28 of the total 37 ski areas in Colorado operate on national forest land. Across the country, 170 ski areas rely on national forest lands.

H.R. 4489 was designed to modernize the ski area permitting process. Under current Federal law, ski area owners can get one 30-year permit for up to 80 acres of land. But virtually all ski areas are larger than that, many are much larger. As a result, they must also get a second permit for the rest of the ski area. And this second permit must be renewed every year.

This dual permit process imposes an unnecessary regulatory burden on ski areas. More important, the 1-year permit makes it difficult for ski area operators to raise the capital they need to make the improvements that are absolutely necessary to keep our ski areas safe and world competitive.

H.R. 4489 solves this problem by providing for one consolidated permit for the entire area that is necessary to operate a ski area within a national forest. It also reflects the current financial realities by extending the maximum permit term to 40 years.

Mr. Speaker, this bill responds to a very real problem that confronts the 170 ski areas that operate within the national forests. At the same time, this bill does not reduce our commitment to protecting and enhancing wildlife habitat, fishing streams, and the scenic vista that are an integral part of an American family's ski vacation.

In sum, Mr. Speaker, this is a good bill for Colorado and other States in which skiing is an important part of their economies. It provides much-needed reform without detracting at all from the other purposes for which national forests are, and must be, managed. I urge our colleagues to support this bill.

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

Mr. Speaker, I want to thank the subcommittee chairman for his expeditious handling of H.R. 4489, the National Ski Area Permit Act of 1986. As you know, skiing is an integral part of our economy in Colorado. Anything we can do to encourage future development and protect existing ski areas is welcomed by the people of Colorado as well as the thousands of recreationists from all over the country who enjoy skiing.

As you know, skiing provides more recreation on less public land than any other type of recreational activity. Commercial alpine and nordic ski operators occupy less than five one hundredths of 1 percent of all national forest land, but account for almost 6 percent of current overall national forest visitor use. I know of no other recreational pursuit that includes more members of the family—that is more healthful and promotes an appreciation of the outdoors—that generates more revenues for the Forest Service and does it on such a tiny area of land.

According to the 1985 update of "The Contribution of Skiing to the Colorado Economy," the ski industry represents the largest single industry on Colorado's western slope. The industry supports over 44,500 jobs and generates over $1.3 billion per year in retail sales. In 1985, 9 million skiers visited Colorado and spent nearly $800 million. State and local tax receipts added up to $132 million.

I think you get my point—skiing is very important to the western slope and to Colorado. I know that is also important to my colleagues from Montana, Wyoming, Idaho, Utah, Nevada, and New Mexico. Mr. Speaker, as the gentleman stated, H.R. 4489 will help to change the Forest Service's antiquated method of issuing permits for ski area developments.

Currently, the Forest Service can only issue a permit for up to 80 acres for a 30-year period. If a permittee needs additional acreage for the existing ski area or needs more than 80 acres for the initial area, he must apply for a second permit which is good for 1 year at a time.

As we discovered in the hearing on H.R. 4489, investors are often reluctant to lend substantial amounts of money for developments that are permitted for 1 year even when those permits are normally renewed automatically. The ski industry originally requested changing the permit system to one permit of up to 55 years to eliminate some of the uncertainty associated with obtaining financial commitment for ski areas developments. Although the Forest Service supported the consolidation of permits, it objected to the 55-year permit of the original legislation. I believe 55 years is a reasonable request, however, the Forest Service and the ski industry support a compromise of 40 years. Therefore, in spirit of compromise, I along with other members of the Interior Committee support the 40-year compromise.

Again, Mr. Speaker, I know that 21 million skiers who made over 51 million visits to ski areas in this country

last year will appreciate what we have done here today.

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

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

Mr. Speaker, I would like to join my colleagues today in strong support of H.R. 4489, the National Forest Ski Area Permit Act of 1986. This sensible measure, introduced by my colleagues Mr. MICHAEL STRANG and Mr. TIM WIRTH, would authorize the U.S. Forest Service to issue unified 40-year leases for alpine and nordic winter ski resorts utilizing national forest lands.

As a result of provisions in the act of March 4, 1915, modern ski areas still operate under an antiquated dual permit system which limits long-term permits for use and occupancy of national forest lands to areas no greater than 80 acres and for periods no longer than 30 years. Thus, the Forest Service has administered recreational ski development under the 1915 act by issuing a single long-term permit pursuant to the act for 80 acres encompassing the most capital-intensive improvements—ski lifts, lodges and the like—while making available the balance of the area—including trails and slopes that can cover as much as 10,000 acres—under 1-year permits issued under the authority of the Organic Administration Act of 1897.

While the dual permit system may have been appropriate in the past when ski areas were smaller and relatively few in number, this system was not designed to handle the growth that this industry has witnessed. During the last two decades we have seen a meteoric growth in snow skiing in this country, making skiing clearly one of the fastest growing and most popular recreational uses of the national forests. In fact, while ski resorts occupy an aggregate total of less than 100,000 acres nationwide—a minute fraction of 1 percent of the total national forest lands—they account for over 6 percent of the recreational visitor-use on the forests.

As a general rule, the Forest Service has reliably renewed the annual permits as long as the present 30-year permit was in effect. Yet as resort facility growth requirements are needed to meet an ever increasing skier population, the present permit system poses a potential problem for the financing of ski areas and the accompanying capital-intensive facilities.

Pending tax-reform legislation creates additional uncertainty with regard to financing development of new resorts, and additional improvements to existing alpine areas. Recent trends in financing practices, the possible elimination of industrial revenue bonds, and the perception that an annual permit lacks the long-term security required for collateral for a private lender, will result in increased costs and diminished access to new capital for investment in new ski developments or for major improvements to existing areas. Therefore, new Forest Service permits should provide for an extended lease period so that they may be used as long-term collateral for financing improvements beyond the 5-10 years necessary to develop an area to the point where the project can attract additional private investment.

In conclusion, H.R. 4489 will play an important role in giving ski resort operators the flexibility to meet future capital requirements for upgrading the quality and safety of ski areas. I commend the sponsors, and strongly support the National Forest Ski Area Permit Act of 1986. I urge my colleagues to do likewise.

The SPEAKER pro tempore (Mr. NATCHER). The gentleman from California [Mr. SHUMWAY] has consumed 2 minutes.

Mr. SEIBERLING. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I am proud to be an original cosponsor of the National Forest Ski Area Permit Act along with 20 of my colleagues in the House. I am pleased that my amendment, the 40 years consolidated lease, was accepted as the compromise package. This legislation will go a long way in creating a favorable atmosphere to consolidate, expedite, and minimize the administrative burdens ski area operators face on U.S. Forest Service lands.

In my home State of New Mexico, seven ski resorts operate on a portion of my State's 29 million acres of Forest Service land at Taos, Santa Fe, Sandia Peak, Sierra Blanca, Couldcroft, Red River, and Sipapu. These areas have the capacity of accommodating 17,000 skiers per day. The ski industry is growing in New Mexico—providing jobs and economic development in New Mexico's Third Congressional .District. H.R. 4489 can only help to complement and promote the development of ski areas by creating a stable atmosphere in the granting of long-term leases.

The longer term consolidated lease—up to 40 years—is the most important feature of this legislation. It is a concept which has enjoyed bipartisan support. The longer term lease arrangement will enable ski operators to borrow money at lower terms to make improvements. The longer term lease possibility may ultimately result in ski enthusiasts being able to buy lift tickets at lower prices and assist the Forest Service in their overall long-term planning efforts.

Mr. Speaker, H.R. 4489, would simply consolidate current law and allow the Secretary of the interior to issue one permit to a ski resort that operates on over 80 acres of U.S. Forest Service land. That ski operator would have greater flexibility to make improvements including the construction of hotels and other buildings for recreation, public convenience, or safety.

Recently, a report completed by the Library of Congress stated that with current permitting practices, "(lenders) may compensate for the lack of collateral value in the Forest Service permit in several ways, including making less money available to a borrower, reducing the term of the loan, or charging a higher interest rate." This indicates that the current permitting practices may be limiting the availability of commercial loans necessary to expand or build a ski area.

Mr. Speaker, the ski industry is important to New Mexico—promoting jobs and clean industry—I urge my colleagues to think snow and to support H.R. 4489 and create an atmosphere that will stimulate growth in the ski industry.

□ 1420

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

Mr. SEIBERLING. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LEHMAN], who is also one of the strong supporters of this bill in our committee.

Mr. LEHMAN of California. Mr. Speaker, I rise in strong support of H.R. 4489, the National Forest Ski Area Permit Act of 1986, legislation which will bring ski permitting on national forests into the 1980's. As my colleagues may know, the ski industry now must operate under an outmoded 1915 law which requires a dual permit system—one 30-year permit for use of 80 acres of land and yet another permit for the rest of a ski area, which must be obtained year after year after year.

The current system is inefficient from a land management point of view and it is inequitable from the ski industry point of view. Financing for the capital outlays associated with ski resorts is unnecessarily difficult under the present law, and I think we can all agree it is time for a change.

H.R. 4489 will improve the old system by consolidating two permits running different lengths of time into one permit for the entire ski area which may be issued for up to 40 years.

Mr. Speaker, skiers and the ski industry are a rapidly growing part of our American lifestyle and the American economy. My own district, which includes the Mammoth ski area, boasts some of the finest ski slopes in the world. I urge my colleagues to join in support of this bipartisan, balanced

legislation to update the process for ski permits on U.S. forest land.

I also thank the two gentlemen from Colorado and our subcommittee chairman, the gentleman from Ohio [Mr. SEIBERLING], for an outstanding job of expediting this bill.

Mr. SEIBERLING. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Nevada [Mr. REID].

Mr. REID. Mr. Speaker, I would like to take this opportunity to extend my congratulations to the two gentlemen from Colorado [Mr. WIRTH and Mr. STRANG] for the fine work that they have done on this bill and the farsightedness they had in introducing this legislation.

I think it is important to point out that the permit system that is now in existence for ski operators is outdated and outmoded and it is time for a change. The dual permit system is something simply that should be replaced.

Skiing is good for Western States. Skiing is good in many respects, but it has certainly been good economically for the State of Nevada. It is a tourist-oriented economy we have in Nevada. I think that skiing has come into its own. It is now a modern sport and I think that if skiing is a modern sport, we should have modern laws that govern the operators.

The law governing the regulation of ski areas and the dual-permit system is outmoded, outdated and we should move into the modern world.

Therefore, I commend and applaud the subcommittee chairman, the gentleman from Ohio [Mr. SEIBERLING], for moving this as rapidly as he did and ask my colleagues to support this much-needed legislation.

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

The SPEAKER pro tempore (Mr. NATCHER). The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 4489, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4489, the bill just passed.

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

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

WASHINGTON, DC,
July 28, 1986.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 3:50 p.m. on Monday, July 28, 1986 and said to contain a message from the President whereby he transmits the 1985 annual reports of the Department of Labor, of the Department of Health and Human Services, and of the Occupational Safety and Health Review Commission under the Occupational Safety and Health Act of 1970.

With kind regards, I am,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNUAL REPORT ON ACTIVITIES UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. NATCHER) laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of yesterday, Monday, July 28, 1986, at page 17841.)

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5203, and that I may be permitted to include extraneous and tabular matter and charts.

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

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1987

Mr. FAZIO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5203) making appropriations for the legislative branch for the fiscal year ending September 30, 1987, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from California [Mr. LEWIS] and myself.

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

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I probably will not object, but the thought did occur to me, however, that the time is equally divided between two ardent advocates of the bill. I know the gentlemen will see that some of us who take a less rosy view of the bill will be taken care of during the scheduled debate; I am secure in that confidence and have this overwhelming trust in the two gentlemen.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. FAZIO].

The motion was agreed to.

□ 1430

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 consideration of the bill, H.R. 5203, with Mr. GEPHARDT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from California [Mr. FAZIO] will be recognized for 30 minutes and the gentleman from California [Mr. LEWIS] will be recognized for 30 minutes.

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

Mr. FAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is a privilege to present the legislative branch appropriation bill for fiscal year 1987, H.R. 5203.

At the outset. I want to thank the members of my subcommittee who share the responsibility with me to oversee legislative appropriations: Mr. OBEY, Wisconsin; Mr. ALEXANDER, Arkansas; Mr. MURTHA, Pennsylvania; Mr. TRAXLER, Michigan; Mrs. BOGGS, Louisiana; Mr. WHITTEN, full committee chairman; Mr. LEWIS, California, ranking subcommittee; Mr. CONTE, Massachusetts, ranking full committee; Mr. MYERS, Indiana; Mr. PORTER, Illinois.

In addition, I want to acknowledge the Committee on House Administration who we work with very closely. That committee authorizes many of the items which we fund in the bill. I especially want to thank:

Chairman FRANK ANNUNZIO, BILL FRENZEL, ranking minority, and CHARLIE ROSE and BILL THOMAS, the chairman and ranking minority of the Office Systems Subcommittee. Our subcommittee has worked closely with them on the issue of telecommunications throughout the legislative branch.

The legislative branch appropriation bill for fiscal year 1987 totals $1,305,264,000. Of that amount, $774,838,100 is for congressional operations, excluding Senate items which we defer for consideration in the other body, and $530,426,000 for other agencies.

We have reduced the budget request by $178,954,900. A 12-percent reduction.

In comparison to the budget resolution, our report indicates on page 34 that we are $379 million under our section 302(b) target for budget authority. In the mandatory items, the bill is $49 million under the ceiling, and $330 million under our discretionary ceiling.

We are $351 million under the 302(b) outlay ceilings, of which $48 million are discretionary outlays and $303 million under in the mandatory accounts.

These figures do not include the permanent appropriations or the Senate items, all of which are assigned in our targets. While we do not have the final figures for those items, we can estimate them by using the CBO "baseline" estimates, which were the basis of most of the mandatory program targets used by CBO and incorporated in the Budget Committee allocations. I want to stress that these figures are not the official ones, but they are reasonable to use in making estimates.

Using those assumptions, the bill is $30.7 million under the 302(b) budget authority ceiling and $12.6 million under the outlay target.

Mr. Chairman, I will not quibble with these estimates, but I believe we are at least $24 million more under the outlay target, a sum of money that I believe will not be outlayed in fiscal 1987, even though they appear in the CBO and Budget Committee data bases.

In other words, my assessment would be that the bill is $36.6 million under the outlay target.

In comparison to fiscal year 1986, the bill is $46,286,100 above the post-Gramm-Rudman level. That is a 3.7-percent increase, which is even less than the 4.3-percent sequestration order.

If we look at the pre-Gramm-Rudman level—the bill actually enacted last year with the supplementals—we are $9.1 million less than fiscal year 1986. That is a 0.7-percent (seven-tenths of 1 percent) reduction.

Compared to fiscal 1985—2 years ago—the bill is less than 1 percent above that year. That is an average of less than 0.5-percent (five-tenths of 1 percent) increase per year.

The $46 million in increases are just a reflection of the additional costs of doing business. For example, we had to add $23 million just to pay for the merit and longevity increases for the 30,000 employees of the legislative branch funded in this bill and to fund authorized positions; we had to add $6 million for the new retirement program just for House employees; there is a $1.9 million increase for a raise for the Capitol police; we had to add $3.5 million because of increases to our FTS telephone rates, and to fund a furniture acquisition program because GSA now requires purchase instead of long-term leases; there is an additional $14.5 million for contracts, equipment, and publication price increases; and there is $12 million due to new furniture and equipment such as that provided for the colonades in the restored Thomas Jefferson Building at the Library of Congress. These increases go far beyond the $46 million above the 1986 level. We have offset some of these costs by reducing capability, reductions in staffing, and other reductions.

For example, there will be a reduction of about 2 percent in jobs of the agencies covered by the bill. We have added 30 essential new jobs. But 62 jobs have been abolished, and the bill blocks the funding of another 428 jobs. Overall, that is a reduction of 460 jobs (2 percent).

Title I of the bill is for congressional operations. It consists of $463,832,100 for the House of Representatives; $106,324,000 for joint items; $15,532,000 for the Office of Technology Assessment; $17,251,000 for the Congressional Budget Office; $70,297,000 for the Architect of the Capitol; $39,602,000 for the Congressional Research Service; and $62 million for congressional printing and binding.

In title II, there is $2,062,000 for the Botanic Garden; $182,970,000 for the Library of Congress; $6 million for Library buildings and grounds; $123,000 for the Copyright Royalty Tribunal; $33,681,000 for additional Government Printing Office programs; $304,910,000 for the General Accounting Office; and $600,000 for the Railroad Accounting Principles Board.

In title III, there are various provisions, including one that requires the Architect of the Capitol to develop a telecommunications plan that will encompass the entire legislative branch. This is an outgrowth of hearings we held on this subject, and should enable us to take advantage of the benefits of technology and cost breakthroughs in telephone equipment, and data and voice grade switches. I believe we can achieve significant savings on equipment and maintenance and do a better job of coordinating these developments throughout the legislative branch. I want to acknowledge especially the help we have had on this subject from Congressman CHARLIE ROSE, Chairman ANNUNZIO, and Congressman BILL THOMAS.

Mr. Chairman, in summary, this is a tight bill, but a responsible one. We have tried to protect the core legislative functions that are essential to an effective Congress. We have maintained the Gramm-Rudman reductions and we have trimmed the maximum amount possible.

There is no need to apologize for this bill or for the vote of any Member in support of the bill.

I urge an "aye" vote on H.R. 5203.

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

Mr. FAZIO. I yield to the gentleman.

Mr. TRAXLER. Mr. Chairman, I want to commend the distinguished chairman of this subcommittee and the ranking member, the gentleman from California [Mr. LEWIS] also, and the members of the Committee on House Administration. Through their diligent efforts, we are going to be able to have a uniform, we hope, telecommunications system; we will be able to call the Senate without placing a long distance call, or to the Library of Congress.

I think it is awfully important that the membership know the role that each of you have played in making this a possibility. It is not a reality yet, but we are working in that direction. It makes an eminent amount of sense, but when you have the kind of turf struggles that go on around this place, including the Library of Congress and elsewhere, sometimes it is difficult to do the right thing.

The gentleman is doing the right thing; the Members are appreciative of that fact, and so are the taxpayers.

□ 1440

Mr. FAZIO. I thank my friend from Michigan.

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

The CHAIRMAN pro tempore (Mr. LEATH of Texas). The gentleman from California [Mr. FAZIO] has consumed 10 minutes.

Mr. LEWIS of California. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I would like to take a moment to share with the House my own appreciation for my chairman, VIC FAZIO, from California. All of us know that the legislative branch bill is a very difficult bill. It is not the most delightful of activities around here to work on that measure that involves developing our own expenditures, the

required appropriations for the Congress to carry out its work.

VIC FAZIO happens to have a newspaper in his region that just loves to beat legislators over the head, and it specifically likes to keep legislative bodies like the proverbial barefoot and pregnant.

In that connection they spend plenty of time beating him over the head for his leadership in this very necessary and very important area.

It is unpopular to vote for funding for your own office, committee, and staff expenses.

The appropriations bill laid before us provides funding for the work of the Congress and those agencies which are critical in terms of backup and develop the expertise we need to carry out the work for which we are all elected; such a bill should demonstrate that the Congress is willing by example to exercise the sort of budget restraint we are calling for across the board in American Government.

You, the Members, have indicated that reducing the national deficit is of highest priority. Further, you have indicated that critical to meeting that challenge is the need to reverse past patterns of growth in appropriations. The legislative branch bill is solid evidence that we are taking you seriously. Mr. FAZIO and his staff have worked hard, and this is a tight responsible bill. This bill meets our Gramm-Rudman targets as set forth for us by the budget resolution. I am pleased to report that we are neither over the budget authority, in fact we are some $49 million under, nor are we over in the currently dreaded outlay figures. This is a tough bill. We hear testimony from our colleagues requesting assistance, we hear testimony from people who want money for various special projects and interests.

We look at the money available, and we have got to tell our friends there just "ain't" no more money. We denied budget requests to every single agency for which we are responsible, including over $22 million for the House of Representatives. Our bill is $180 million less than was requested. That reflects a full 12-percent reduction from the spending requests we received from congresssional committees, Members, and our support agencies.

Every agency took Gramm-Rudman reductions. No one escaped the sequester knife.

Because spending for the legislative branch usually is larger in even-numbered years, a comparison with the 1985 appropriations is instructive. This proposal for fiscal year 1987 is just $46 million above that which was appropriated and spent in 1985; even though it includes sizable requirements such as our computers, telephone, and office equipment costs, nonetheless the bill is a fractional increase over a 2-year period, approximately 0.5-percent adjustment per year.

Chairman FAZIO has briefly outlined the provisions of the bill title by title. I need not redundantly cover that ground. But there are two very significant areas of concern that I want to provide for the attention of my colleagues regarding this bill.

First, it should be pointed out that history and tradition in our subcommittee place committee budgets in the category of mandatory appropriations. That means that committee chairmen and ranking members go out to the House Administration Committee, make their case for spending authority, and our subcommittee then automatically appropriates. The Appropriations Subcommittee responds in this fashion to almost no other area of Government. We do not do so in defense, we do not do it for programs that affect hungry children, but nonetheless in this case because of the history of the matter this essentially is automatic appropriation. Clearly, you cannot say that committee staff expansion has been somehow considerably lower than inflation. Nonetheless, in terms of the appropriations process we essentially give those committee expansions a cursory review, and we appropriate. I think this is wrong. It is something we should change in the future. I think we do a better job of controlling that pattern of growth if the Appropriations Committee helped our colleagues on the Committee on House Administration.

In another area, my concern centers around the continued escalation in the volume of congressionally initiated mail and the cost of that mail. Modernization of Congress has not automatically led to a less expensive Congress. The computer is upon us, and we are using it to a fare-thee-well. The flood of unsolicited mail that flows from these Halls, at every quiver in the legislative process, costs money. This bill reflects that reality. The Post Office Department estimates that we will need approximately $96 million to pay our postage bill this year.

The Franking Commission, I might add, under the leadership of BILL FRENZEL, will soon be sending to each Member a series of suggested changes in the Congressional Mail Program with requests for your reaction, individual Members' reactions and suggestions. Only through your serious attention to the ways and means available to us for reducing this explosive pattern of mail growth will we actually be able to control the efforts to reduce spending by the legislative branch reflected in this bill.

As a member of the Franking Commission, I will await your response, and I urge your support for many of those changes while at this hearing I urge your support for this legislative branch appropriations bill.

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

The CHAIRMAN pro tempore (Mr. LEATH of Texas). The gentleman from California [Mr. LEWIS] has consumed 7 minutes.

Mr. FAZIO. Mr. Chairman, I yield as much time as he may consume to the chairman of the Committee on House Administration, my good friend, the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. I thank Chairman FAZIO.

Mr. Chairman, I rise in support of this year's legislative branch appropriations bill. The amount requested is below last year's request before applying Gramm-Rudman. This bill holds the line on spending. It recognizes and funds only the absolutely essential needs of the Congress. The request sets an example for the executive branch on fiscal restraint. Overall the growth rate is lower than ever before. My congratulations to the fine stewardship of Chairman FAZIO, his ranking minority member, Mr. JERRY LEWIS, and the other members of the Appropriations Subcommittee for an excellent job and a responsible effort. We owe much credit to Chairman WHITTEN and ranking minority member Mr. CONTE for setting the stage for this appropriation, and all the other appropriations. They have been frugal, yet judicious, fair, and sensitive managers of the Nation's tax dollars.

In several categories there are overall reductions. Every effort will be made during this period of reduced resources to ensure that Members can continue to communicate with their constituents. That is the very heart of our jobs. My committee will try to make scarce resources go further. But do not expect any additional allowance authorization, though we will make every effort to free up as many dollars as we can.

And let me repeat a statement I made on the floor at the beginning of this session: If you vote to create any special or select committees in the next Congress, you had better be prepared to vote money for them. It would unfairly raise the expectations of various constituent groups to vote for the creation of a committee and then refuse to support the funds necessary to operate it.

I have repeated this statement time and time again. I have come to the floor of this House, and have asked Members of the Congress who want to create these committees to stop demagoging. If you vote for these committees, then have the guts to vote for the funds.

As far as the Committee on House Administration and my ranking committee member, Mr. FRENZEL, are concerned, we have cautioned repeatedly

about creating these committees, and we are going to continue to do so

I also want to mention that the House has bought a phone system. It will be much more cost effective than our present arrangement, and will save the House a substantial amount of money. Since the necessary funds for installation are not included in this bill, I will seek funding as the necessary amounts determined.

Again I want to thank Chairman FAZIO for giving me this time. I congratulate his subcommittee and the full committee for successfully completing the thankless task of sorting through all the competing financial demands of the institution and recommending reasonable sums only for those functions which are meritorious.

I want to say that in complying with the Gramm-Rudman sequestrations earlier this year, all of the committee chairmen have been most cooperative. Only where necessary have they come to the committee seeking additional funds. However, despite the fact that the cases that they brought before us were deserving, we have processed no supplemental funding resolutions. We have reduced Members' expenses, we have had to cut positions, we have done everything possible to comply with the act. But if there is an effort made this afternoon, and I am not sure whether such an effort will be made, to have an across-the-board cut, remember you are cutting the very guts of our legislative system. If this Congress cannot serve its constituents, or cannot carry on the work of is committees, then this Congress has no right to function.

So I urge all of you to vote down any attempt at an indiscriminant, across-the-board cut, because as chairman of the full Committee on House Administration, the membership of the Legislative Branch Appropriations Subcommittee and its chairman know, I have tried to hold the line. I have tried to meet the requests of the individual Members with the available resources, and I have tried to meet the requests of the chairmen and their ranking minority members.

So I ask you to vote "aye" with the subcommittee on the legislative appropriations bill, and support an orderly process of implementing the Gramm-Rudman cuts.

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. ANNUNZIO] has consumed 6 minutes.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Chairman, I rise, as have the three previous speakers, to salute the subcommittee for its splendid work, and to pick up on a theme that two other speakers have raised here already, and that is the prospective change in our telephone system which has been a matter, I think, of excellent cooperation and communication between a number of our committees, including the Legislative Appropriations Subcommittee and the Committee on House Administration.

□ 1455

Because of deregulation and because of an obsolescent system, we have been obliged to plan for a new system. In addition to providing better service and coordinated service, we estimate that we are going to save an awful lot of money over the next 10 years with this new system, perhaps as much as $25 million.

It has already been noted here that the gentleman from North Carolina [Mr. ROSE] and the gentleman from California [Mr. THOMAS] have been largely responsible for this and I, for one, believe that is true. But they have been supported by the gentleman from Illinois, the gentleman from California [Mr. FAZIO] and others. That is the kind of work that people on the outside, and even those of us on the inside, are really never aware of. Two members of our group spent time at nearly 100 meetings over the past year, in addition to their regular work, to work this matter out.

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

Mr. FRENZEL. I yield to the gentleman from Illinois.

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

Mr. Chairman, I appreciate the gentleman mentioning the names, but I want to be sure the record reflects the outstanding cooperation we received from the gentleman from Minnesota [Mr. FRENZEL] on all aspects of the work in the House Administration Committee, especially on this telephone system.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for his generous comments.

Mr. Chairman, I want to go forward and suggest that what the gentleman from California [Mr. LEWIS] has said about this bill is true. The Legislative Subcommittee of the Committee on Appropriations is no longer a fun place. You cannot give out goodies to every Member who walks down the street. You have to be a little tight. Gramm-Rudman and the looming deficit has made that committee a lot less attractive. It is having to stand up and say, no, we cannot give you this, or we cannot give you that.

I want to commend the committee for its work. But I also want to tell the Members of this body that I intend to offer an amendment to help it with its work so that we can do it a little bit better than this bill. I appreciate that it is easier for me because I do not have to listen to the people who come and present the cases that committee members do.

I do not mean to second guess their judgment. I simply mean that, as a single Representative, I feel obliged to offer an amendment that does a bit more cutting than they do.

I want to invite the attention of the Members to a couple of facts. The first one is that this bill appropriates about $46 million more than the bill did last year, including supplementals, and that is a postsequester comparison. That means that this year's expenditures projected, if we assume no supplementals, are about 3.51 percent more in budget authority than last year.

I think this is one of the few subcommittees where we do not worry a great deal about outlays. They are roughly the same as budget authorities, except for small amounts that are squirreled away in some funds that do not cancel for a while.

But my problem with the bill is that we have given ourselves too-juicy an increase and I am going to ask the House to reduce some of that.

Let me now identify what some of these items are in the $46 million of increases.

The House leadership, all of them, the majority, minority wrapped up as a whole, have an increase of about 6 percent over last year. That is more than inflation. That is more than their duties would seem to require.

Committee employees, I regret to have to say, are costing 16 percent more than last year. That is an item I would identify as the statutory committee employees, or rule XI employees.

Standing committees, which in this bill are the investigative committee staff, are given a 7-percent increase, again more than twice of inflation.

The Committee on Appropriations, which is bringing us this bill, has a 10-percent increase in the moneys expended for its staff. I am sure it is looking for a tougher year next year, but I wonder how we can justifiy that.

The Doorkeeper gets 10 percent more. The Democratic Steering Committee and the Republican Conference, receive an 18-percent increase.

The Joint Committee on Printing, I doubt there are two dozen Members in this hall who could identify that committee or what it does or if indeed it ever meets, it gets a 5-percent increase, which is slightly larger than the cost of inflation.

The Office of Technology Assessment receives twice the increase of inflation. I am sure we have all read some of its reports.

The Congressional Budget Office, the world's greatest estimating group, will be given a 7-percent increase.

The GAO, that crowd that can count the beans in the jar if there are no

more than three, is getting a 6-percent increase, which is again twice the cost of inflation.

If you look on page 49, you will see that all House operations expenses are up by 7 percent or $34 million. Perhaps that increase is necessary, but I would like to give the Members a chance to vote on it.

I do not think we can convince the public that we have a handle on our fiscal problem unless we restrain our expenditures to last year's expenditures, or at least to something less than twice the rate of inflation.

We have made some cuts. We cut the Botanic Garden. We cut the Joint Committee on Taxation and the Biomedical Ethics Board and even the Architect of the Capitol.

Mr. Chairman, I do not want to go through all the accounts in the legislative appropriation budget. It is clear the committee has done a good job. It is trying to restrain itself. We have seen what I would call abnormal growth in its account over the years, and the committee has made a good step forward this year.

I will offer an amendment to eliminate that $46 million increase, which is mostly going to our employees for our own operation. I would think that if every Member worked a little bit harder and each Member's staff worked a little bit harder, we should be able to get along next year on the amount of money that was given to us.

Incidentially, my amendment will not include the Office of the Chaplain, nor the amount for the widow of one of our deceased Members, but it will include all of the others across the board. It is the usual amendment which ratifies the decision of the committee with respect to the comparative standing levels in the budget, but seeks to make an amendment to take us down to last year's budget authority level.

Mr. LEWIS of California. Mr. Chairman, I yield 8 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I, like the gentleman from Minnesota, have some concerns about the bill. For example, on page 3 of the bill I note that the furniture and furnishings account for the House of Representatives has gone up by $518,000 over last year, which is a 54-percent increase over last year's spending. One has to wonder why we need to increase furniture by 54 percent in a year in which we are attempting to maintain some semblance of order in our budgetary matters.

A more major concern for me is when I get back to page 10 of the bill and look at the amount of money for the official mail costs. The amount of money in the bill is certainly in line with the figure that we spent this year. However, there is some interesting language put into the bill, and that is that the money is going to be made available immediately upon enactment of this act, which literally means that this bill becomes a supplemental appropriation for this year's overspending in the frank mail account. That gives this gentleman some pause, because we have had quite a controversy about whether or not the House should live within its own means on franked mail. The fact is it appears as though we are not going to be able to do that based upon the last year's appropriation, and now we are coming in and suggesting that, well, we will take care of that problem by simply putting money in the next year but saying it can be spent this year, probably then short changing us for next year, which means that we will than run into the same problem again.

Far better that the House would become a little bit more responsible in its mailing patterns than to resort to this kind of legislative gimmickry.

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

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

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

Mr. Chairman, I would like to make clear that that language the gentleman refers to with regard to postage has been in the bill certainly as long as I have been on the committee. It is not something that has been inserted this year to deal with a particular problem.

In fact, I think it is important to point out that the Members are acting with increasing, and I might even say surprising, responsibility to reduce their mailings and the amount of money that is being spent on postage. In fact, if they keep mailing at the reduced rates that they are currently, we may well find that the amount that was cut from the $104 million that we originally provided in last year's bill, the $95.7 million that is available in the current fiscal year, might suffice. We are moving in that direction. When we know what the year-end total will be, we will make an effort to deal with that.

Mr. WALKER. Mr. Chairman, let me reclaim my time, unless the gentleman is going to yield me a little bit of time.

Mr. FAZIO. Mr. Chairman, I would be happy to respond to the gentleman's first question about furniture if the gentleman is interested.

Mr. WALKER. Mr. Chairman, I have a limited amount of time, but I am happy to yield to the gentleman from California.

□ 1505

Mr. FAZIO. Mr. Chairman, I would just simply say that this is the first year the GSA has mandated that we purchase our district office furniture. So instead of having it available to us at a lower multiyear rental or lease cost, we have to purchase it up front. That is why that percentage is as high as the gentleman indicated.

Mr. WALKER. Mr. Chairman, I thank the gentleman. That is a useful explanation. But let me say to the gentleman that the fact of the matter is that we do have a situation on franked mail cost where we are appropriating in a way which will allow this year's mail cost to be covered under next year's appropriation. That gives this gentleman some concern.

I am happy to hear from the gentleman that the Members are becoming more responsible in their mailing habits. That may be good news for the future, and hopefully that can hold up.

I had checked with the staff previously on section 303 of the bill. I am told that that section is also language that has been carried in previous years and represents no change in the act. I simply was concerned because it showed up in a place in the bill or in the report that indicated a legislative change.

Mr. Chairman, I have one final question, if I may, of the subcommittee chairman. On page 29 of the bill, in section 307, there is language that appears to be an effort to take line items out of the Budget Act with regard to Congress. In other words, it appears to this gentleman as though what we are trying to do is increase the latitude to adjust moneys within accounts under the Budget Act. Is that in fact the intent of this particular section of the bill?

Mr. FAZIO. Mr. Chairman, if the gentleman will yield, I might just indicate that I appreciate having the chance to clarify that. We simply found that under Gramm-Rudman we were operating with very, very strict requirements and we did need some additional flexibility in order to provide what I think is a very logical reorganization of funds. Should some sequestration occur in the future, I think we will be better prepared. This will not violate the tenets of the Gramm-Rudman law but enable us to avoid making, with regard to all the House accounts, what I think are very foolish and impossible choices between very, very small and very tightly defined accounts.

Mr. WALKER. Mr. Chairman, let me see if I understand this. Is the gentleman then indicating to us that should we go to sequestration and, say, sequestration demands a 3.7-percent cut, under this procedure the whole House of Representatives would be cut by the 3.7 percent, but individual accounts within the House of Representatives would not necessarily be cut by that amount; is that true?

Mr. FAZIO. We would have additional flexibility in that context, yes. The overall sequestration cut would certainly be made, but we would have additional flexibility in administering the cut.

Mr. WALKER. Mr. Chairman, if I could understand it, then, we might take 15 percent out of some accounts and leave other accounts untouched; is that true?

Mr. FAZIO. I would not speculate as to how we would perform, but we had a very difficult time with very exacting requirements under the existing law, and this is simply an effort to provide some additional flexibility to the fiscal managers of the House.

Mr. WALKER. Well, I would say to the gentleman that I think it is probably a useful management tool. I guess what this gentleman questions is, if it is a useful management tool for the Congress, why would it not be a useful management tool for some of the agencies of government? A number of them, for instance the Defense Department, would probably like to have the cuts specified in such a way that they did not go to individual line items as well.

It seems to me that once again we are exempting ourselves from some of the pain that we so gloriously like to inflict on others.

Mr. FAZIO. Mr. Chairman, if the gentleman will yield further, I understand the point he is trying to make, but we certainly would not want to be in the position of cutting a gratuity to a widow or cutting the pay of the chaplain or cutting back on some of the other very small accounts. This would really unneccessarily tie the hands of the House in the normal course of our business. For example, we were not able to handle the requirements of the Claiborne case in the Judiciary Committee because we did not have any flexibility.

Mr. WALKER. Mr. Chairman, if I may reclaim my time, I appreciate the point the gentleman is making. I simply say that we have a habit around here of seeing things from our own perspective and changing things as they affect us but not recognizing that that also should be true in other cases in actions that we take.

Mr. OBEY. Mr. Chairman, will the gentleman yield on that point?

Mr. WALKER. I am glad to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I simply would point out—and I think the gentleman from California [Mr. LEWIS] would verify this—that I think the gentleman is inexact in one sense. The fact is that we have just provided in the foreign operations bill latitude for the administration to make the cuts that are going to be required in a number of accounts in order to reach the lower Gramm-Rudman outlay ceilings, and we have allowed the administration to pick and choose in terms of how they intend to move the money around within a limited number of accounts in order to accomplish that purpose.

So we are trying to provide the same degree of latitude on occasion for the executive branch.

Mr. WALKER. Mr. Chairman, I thank the gentleman for that explanation.

I would say it is my impression that we certainly have not done that across the board, and it simply struck this gentleman in reading through the bill that we were providing ourselves some latitude to try to escape some of the pain of that which we intend to inflict upon others.

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

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

Mr. FAZIO. Mr. Chairman, again I appreciate the gentleman's yielding.

I think the Members will remember that in the 1986 sequestration we provided some flexibility to the Defense Department, particularly in the area of personnel. We granted some flexibility to the Administrative Office of the Courts for the Judiciary Branch.

I think this is one way of keeping people from making unfair attacks on Gramm-Rudman and in that manner causing the bill to have a shorter stay with us.

Mr. WALKER. Mr. Chairman, I think the gentleman may be right, that it is useful, but I think the Members should know in considering the bill that we are in fact taking out of the perusal of the Budget Act the line-item authority that originally was there.

Mr. LEWIS of California. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, by way of commenting on the question raised by the gentleman from Pennsylvania [Mr. WALKER], let me say that he points to a fact in our bill. There is language that provides for some additional flexibility in terms of transferring funds when we run into special kinds of limitations or squeeze points in a legislative year.

For the record, I might mention, however, that in our total bill, all of the expenditures for the legislative branch and our support agencies reflect a very, very small—almost minuscule—part of a bill or a budget such as the Defense Department has. It is kind of like going to the Defense Department and limiting, by way of our own budgetary process, how much they will spend on brown shoes and how much they will spend on black shoes.

As a fact of life, we do need some flexibility in these very difficult times, and I personally believe it is appropriate in this bill.

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

Mr. LEWIS of California. I am happy to yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I think the gentleman is dead right. We have to have the ability to cut in some areas and let some go. I think the committee has handled that responsibly. Without flexibility, we cannot make rational cuts.

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

Mr. LEWIS of California. I am happy to yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, if I might just read from the Gramm-Rudman law itself, I think it would be helpful in order to terminate this argument.

This is what it says:

> The Committees on Appropriations of the House of Representatives and the Senate may, after consultation with each other, define the term "program, project, and activity," and report to their respective Houses, with respect to matters within their jurisdiction, and the order issued by the President shall sequester funds in accordance with such definition.

We are acting in total accordance with Gramm-Rudman.

Mr. COLEMAN of Texas. Mr. Chairman, I rise in support of the bill, H.R. 5203, the legislative branch appropriations for fiscal year 1987 and in opposition to the cutting amendments?

Mr. Chairman, this bill is under the fiscal year 1987 budget recommendations by $178,954,900 or 12 percent. It is under the 302(b) budget allocation in accordance with the conference report on the budget resolution by $49,067,000. Furthermore, 62 positions in the House of Representatives have been eliminated and 428 positions have not been funded and will be eliminated through attrition. This bill reprecents austerity, as it should, for the entire Federal Government.

While Members may demagogue on the issue of House funding, some basic facts must be pointed out. The bill before us today would appropriate $1,305,264,100 in fiscal year 1987. This funding includes $774.8 million for congressional operations and $530.4 million for the activities of related agencies, such as the Library of Congress, the General Accounting Office, and the Government Printing Office.

Since 1978, the average annual appropriations for the legislative branch has risen by 5.8 percent. At the same time, the price level measured by the Consumer Price Index has risen by 6.3 percent while expenditures for congressional operations have risen by only 5.7 percent. As a result, there has been a slippage of 5.3 percent over that period between expenditures and current services for congressional operations.

The bill, when compared to the regular appropriations for fiscal year 1986, is $9.133 million less. Last year, the Congress froze the fiscal year 1986 bill at the fiscal year 1985

level. Therefore, this bill is below the fiscal year 1985 level.

Mr. Chairman, this bill meets the needs of the Congress and the related agencies. It is not a glamorous bill, but it is the peoples' bill because the Congress and its agencies—the Library of Congress, the General Accounting Agency, and the Government Printing Office, are the peoples representatives. It is not a flamboyant bill—its costs are frozen below the fiscal year 1985 level. There is a lot of room for demagoguery, but there is no place for it. The committee has done its job well. The cutting amendments are nothing more than political posturing seeking to distort the facts for political gain. Gain at the expense of the people and their body, the Congress.

Mr. LEWIS of California. Mr. Chairman, I have no additional requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 5203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1987, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Grace Addabbo, widow of Joseph P. Addabbo, late a Representative from the State of New York, $75,100.

MILEAGE OF MEMBERS

For mileage of Members, as authorized by law, $210,000.

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $3,357,000, including: Office of the Speaker, $775,000, including $18,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $688,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $767,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, $603,000, including $1,000 for official expenses of the Majority Whip and not to exceed $145,540 for the Chief Deputy Majority Whip; Office of the Minority Whip, $524,000, including $1,000 for official expenses of the Minority Whip and not to exceed $76,840 for the Chief Deputy Minority Whip.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of his official and representative duties, $170,186,000.

The CHAIRMAN. Are there any points of order against this portion of the bill?

Are there any amendments?

Mr. FAZIO. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, 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 remainder of the bill, is as follows:

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $48,000,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $329,000.

CONTINGENT EXPENSES OF THE HOUSE

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, $48,311,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $137,928,000, including: Official Expenses of Members, $79,300,000; supplies, materials, administrative costs and Federal tort claims, $14,536,000; furniture and furnishings, $1,475,000; stenographic reporting of committee hearings, $550,000; reemployed annuitants reimbursements, $750,000; Government contributions to employees' life insurance fund, retirement fund, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $40,695,000; and miscellaneous items including, but not limited to, purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions and gratuities to heirs of deceased employees of the House, $622,000.

Such amounts as are deemed necessary for the payment of allowances and expenses under this head may be transferred between the various categories within this appropriation, "Allowances and expenses", upon the approval of the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, $4,300,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $51,136,000, including: Office of the Clerk, $13,825,000; Office of the Sergeant at Arms, including overtime, as authorized by law, $20,595,000, of which $1,896,000 shall be available only for adjustments in pay levels for the Capitol Police, as approved by the Committee on House Administration; Office of the Doorkeeper, including overtime, as authorized by law, $6,992,000; Office of the Postmaster, $2,278,000, including $46,722 for employment of substitute messengers and extra services of regular employees when required at the salary rate of not to exceed $16,278 per annum each; Office of the Chaplain, $73,000; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $634,000; for salaries and expenses of the Office for the Bicentennial of the House of Representatives, $226,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $844,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $2,700,000; six minority employees, $434,000; the House Democratic Steering Committee and Caucus, $700,000; the House Republican Conference, $700,000; and Other Authorized Employees, $1,135,000.

Such amounts as are deemed necessary for the payment of salaries of officers and employees under this head may be transferred between the various offices and activities within this appropriation, "Salaries, officers and employees", upon the approval of the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. Of the amounts appropriated in fiscal year 1987 for the House of Representatives under the headings "Committee employees", "Standing committees, special and select", "Salaries, officers and employees", "Allowances and expenses", and "Members' clerk hire", such amounts as are deemed necessary for the payment of salaries and expenses may be transferred among the aforementioned accounts upon approval of the Committee on Appropriations of the House of Representatives.

SEC. 102. The provisions of H. Res. 320, approved November 14, 1985, establishing one additional position on the Capitol Police Force shall be permanent law with respect thereto.

SEC. 103. The provisions of H. Res. 21, approved December 11, 1985, establishing a Congressional child care center shall be permanent law with respect thereto.

SEC. 104. (a) The Clerk of the House of Representatives may dispose of used equipment of the House of Representatives, by trade-in or sale, directly or through the General Services Administration. Any direct disposal under the preceding sentence shall be in accordance with normal business practice and shall be at fair market value. Receipts from disposals under the first sentence of this subsection (together with receipts from sale of transcripts, waste paper and other items provided by law, and receipts for missing or damaged equipment) shall be deposited in the Treasury for credit to the appropriate account under the appropriation for "ALLOWANCES AND EXPENSES" under the heading "CONTINGENT EXPENSES OF THE HOUSE", and shall be available for expenditure in accordance with applicable law. As used in this subsection, the term "used equipment" means such used or surplus equipment (including furniture and motor vehicles) as the Committee on House Administration of the House of Representatives may prescribe by regulation.

(b) The proviso in the matter under the center heading "HOUSE OF REPRESENTATIVES" and the center subheading "OFFICIAL REPORTERS TO COMMITTEES" in the first section of the Act entitled "An Act making appropriations for the Legislative Branch for the fiscal year ending June 30, 1948, and for other purposes", approved July 17, 1947 (2 U.S.C. 84b), is amended by striking out "as 'Miscellaneous receipts' ".

(c) This section and the amendment made by this section shall take effect on October 1, 1986.

JOINT ITEMS

For joint committees, as follows:

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $2,736,000.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $919,000.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $4,159,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,000 per month to the Attending Physician; (2) an allowance of $600 per month to one Senior Medical Officer while on duty in the Attending Physician's Office; (3) an allowance of $200 per month each to two medical officers while on duty in the Attending Physician's office; (4) an allowance of $200 per month each to not to exceed eleven assistants on the basis heretofore provided for such assistance; and (5) $768,700 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, such amount shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,098,000, to be disbursed by the Clerk of the House.

CAPITOL POLICE

GENERAL EXPENSES

For purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including advance payment for travel for training or other purposes, and expenses associated with the relocation of instructor personnel to and from the Federal Law Enforcement Training Center as approved by the Chairman of the Capitol Police Board, and including $80 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board, $1,701,000, to be disbursed by the Clerk of the House: *Provided*, That the funds used to maintain the petty cash fund referred to as "Petty Cash II" which is to provide for the prevention and detection of crime shall not exceed $4,000: *Provided further*, That the funds used to maintain the petty cash fund referred to as "Petty Cash III" which is to provide for the advance of travel expenses attendant to protective assignments shall not exceed $4,000: *Provided further*, That, notwithstanding any other provision of law, the cost involved in providing basic training for members of the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1987 shall be paid by the Secretary of the Treasury from funds available to the Treasury Department.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs, $94,818,000, to be disbursed by the Clerk of the House, to be available immediately upon enactment of this Act.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $880,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than twenty-eight individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the second session of the Ninety-ninth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills as required by law, $13,000, to be paid to the persons designated by the chairman of such committees to supervise the work.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including reception and representation expenses (not to exceed $3,000 from the Trust Fund), and rental of space in the District of Columbia, and those necessary to carry out the duties of the Director of the Office of Technology Assessment under Section 1886 of the Social Security Act as amended by Section 601 of the Social Security Amendments of 1983 (Public Law 98-21), and those necessary to carry out the duties of the Director of the Office of Technology Assessment under Part B of title XVIII of the Social Security Act as amended by Section 9305 of the Consolidated Omnibus Reconciliation Act of 1985 (Public Law 99-272), $15,532,000: *Provided*, That none of the funds in the Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further*, That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92-484, except that funds shall be available for the assessment required by Public Law 96-151: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of employees of the Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), $17,251,000: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 226 staff employees: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98-63.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; the Executive Assistant; and other personal services; at rates of pay provided by law, $5,262,000.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; to hereafter incur expenses authorized by the Act of December 13, 1973 (87 Stat. 704); for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $11,959,000.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House Office Buildings, and the Capitol Power Plant, $3,182,000.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House Office Buildings, including the position of Superintendent of Garages as authorized by law, $25,227,000, of which $4,991,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; for lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Congressional Library Buildings, and the grounds about the same, Botanic Garden, Senate garage, and for air conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation; $24,567,000: *Provided*, That not to exceed $1,950,000 of the funds credited or to be reimbursed to this appro-

priation as herein provided shall be available for obligation during fiscal year 1987.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended by section 321 of the Legislative Reorganization Act of 1970 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $39,602,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration: *Provided further*, That, notwithstanding any other provisions of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); and printing and binding of Government publications authorized by law to be distributed to Members of Congress, $62,000,000: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for printing and binding the permanent edition of the Congressional Record authorized under 44 U.S.C. 906: *Provided further*, That, to the extent that funds remain from the unexpended balance of fiscal year 1984 and fiscal year 1985 funds obligated for the printing and binding costs of publications produced for the Bicentennial of the Congress, such remaining funds shall be available for the current year printing and binding cost of publications produced for the Bicentennial: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriation Act, 1987".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $2,062,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody, care and maintenance of the Library Buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center and the American Television and Radio Archives in the Library; preparation and distribution of catalog cards and other publications of the Library; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $136,339,000, of which not more than $4,700,000 shall be derived from collections credited to this appropriation during fiscal year 1987 under the Act of June 28, 1902, as amended (2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $4,700,000: *Provided further*, That, of the total amount appropriated, $4,266,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $17,302,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 1987 under 17 U.S.C. 708(c), and not more than $927,000 shall be derived from collections during fiscal year 1987 under 17 U.S.C. 111(d)(3) and 116(c)(1): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,427,000.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931, as amended (2 U.S.C. 135a), $35,996,000.

COLLECTION AND DISTRIBUTION OF LIBRARY MATERIALS

(SPECIAL FOREIGN CURRENCY PROGRAM)

For necessary expenses for carrying out the provisions of section 104(b)(5) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), to remain available until expended, $390,000, of which $293,000 shall be available only for payments in any foreign currencies owed to or owned by the United States which the Treasury Department shall determine to be excess to the normal requirements of the United States.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $5,070,000, of which $3,425,000 shall be available until expended only for the purchase and supply of furniture, shelving, furnishings, and related costs necessary for the renovation and restoration of the Thomas Jefferson and John Adams Library Buildings.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $101,390, of which $23,900 is for the Congressional Research Service, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants the manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $6,080,000, of which $265,000 shall remain available until expended.

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For necessary expenses of the Copyright Royalty Tribunal, $617,000, of which $494,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807.

GOVERNMENT PRINTING OFFICE

PRINTING AND BINDING

For printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $10,700,000: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for printing and binding the permanent edition of the Congressional Record authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Superintendent of Documents, including compensation of all employees in accordance with the provisions of 44 U.S.C. 305; travel expenses (not to exceed $117,000); price lists and bibliographies; repairs to buildings, elevators, and machinery; and supplying publications to the Depository Library and International Exchange Programs; $24,359,000, of which $1,378,000 representing excess receipts from the sale of publications shall be derived from the Government Printing Office revolving fund: *Provided*, That $300,000 of this appropria-

tion shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 1512), with the approval of the Public Printer, only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That not to exceed $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That during the current fiscal year the revolving fund shall be available for the hire of eight passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18: *Provided further*, That the revolving fund shall be available to acquire needed land, located in Northwest D.C., which is adjacent to the present Government Printing Office, and is bounded by Massachusetts Avenue and the southern property line of the Government Printing Office, between North Capitol Street and First Street. The land to be purchased is identified as Parcels 45-D, 45-E, 45-F, and 47-A in Square 625, and includes the alleys adjacent to these parcels, and G Street, N.W. from North Capitol Street to First Street: *Provided further*, That the revolving fund and the funds provided under the paragraph entitled "Office of Superintendent of Documents, Salaries and Expenses" together may not be available for the full-time equivalent employment of more than 5,287 workyears: *Provided further*, That the revolving fund shall be available for expenses not to exceed $25,000 to host a world-wide Public Printers' Conference.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $5,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); $304,910,000: *Provided*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further*, That this appropriation shall be available to finance a portion, not to exceed $50,000, of the costs of the Governmental Accounting Standards Board: *Provided further*, That this appropriation shall be available for the expenses of planning the triennial Congress of the International Organization of Supreme Audit Institutions (INTOSAI) to be hosted by the U.S. General Accounting Office in Washington, D.C., in 1992.

RAILROAD ACCOUNTING PRINCIPLES BOARD

SALARIES AND EXPENSES

For salaries and expenses of the Railroad Accounting Principles Board, $600,000, to be expended in accordance with the provisions of H.R. 4439, 98th Congress, as passed by the House of Representatives on February 7, 1984.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) Upon enactment into law of this Act, the Architect of the Capitol, in consultation with the heads of the agencies of the legislative branch, shall develop an overall plan for satisfying the telecommunications requirements of such agencies, using a common system architecture for maximum interconnection capability and engineering compatibility. The plan shall be subject to joint approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and, upon approval, shall be communicated to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. No part of any appropriation in this Act or any other Act shall be used for acquisition of any new or expanded telecommunications system for an agency of the legislative branch, unless, as determined by the Architect of the Capitol, the acquisition is in conformance with the plan, as approved.

(b) As used in this section—

(1) the term "agency of the legislative branch" means, the office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office; and

(2) the term "telecommunications system" means an electronic system for voice, data, or image communication, including any associated cable and switching equipment.

SEC. 306. The last sentence of 44 U.S.C. 1719 is amended to read: "The printing, binding, and distribution costs of any publications distributed in accordance with this section shall be charged to appropriations provided the Superintendent of Documents for that purpose.".

SEC. 307. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), the term "program, project, and activity" shall be synonymous with each appropriation account in this Act, except that the accounts under the general heading "House of Representatives" shall be considered one "program, project, and activity".

This Act may be cited as the "Legislative Branch Appropriations Act, 1987".

The CHAIRMAN. Are there any points of order against the bill?

Mr. COBEY. Mr. Chairman, I do have a point of order with regard to the language on page 10 having to do with official mail costs.

The CHAIRMAN. The gentleman will state his point of order.

POINT OF ORDER

Mr. COBEY. Mr. Chairman, I make a point of order against the language on page 10, line 9, beginning with the word, "to," and all that follows on line 10, page 10.

Mr. Chairman, this is clearly legislation on an appropriation bill and as such is in violation of clause 2(b) of rule XXI.

Mr. FAZIO. Mr. Chairman, the committee concedes the point or order.

The CHAIRMAN (Mr. GEPHARDT). The point of order is conceded and sustained. The language is stricken.

□ 1515

AMENDMENT OFFERED BY MR. COBEY

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

The Clerk read as follows:

Amendment offered by Mr. COBEY: Page 3, line 7, strike "$48,000,000" and insert "$43,691,570".

Mr. COBEY. Mr. Chairman, this amendment is simple. We all know as we go home each week, as I do, and as we get the responses from the people in our districts, still the No. 1 issue and the No. 1 problem viewed by our constituents and viewed by this Member is the fact that we have this appalling deficit each year. In fact, last year it was $210 billion. This means that for 25 out of the last 26 years our Federal Government has spent more money than it has brought in. This year it looks like we are facing another budget deficit in the area of $200 billion.

Now, as I look at this legislative appropriation bill, I recognize that $1.3 billion is not an enormous part of a nearly $1 trillion budget; however, the way I feel is that we in this body must set the example.

How can we look across America to people who are in need, how can we look at the national defense of our country if we are not willing to make these cuts here in the House of Representatives, or at least to hold the line?

Now, this past year, and I do not have the committee report before me, but for the salaries of committee staff, professional and clerical, we spent over $42 million.

What I have done here, I have added the 3 percent that we are granting other Federal employees. That 3 percent brings us to $43,691,570. There may be some hidden costs within here that I do not know about, but I do not believe that we should be doing any more for our committee staffs than we are for the Federal employees in general. I do not think in these times of enormous deficits that we should be adding staffs to committees. If anything, as we have normal attrition from retirement or people quitting, perhaps we could consolidate some jobs and consolidate some functions and save some money around here.

I think the key principle is that we need to show the people of this country that we are willing to hold the line right here in Congress. Even though, granted, it is just a few million dollars in a nearly trillion dollar budget, I think it is important for us to set the example.

It is simple. It is clear. It is a reduction from $48 million down to $43,691,570. I do not think that is going to be too much pain for anybody around here. I believe that we can live within this amount of money. It is a generous, generous amount of money.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment. I will be brief.

I simply would like to make clear to the gentleman from North Carolina the comments that were made earlier in the general debate that point out that we have reduced employment in this bill by 2 percent, 460 jobs. We have blocked 428 jobs, in effect not allowed them to be funded. We have abolished some 62 jobs.

We are in this account able to spend up to $70 million, but the bill does not get anywhere near that amount. We are providing, as the gentleman indicated, $48 million.

I think we have seen this year how important it is to have the resources available to handle the responsibilities that can be thrust upon our committees at any time. For example, I know Members on both sides of the aisle are working very diligently on a bipartisan drug package right now.

Where are we going to get the resources to have the staff to help us carry out that assignment?

I believe that the amounts that have been provided for the core committee staff allowed by the House rules, under rule 11, which the gentleman would amend, is properly funded. If we were to cut it any more, even as the gentleman indicates in a symbolic way, than we have already, we would be tying the hands of a very significant element of this legislative branch of the Government.

Mr. Chairman, I urge a no vote on the amendment.

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

Mr. FAZIO. I am happy to yield to my colleague, the chairman of the Interior Committee, the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman, I think I speak for most committee chairmen, or perhaps all of them, in saying that we have done our job or are doing our job. We have been responsible.

The committee has produced a bill that balances the need of this branch of the Government to be equal in the contest on a fair playing field to the executive branch, so I would hope that the amendment would be defeated and I associate myself with the remarks of the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, and particularly may I say to my colleague, the gentleman from North Carolina [Mr. COBEY], I want the gentleman to know that this Member is very sensitive to and appreciative of the gentleman's interest in seeing that the Congress restrains itself in its in-House expenditures across the board.

The amount that the gentleman suggests does not reflect a lot of money in limited dollar terms, but in terms of the work that we have done on this bill we have made very significant efforts to reflect the gentleman's concern, that is, to have Congress demonstrate that right here in its own House is committed to cutting the pattern of growth in Federal Government spending.

While I would resist this specific amendment and ask my Members to similarly resist it, we will as we go forward with the discussion of this bill and the amendments that will be before us have a number of opportunities to cut in other areas.

It seems to me that in this case, the gentleman is effectively testifying about his own concern regarding our levels of expense. At the same time, I would ask the gentleman to join me in serious consideration of some of the other amendments as well, and at this point I would ask for a "no" vote.

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

Mr. LEWIS of California. Yes; I am happy to yield to the gentleman from North Carolina.

Mr. COBEY. Mr. Chairman, I appreciate the work of this committee and the pressure that they are under. I know it is not easy.

The gentleman from California, the committee chairman, indicated a number of positions had been cut back. I guess that reflects the sequestration order. That is a question I wanted to ask, the sequestration order under Gramm-Rudman, is that correct?

Mr. FAZIO. Mr. Chairman, could the gentleman repeat that?

Mr. COBEY. The cutbacks to which the gentleman refers to the appropriation level of $42 million this year, I know that is a post-Gramm-Rudman situation, are those the staff cuts necessitated by Gramm-Rudman?

Mr. FAZIO. Mr. Chairman, if the gentleman will yield, we accepted the cuts last year required by Gramm-Rudman. I am indicating that the $48.3 million figure is a figure this committee has arrived at in the 1987 bill in light of the $70 million that were available to us.

We are funding the existing staff at the current salary levels here. We are not attempting to add at all and we

have absorbed those cuts. I think we have done the proper thing.

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

Mr. LEWIS of California. I am happy to yield to the gentleman from North Carolina.

Mr. COBEY. If we are spending $42 million this year in order to keep the salaries level, and in my amendment I show a 3-percent increase, why do we have to go to $48 million? It must be that we are adding more staff or giving more than the 3 percent across the board, or 3 percent available for all other Federal employees. That is all I can conclude as I look at these figures.

Mr. LEWIS of California. Let me try to explain it in this way. If the gentleman will look at the details of our bill, the Budget Committee's estimate of new obligations and authority for the fiscal year 1987 were levels of $51,135,000. That was the level of expenditure request anticipated.

The job of the subcommittee is to delve into those specific areas and attempt step by step to make cutbacks.

We have done that and that is reflected in the figure of $48 million.

While I am not precisely responding to the detail of the gentleman's question, nevertheless we have tried to use a scalpel and not a machete in this process. This figure reflects the best the subcommittee could do.

Mr. COBEY. Well, Mr. Chairman, if the gentleman will yield again, I understand that. I know people are going to request what they think they need or what they think they can get and what they think is appropriate for their particular committee. I appreciate the fact the gentleman has taken it down from the request of $51 million to $48.

I guess I am approaching it from a different angle. I am starting to reflect that we are spending this year and feeling like we need to hold the line and just increase by 3 percent.

Mr. LEWIS of California. Well, Mr. Chairman, further responding to the gentleman, if one were to analyze the 1986 personnel budget approved for committees in the category that the gentleman is discussing, we had committee employees numbering 871 and standing committees and special and select committees numbering 1,225, for a total of 2,096.

In the 1987 recommended proposal, there are in committee employees 871, the exact same number of employees; and standing committees and special and select, 1,225, exactly the same number, totaling 2,096.

The adjustment seen here reflects some adjustments in general salaries, but there are some special merit increases, and so forth, that cause the figures not to be rounded out as evenly as we might like, but nonetheless reflect the committee's work.

I thank the gentleman for his question.

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

Mr. Chairman, as the last exchange I think clearly pointed out, when it comes to Congress we use new methods of accounting. Obviously, if we are going to stick with the same number of employees and we are trying to provide them a 3-percent raise, we should be able to get by with a 3-percent increase in the amount of money spent for those committee employees; but of course, the fact of the matter is that there is some other money in there someplace and for what we are not exactly sure; but I would like to suggest to my Republican colleagues that as they look at this issues, they should be aware of the fact that when it comes to slicing up the pie for the committee slots in Congress, that we do not do too well. As a matter of fact, we not only do not do well, we get extremely shortchanged.

I have spent a little time trying to compile some information about the way in which staff ratios break down on committees in the House of Representatives.

Now, unlike the Senate, where the majority gets two-thirds of the committee staff and the minority gets one-third of the committee staff, in the House of Representatives it is hard to find a committee where the Republicans, the minority, have even 25 percent of the staff.

For example on the committee which has the largest number of employees, the Energy and Commerce Committee, the majority staff takes fully 85 percent of the staff slots and the minority gets 15 percent of the staff slots.

The same is true of the Committee on Government Operations. We have an 81-19 breakdown, 81 percent going to the majority, 19 percent to the minority on the Science and Technology Committee, and we could go on down the list.

These investigative staff slots that are opened up are particularly interesting. For example, in the Judiciary Committee there are 49 members on the Democratic staff for investigative purposes, 5 on the Republican staff.

Now, I know as well as most of us in this Chamber know that probably every Republican staff member is worth two or three on the other side of the aisle; but the fact still is that we are being seriously shortchanged on the minority side when it comes to the appointment of the staff, and when we put more money into the legislative appropriation, that is not more money to top the Republican side of the aisle research issues in order to participate fully in the debate. Instead, what it is, is more money that is split in a grievously unfair manner that helps the Democrats have an overwhelming research, mailing, and other support staff, that is unfair to us.

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

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

Mr. FAZIO. Mr. Chairman, I know the gentleman is a fair-minded individual. I know the gentleman is sincere in his point, but I would want to put on the record that this is the rule 11 funding and it says in the rule itself that a third of the staff will be available to the minority.

So I do not believe there is much jurisdiction, much discretion for any chairman or subcommittee chairman to really hurt the minority inordinately. In fact, I am sure in some cases the minority does better. Maybe there is some flexibility, depending on the relationships between ranking minority members and the chairman.

But in the rule itself which provides for this guarantee of 30 professional staff per committee, the minority is protected.

□ 1530

Mr. TAUKE. I appreciate the point that the gentleman has made, because it is true that in this particular rule that we have under discussion at the moment that there is some protection for the minority, but on a general basis the minority has virtually no protection when it comes to the providing of funds for committee staff. I guess that that is the general point that I am making, that if we are going to throw more money into this legislative appropriation, that we should be fully aware of the fact that most of that money is going to support the majority staff in what is obviously an unfair apportionment of those funds.

It is my view that the only clout that the Republicans of the minority have is to withhold our votes from requests for unseemly increases in funding as we are being asked to provide at the current time.

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

Mr. TAUKE. I yield to the gentleman from North Carolina.

Mr. COBEY. Mr. Chairman, a quick calculation of this increase from post-Gramm-Rudman figures, a little over $42 million, to $48 million, shows an increase of over 13 percent, a little over 13 percent. That is far more than the 3 percent available to other Federal workers, and far more—we know that we see negotiations around the country, in Philadelphia and in Detroit, and we know what is going on there—and this I think is just highly inappropriate, especially in these times.

A quick calculation here of an increase of $5,500,000 for 2,000 employ-

ees comes out to $2,800 apiece. I do not know where all that money goes.

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

Mr. Chairman, I was confused by some of this discussion. The gentleman from North Carolina says, and I think properly, that if you take last year's expenditure number and add 3 percent, you should cover handsomely all the employees—not handsomely, but with the same increase that we intend to give through the bureaucracy and to legislative employees. With 3 percent, they should all be covered. As a matter of fact, if Gramm-Rudman was effective, and we actually made some real cuts, we would have less employees on hand at the end of the fiscal year, and 3 percent would be more than enough to cover the 3 percent pay raise.

The distinguished chairman says no, we are just giving everybody a normal raise. Can the chairman explain that a little better to me, please?

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

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

Mr. FAZIO. Mr. Chairman, I would be happy to just reiterate that this is that area of the rules that provides each standing committee with their 30 professional staff—two-thirds to the majority and one-third to the minority. We fund those 30 and provide for an amount that is in accord with normal compensation for merit or cost-of-living increases. We have done nothing more than that.

I think that there are committees that probably are using this source perhaps more than they may have in the past, but I do not think that we are recommending an inordinate amount of money, given the responsibilities that our committees have here in the House of Representatives.

Mr. FRENZEL. The gentleman talked about the figure of $70 million. Would that be the number if each committee took its 30 slots and allotted them at maximum salary?

Mr. FAZIO. That is correct.

Mr. FRENZEL. OK. And the $51 million is what your staff estimated would be spent out if we maintained the same standing rate.

Mr. FAZIO. That was the request that was made of us. We reduced that request by $3.1 million.

Mr. FRENZEL. That was what was asked of you.

Mr. FAZIO. We reduced that to $48 million.

Mr. FRENZEL. Your problem, if we can continue, is that this is mandatory, and you have no choice about funding it if the committees choose to use this much.

Mr. FAZIO. Under the allowance made in the rule, we make an assumption about the level at which the committees will make use of this allowance and we try to approximate in the appropriations process what we think is reasonable.

Mr. FRENZEL. I am not sure that I disagree with you on the rule XI employees, but let your eye run down then to the standing, select, and special committees, which we call the investigative staff. Do you consider that to be a mandatory funding as well?

Mr. FAZIO. I believe, in order to deal with the requirements that the committee chairmen and ranking members have, that we have to consider both of these in that category.

Mr. FRENZEL. I thank the chairman for his contribution.

Mr. Chairman, our problem here is that we have the rule XI staff, the statutory staff, and we also have the investigative staff. Between them, they will cost $90 million this year. Then, in addition, you have the CBO staff, the OTA staff, the Appropriations Committee staff, the budget staff. When you throw all those numbers together, you are well into the hundreds of millions of dollars.

It is true that some of these are mandatory, or would seem to be. My position is, however, that if we would exercise some real diligence and try to keep the lid on all these expenditures, we could make what seem to be mandatory expenditures into discretionary expenditures. Then we could, in fact, exert some discipline on ourselves.

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

Mr. FRENZEL. I yield to the gentleman from North Carolina.

Mr. COBEY. Mr. Chairman, I appreciate the comments of the gentleman from Minnesota and his great knowledge on this subject. One point that I wanted to bring out is the fact that we face possible sequestration under Gramm-Rudman, come the fall, and I do not want to say that there are any motives here—in fact, I am not saying that—but in a sense, by raising it to $48 million, these committee staff salaries, in a sense we give that area a cushion that if sequestration comes along, the committees and their staffs will not have to cut back, like many other programs that are hit by sequestration, if those people are not already hired.

In a sense, this becomes a mechanism to protect committee staffs from sequestration under Gramm-Rudman. I am not saying that was the intent at all, but that is how it would work out.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for his contribution.

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

Mr. Chairman, of course I can preface my comments with my usual regards to the committee, and as usual they are sincere. I was kidding a member of the Committee on Appropriations earlier today that we may have to call you the turnip committee because you defend your turf very well.

This amendment intrigues me, and I was particularly intrigued by the comments from the gentleman from Iowa, because there is a pattern here, a pattern that he talked about, and one that I think in effect we need to focus on, looking at it from the point of view that he raised that indeed by the staffing of Congress we load the dice in favor of the majority party as opposed to the minority party.

I think that the numbers are very clear there, and it is fairly clear to me that if you look at the staff numbers, looking at investigative staff, that rule XI certainly comes apart. But even when you allow the rule XI, I find it interesting that 42 percent of the membership of the House are afforded something like a third of the seats on committees and a third of the staff, and that is an old story.

That is an interesting story, but one that frankly is a little more partisan than I would like to be, but I would like to take a look at it from the other point of view. Let us think of committees as special-interest groups that are fostering and encouraging programs in which the members of the committee, and especially the leadership members of the committee on both sides, have invested a great deal of their political careers and a good deal of their constituents' interests. Then we see that the committee has a built-in interest in either extending spending or at least protecting from any cuts in spending.

There are a great many of us that have worked long and hard trying to find ways to make spending cuts on a line-item-by-line-item basis. The staff that we have to help us do the research and the investigation is our own congressional staff, and let me tell you, mine gets spread very, very thinly as my young staff works anywhere from 8 in the morning to 11 at night, and on weekends, trying to catch up with all the facts and figures and information that we have to work.

We do not have committee staff to help out on this process. When we come to the floor to present our amendments, we present them against the background work of enormous committee staffs, so that in effect you can say it is the public interest running against the special interests where we staff the special-interest committees.

I am not going to quarrel with anybody's work on a committee that way. I understand that, and naturally each and every one of us as a representative of our district understands our responsibility to represent our district.

□ 1540

Somebody said something earlier in this debate about a fair playing field. I am going to suggest to you that those who are committed to cutting spending do not have a fair playing field with those that are committed to increasing spending, or at least holding from cuts in spending.

The thing that tilts the playing field in favor of more spending is the committee staff that the spending side has to support its work as over and against the other side trying to make spending cuts. So this becomes a crucial amendment if we are going to get to the heart of the process by which this body year in and year out spends too much of the taxpayers' money.

I would suggest that one thing we might want to give serious consideration to is that the House has too many committees. For the life of me, I do not know the value of a select committee if it is not political posturing back home. I will tell you that whether you are a majority or minority members. I do not understand why you want to be on a committee that has no ability to bring legislation to the floor of the House.

But it gets staffed; it gets funded. It spends time, generally back in the committee members' districts, holding hearings so that that Member can demonstrate his concern over the problem.

That is what we are spending our money for. I am going to suggest to the Members of this body that if we can ever get to where we ought to be, fewer committees, fewer committee staffs, more work done by the Members of the bodies, less deference to what I have come to call the sovereignties of the committees, vote "yes" on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. COBEY].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 237, not voting 22, as follows:

[Roll No. 256]

AYES—172

Applegate
Archer
Armey
Badham
Bartlett
Barton
Bateman
Bedell
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Breaux
Brown (CO)
Burton (IN)
Callahan
Chandler
Chappie
Cheney
Coats
Cobey
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Craig
Crane
Daniel
Dannemeyer
Darden
Daschle
Daub
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Duncan
Eckert (NY)
Edwards (OK)
Emerson
Erdreich
Evans (IA)
Fawell
Fiedler
Fields
Fish
Franklin
Frenzel
Gallo
Gekas
Gilman
Goodling
Gradison
Gregg
Hall, Ralph
Hammerschmidt
Hansen
Hendon
Henry
Hiler
Holt
Hopkins
Huckaby
Hunter
Hutto
Hyde
Ireland
Jacobs
Johnson
Kasich
Kemp
Kindness
Kolbe
Kramer
Lagomarsino
Latta
Leach (IA)
Lewis (FL)
Lightfoot
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Martin (IL)
McCain
McCandless
McCloskey
McCollum
McEwen
McKernan
McMillan
Meyers
Michel
Miller (OH)
Miller (WA)
Monson
Moorhead
Morrison (WA)
Nielson
O:.ley
Packard
Penny
Petri
Porter
Pursell
Ray
Regula
Ridge
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Siljander
Skeen
Slattery
Slaughter
Smith (NE)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stallings
Stenholm
Strang
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tauzin
Thomas (CA)
Torricelli
Valentine
Vander Jagt
Volkmer
Vucanovich
Walgren
Walker
Weber
Whitehurst
Whittaker
Wolf
Wortley
Wylie
Young (FL)
Zschau

NOES—237

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bates
Beilenson
Berman
Bevill
Biaggi
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Carper
Carr
Chapman
Chappell
Clay
Clinger
Coelho
Coleman (TX)
Conyers
Cooper
Coyne
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Edwards (CA)
English
Evans (IL)
Fascell
Fazio
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes
Hefner
Hertel
Hillis
Horton
Howard
Hoyer
Hubbard
Hughes
Jeffords
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lipinski
Livingston
Long
Lowry (WA)
Luken
Lundine
MacKay
Madigan
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCurdy
McDade
McGrath
McHugh
McKinney
Mica
Mikulski
Miller (CA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Panetta
Pashayan
Pease
Pepper
Perkins
Pickle
Price
Quillen
Rahall
Rangel
Reid
Richardson
Rinaldo
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shelby
Sikorski
Sisisky
Skelton
Smith (FL)
Smith (IA)
Smith (NJ)
Snyder
Solarz
Spratt
St Germain
Staggers
Stangeland
Stark
Stokes
Stratton
Studds
Swift
Synar
Taylor
Thomas (GA)
Torres
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Watkins
Waxman
Weiss
Wheat
Whitley
Whitten
Williams
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (AK)
Young (MO)

NOT VOTING—22

Barnard
Barnes
Campbell
Carney
Collins
Crockett
DioGuardi
Edgar
Feighan
Flippo
Fowler
Gingrich
Grotberg
Gunderson
Hartnett
Leland
Marlenee
Martin (NY)
Moore
Parris
Waldon
Weaver

□ 1600

Mr. SEIBERLING changed his vote from "aye" to "no."

Messrs. TALLON, WYLIE, and KINDNESS and Mrs. MARTIN of Illinois changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SWINDALL

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

The Clerk read as follows:

Amendment Offered by Mr. SWINDALL: Page 14, line 13, strike "$25,227,000" and insert in lieu thereof "$25,135,550."

Mr. SWINDALL. Mr. Chairman, I also ask unanimous consent to offer two amendments which I have at the desk en bloc.

The CHAIRMAN pro tempore (Mr. PANETTA). Is there objection to the request of the gentleman from Georgia?

Mr. FAZIO. Mr. Chairman, I object to the offering en bloc.

The CHAIRMAN pro tempore. Objection is heard.

Mr. SWINDALL. I thank the Chairman.

Mr. Chairman, I can still remember some 19 months ago after being sworn in to this august body the President of the United States inviting each of the freshman Members and their spouse to the White House for a get-acquainted dinner.

At that dinner he shared an anecdote about a freshman Member of Congress who went over to George-

town with a Member of the Senate and a member of the administration to discuss, undoubtedly, a piece of legislation, that kept them in Georgetown until the wee hours of the morning.

They came out to the Congressman's car, only to have the Congressman discover that he had locked his keys in the car. At that point he turned to his two colleagues and told them he was going back into the restaurant to get a coathanger so he could pry the lock open. At that point the gentleman from the Senate said he really did not think that that was a good idea. He was afraid somebody would misunderstand what he was doing and that before they could explain themselves they would find headlines the next morning saying that they had been caught in Georgetown breaking into a car.

Well, at that point the Congressman said he agreed, and what would the Senator suggest. The Senator said, "Well, I think I have a pocket knife that I think I can cut just enough of the rubber so that I can slip my finger in and unlock the door." Well, at that point the Congressman shook his head and said, "I don't think that's a very good idea either. I am afraid somebody will see what you are doing and think that you are just too stupid to know how to use a coathanger."

Well, at that point the fellow from the State Department who had been watching all of this transpire looked at both of them and said, "Frankly, I don't care how you resolve it, I just hope you do it in a hurry because it is getting ready to rain and, frankly, I am afraid you are not going to get into it in time to put your top up."

The point the President was making was that sometimes we get so caught up in the big picture that we fail to see the smaller picture, the detail.

I think that is certainly true with respect to the appropriations process.

Mr. Chairman, as we look at an appropriations process that will ultimately approach $1 trillion, it is certainly easy to think that $100,000, $200,000, even a $1 million appropriation is not significant. What my amendment which strikes $25,227,000 and substitutes the figure of $25,135,550, which is basically a $91,450 reduction to eliminate automatic elevator operators is exactly the type of issue that we all must recognize infuriates our constituents who recognize that they are making real sacrifices as we face deficit reduction measures. And here we are in our own House office buildings paying people literally $13,000 a year on a part-time basis to punch automatic elevator buttons.

My amendment does not fire anyone. It was drafted very carefully not to fire anyone but, rather, to recognize that over the last 3 years we have had exactly 100 percent turnover in the positions of automatic elevator operator in the House office buildings.

Specifically, there are 14 of these individuals. The total budget is $182,900. My amendment, if adopted, which I am sure it will be, would reduce in half that amount so that we simply do not replace these individuals as they resign.

I think it is important that we recognize that, while $91,500 may not be a great deal—of course, many people could buy a couple of homes for that amount—it is very important that we set the example in our own appropriations.

Certainly if you look at the absurdity of having automatic elevator operators and paying them that type of money, it is evident that it is a selfish luxury. I think more so than any other Member of this body, I have the right to offer this amendment because my office is literally the furthest office from this Capitol floor. I am on the fifth floor of the Cannon Building, and it literally takes me no longer than 6 minutes to walk here. I am sure many of my colleagues up on the fifth floor can relate to that.

So my point is this: We do not need to be throwing away taxpayers' dollars to pay patronage jobs.

The CHAIRMAN pro tempore. The time of the gentleman from Georgia [Mr. SWINDALL] has expired.

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

Mr. SWINDALL. My point is these are patronage positions. I have heard arguments that they are handicapped individuals, that they are minorities, that they are senior citizens. That simply is not true.

I have checked, and they are not any of those capacities. They are patronage positions, and we pay literally $13,000 for patronage at times when individuals are being asked to take freezes in cost-of-living adjustments and what have you.

One other point I would make is that is is utterly illogical to have, as we have, for example, in the Cannon Office Building, a 4-foot by 3-foot 9-inch elevator consumed with an extra body that sits in a chair. If you go at any time to the No. 6 elevator in the Cannon House Office Building, you will find what I find when this individual is in her post: an individual sitting in a chair talking on a telephone and reading a book. I will never forget 3 weeks ago I got on that elevator, hoping to go immediately down to the bottom floor, as I had been promised, only to find that we made five stops and it took me longer to get there. And I was actually told by the Architect's Office that the purpose of this automatic elevator operator is to keep the elevator moving quickly so that Members can go rapidly to the floor.

So they are not even serving that purpose. I think we should close this argument by recognizing that the Senate did this 5 years ago. They eliminated the automatic elevator operators for their own Senate office buildings, and they seem to be faring just as well without them. I think that we can follow their prudent example by saying that we will at least do that ourselves by not rehiring individuals as they resign.

I thank the Chairman.

Mr. FAZIO. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

First of all, Mr. Chairman, I would like to congratulate the gentleman from Georgia on a very fervent rendition, in his presentation to the body. I have no desire to criticize my friend from Colorado Mr. BROWN, who has offered this amendment so frequently in recent years, but I must say I think the gentleman deserves an Oscar for his performance.

Mr. SWINDALL. I thank the gentleman.

Mr. FAZIO. This is an amendment that is often handed out to newer Members, and I do not think anyone has ever carried out this responsibility with any greater elan than the gentleman has.

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

Mr. FAZIO. I would be more than happy to yield to the gentleman from Georgia.

Mr. SWINDALL. I thank the gentleman for yielding.

Mr. Chairman, may I say that the reason that I accepted this responsibility was that when I ran last time, I found that of all the issues that I talked about in defeating a five-term incumbent was the electorate was outraged by our spending money for automatic elevator operators. They could not believe that we actually are paying money for people to punch buttons that we ourselves can punch.

I yield back.

Mr. FAZIO. I appreciate the gentleman's comment. I would simply say that when the electorate hears only one side of any given issue, it may well be that they become outraged. I hope that in the next several minutes, and I hope not to take the entire time, we could do something that would remove some of the outrage and perhaps balance the equation a little bit.

A little bit of history is always useful. In fact, I seem to have to recite it every year this time.

This amendment, as the gentleman said, is aimed at 14 people, many of them are elderly, some are disabled. They are by definition lower-income people who earn $13,000 per year.

To put it in perspective, there are 67 elevators in the House office buildings. Of these, only six have operators. A

number of people are relatively new to these jobs, but there are individuals who have been in them since October 1968, for example. I think the average citizen does not understand that, unlike the Senate, that has no time limit on their votes. Members of the House are required to be on the House floor within 15 minutes after a quorum or vote is ordered. Therefore, it is important that we have the help of these individuals to expedite the operation of the elevators so that we answer the rollcalls that we are required to make to perform our duties for our colleagues and for our constituents.

We originally had 52 operators in the House office buildings a decade ago. That has now been reduced down to a point where we have only 14 people. I believe it is responsible for us to maintain those 14 people who are necessary since they work two shifts. I think it would be a very imprudent reduction.

The Members of this body have been through this exercise many times before. I would hope they would vote "no," and I hope we could go to a vote quickly.

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

Mr. FAZIO. If I must, I yield to the gentleman.

Mr. SWINDALL. I thank the gentleman for yielding.

Let me first of all say that I have searched and found that the statement with respect to these individuals being handicapped or elderly is simply not true with respect to the House office buildings.

Mr. FAZIO. If I could reclaim my time, I would urge that Members simply use their powers of observation, and they could rebut that argument.

Mr. SWINDALL. And second, let me make this observation, that even if that were true I think that we need to be sensitive to the elderly, handicapped and minority and low-income individuals whose taxpayer dollars are going to finance this type of nonsense.

Mr. FAZIO. I appreciate the gentleman's comment, and I reclaim my time.

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

Mr. FAZIO. I would be happy to yield to my friend from California.

Mr. LUNGREN. I thank the gentleman for yielding.

I just wonder, since we are having a problem getting our mail delivered and we seem to be able to get over here, maybe we could transfer them to sort mail and might satisfy a couple of problems that are affecting the Members.

Mr. FAZIO. I have had a number of individuals on both sides of the aisle indicate a concern about the arrival time of their mail, and I can say that, without reprogramming funds, Mr. Rota has been able to make some economies and we now have an increase in personnel in order to ensure that our mail does arrive in our offices in a relatively rapid manner.

□ 1615

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

Mr. FAZIO. I yield to the gentleman from Kansas.

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

Mr. Chairman, I think there is a special problem for those of us who choose to reside in the Longworth Building. I supported Mr. BROWN of Colorado in his earlier attempts for these cutbacks, but I assure you that if you do not have Jim or Catherine or Patrick in those elevators, many times they do not work.

Having been on an elevator whose door would not open during a vote, I can assure the gentleman and also my colleague from Georgia with whose intent I respect, that does present a problem.

So for those Longworth dwellers, we do have a special problem.

I hasten to add I do not know what it would cost to modernize the elevators in Longworth so they can go with the same kind of speed with regard to our other House office buildings and over in the Senate. But we do have a special problem in Longworth.

Mr. FAZIO. Mr. Chairman, I appreciate the comments, having been in the Longworth most of the time that I have been in Congress.

The CHAIRMAN pro tempore (Mr. PANETTA). The question is on the amendment offered by the gentleman from Georgia [Mr. SWINDALL].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 238, not voting 25, as follows:

[Roll No. 257]

AYES—168

Archer
Armey
Badham
Bartlett
Barton
Bennett
Bereuter
Bilirakis
Bliley
Boulter
Brown (CO)
Burton (IN)
Byron
Callahan
Carper
Chandler
Cheney
Clinger
Coats
Cobey
Coble
Coleman (MO)
Combest
Conte
Courter
Craig
Crane
Daniel
Dannemeyer
Darden
Daub
DeLay
Derrick
DeWine
DioGuardi
Dornan (CA)
Dreier
Dyson
Eckert (NY)
Edwards (OK)
Emerson
Erdreich
Fawell
Fiedler
Fields
Frenzel
Gallo
Gekas
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gradison
Gregg
Hall, Ralph
Hamilton
Hansen
Hendon
Henry
Hiler
Hillis
Hopkins
Hubbard
Huckaby
Hunter
Hyde
Ireland
Jenkins
Johnson
Jones (OK)
Kanjorski
Kasich
Kindness
Kolbe
Kramer
Lagomarsino
Latta
Leach (IA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Loeffler
Lott
Luken
Lungren
Mack
MacKay
Madigan
Martin (IL)
Martin (NY)
McCain
McCandless
McDade
McEwen
McMillan
Michel
Miller (OH)
Miller (WA)
Monson
Montgomery
Moorhead
Morrison (WA)
Nelson
Nielson
Olin
Oxley
Packard
Pashayan
Pease
Petri
Pursell
Ray
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Slattery
Slaughter
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spratt
Stallings
Strang
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Torricelli
Valentine
Vander Jagt
Volkmer
Walker
Weber
Whittaker
Wirth
Wolf
Wolpe
Wylie
Young (FL)
Zschau

NOES—238

Ackerman
Akaka
Alexander
Anderson
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bateman
Bates
Bedell
Beilenson
Bentley
Berman
Bevill
Biaggi
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Boucher
Boxer
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Burton (CA)
Bustamante
Carr
Chapman
Chappell
Chappie
Clay
Coelho
Coleman (TX)
Conyers
Cooper
Coughlin
Coyne
Daschle
Davis
de la Garza
Dellums
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Early
Eckart (OH)
Edwards (CA)
English
Evans (IA)
Evans (IL)
Fascell
Fazio
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Franklin
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hammerschmidt
Hatcher
Hawkins
Hayes
Hefner
Hertel
Holt
Horton
Howard
Hoyer
Hughes
Hutto
Jacobs
Jeffords
Jones (NC)
Jones (TN)
Kaptur
Kastenmeier
Kemp
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lipinski
Long
Lowery (CA)
Lowry (WA)
Lujan
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McGrath
McHugh
McKernan
McKinney
Meyers
Mica
Mikulski
Miller (CA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nichols
Nowak
Oakar
Oberstar
Obey
Ortiz

Owens	Schumer	Traxler
Panetta	Seiberling	Udall
Penny	Sharp	Vento
Pepper	Shelby	Visclosky
Perkins	Sikorski	Vucanovich
Pickle	Sisisky	Waldon
Porter	Skeen	Walgren
Price	Skelton	Watkins
Quillen	Smith (IA)	Waxman
Rahall	Snyder	Weiss
Rangel	Solarz	Wheat
Regula	Spence	Whitehurst
Reid	St Germain	Whitley
Richardson	Staggers	Whitten
Rodino	Stangeland	Williams
Roe	Stark	Wilson
Rose	Stokes	Wise
Rostenkowski	Stratton	Wright
Rowland (GA)	Studds	Wyden
Roybal	Swift	Yates
Rudd	Synar	Yatron
Russo	Taylor	Young (AK)
Sabo	Torres	Young (MO)
Savage	Towns	
Scheuer	Traficant	

NOT VOTING—25

Andrews	Edgar	Moore
Barnard	Feighan	Parris
Barnes	Fowler	Roemer
Bosco	Grotberg	Smith (FL)
Breaux	Gunderson	Stenholm
Campbell	Hartnett	Weaver
Carney	Leath (TX)	Wortley
Collins	Lundine	
Crockett	Marlenee	

□ 1635

Mrs. VUCANOVICH, Mr. SPENCE, and Mr. McCLOSKEY changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FRENZEL

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

The Clerk read as follows:

Amendment offered by Mr. FRENZEL: On page 29, after line 18, insert the following new section:

"SEC. 308. Notwithstanding any other provision of this Act, each amount appropriated or otherwise made available by this Act, except for the payment to Grace Addabbo specified in the item relating to "Payments to widows and heirs of deceased Members of Congress," and except for the payment to the Office of the Chaplain specified in the item relating to "Salaries Officers and Employees" in Title I, shall be reduced by 3.51 percent."

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

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

There was no objection.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. FAZIO. Mr. Chairman, I was going to ask if the gentleman would indicate whether this is his across-the-board amendment?

Mr. FRENZEL. Mr. Chairman, if the gentleman will yield, it is my across-the-board amendment.

Mr. FAZIO. Then if it is, Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 40 minutes, the time to be divided equally between the gentleman from Minnesota [Mr. FRENZEL] and myself.

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

Mr. FRENZEL. Reserving the right to object, Mr. Chairman, would the gentleman suggest 20 minutes?

Mr. FAZIO. Mr. Chairman, if the gentleman will yield, I will be more than happy to accommodate the gentleman and, I am sure, all our colleagues with 20 minutes.

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

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

There was no objection.

The time to be provided on this amendment is 20 minutes, the time to be equally divided between the gentleman from California [Mr. FAZIO] and the gentleman from Minnesota [Mr. FRENZEL].

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

Mr. FRENZEL. Mr. Chairman, the gentleman from California, the distinguished subcommittee chairman and I have agreed on 20 minutes of debate because we have debated a number of these across-the-board amendments returning spending to the higher authority amount of 1986. The numbers are different in each bill.

The gentleman from California and I have agreed to this reduction in time so that the Members would have a chance to go about their business at the end of the day and both of us would be indebted to the membership if we could have order so that we could move this right along. It may be possible to do this in less than 20 minutes.

Mr. Chairman, I sent a "Dear Colleague" letter. Those of you who scanned it will understand that this year's appropriation is up about $46.2 million over last year's appropriation sub-sequestered.

Now, that is about $3.62 million above last year's appropriation, so my amendment cuts across the board 3.51 percent in an attempt to get our spending down to last year's level, that is to enact a BA freeze.

Now, there are two very small items in the appropriation that are excepted. One is the Chaplain's Office, because there is only one person in it. His salary is the whole amount. The other is payment to a widow of the House of Representatives, again the only amount in that item. I felt it was inappropriate to cut those two amounts, so I split my 3.51 cut across the rest of the budget.

Mr. Chairman, I am doing this because I think it is exceedingly important that the House get its appropriations down to a rock bottom level so that when our sequester resolution comes along, we will be able to pass a very small sequester resolution and still meet our targets.

I realize all the objections to an across-the-board amendment. They are many and numerous and I would agree with them.

There are some advantages, however, in that they ratify the imperative spending decisions made by the subcommittee so that I do not pick out one item that they like and I do not like.

What I have done is said all the items will remain the same proportion with those two small exceptions that the committee decided on, and I will make a small cut, if possible, across the board, so that we will be able to get to last year's BA.

Mr. Chairman, it is awfully easy when we are dealing with certain appropriations to take shots. I do not want to do anything that smacks of that kind of activity.

I do feel that it is appropriate, however, to suggest that this is the part of our budget that is fully spent on ourselves and our own activities. If we are going to allow ourselves these very large increases, and I pointed out in the scheduled debate that congressional operations budgets are increased over 6 percent, very nearly by 7 percent.

As a matter of fact, some of our functions, like our caucus and our conference, are increased nearly 20 percent.

I believe that if the House will make the decision that it will stand for some cuts, that it will stand for a freeze in its total operation, then we will be prepared to do good things on the reconciliation and on the sequester resolution and we will be able to tell the people of this country that we were willing to make a sacrifice first and then we asked it of everybody else.

I believe that the freeze amendment is good budget policy. It will make our lives easier when it comes time for sequestration and that it will not unnecessarily inconvenience any of our committees or ourselves.

Mr. FAZIO. Mr. Chairman, I do not need to make a lengthy defense of this budget because I think most Members understand that it is rather austere and it has been done in good faith on a bipartisan basis.

If we adopt this Frenzel amendment to cut across the board by 3.5 percent, we have in fact made a decision, and I hope we do not make it, but if we were to accept this amendment, we will have frozen our budget for the second year in a row. This would be another freeze at the sequestered level. In other words, adopted a freeze budget last year and saw it cut 4.3 percent by

Gramm-Rudman. This amendment would freeze it again.

My colleagues and my friends, this cuts at the vitals of this very important legislative branch of our Federal Government. It would do disastrous damage to our ability to uphold our constitutional duties.

We have been exceedingly responsible in the way we have marked up this bill. Since 1985 we have increased the funds by less than four-tenths of 1 percent each year. I am not aware of any other program in Government that has had that kind of restriction.

We have had a great deal of debate on all the other appropriations bills about whether we met the test of the budget resolution. I want to make clear to everyone that we have met it not only on budget authority, but we have met it on outlays as well. We have done everything that has been asked of us.

We have, I think, a responsible budget which is over last year's sequestered amount by 3.5 percent. Before Gramm-Rudman, the bill is actually down by $9.1 million.

I might point out that the executive branch request is up by 4 percent.

The CPI is projected by the Congressional Budget Office to go up by more than 4 percent. We are under both of those.

This is not a new phenomenon. The legislative branch since 1978 has averaged annual increases of only 5.8 percent. That is significantly below the executive branch increases of 8.9 percent, and less than the Consumer Price Index average increase of 6.3 percent since 1978.

In fact, therefore, we have had a decline in the legislative branch funding in real dollars since 1978.

We all understand what Gramm-Rudman has brought about. Members are complaining here on the floor of the 6- or 7-day delay in mail deliveries—I see the gentleman from Ohio [Mr. MILLER], he mentioned it to me today—in getting mail from the mail room in the Capitol to Members' offices.

But this does not just affect congressional operations or Members of Congress. This affects the entire legislative branch of Government. It means we are cutting back on the GAO. We are cutting back on the General Accounting Office in the face of increased responsibilities.

It means that despite their new responsibilities under Gramm-Rudman, this amendment would cut back some $600,000 on the Congressional Budget Office.

The GAO cut was $11 million.

It means a cut back on the Office of Technology assessment.

It seems cuts in the Library of Congress that many, many people have written Congress in protest about; this would impose further cuts in the Library of Congress of some $6.6 million, making it difficult for the blind and the physically handicapped to receive services, making it difficult to preserve the many valuable works of art and texts that are deteriorating, forcing premature closure of the reading rooms, making reductions in copyright protection activities and so forth.

If this amendment is approved and a Gramm-Rudman sequestration order is approved on top of that, the legislative branch will suffer drastically and I believe in such a manner as to make our ability to perform our services next to impossible.

We cannot trade off cutbacks in grants and loans and contract authority. We take it on the chin. We have to fire staff and give up computer resources.

It would be counterproductive. I hope Members will stick with the committee in its responsible effort. We are not even restoring the Gramm-Rudman cuts. We have simply presented the Members a bill that continues the downward trend in employment and a responsible level of fiscal expenditure.

Mr. FRENZEL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, first of all, I want to express my respect and appreciation for the task that the gentleman from California [Mr. FAZIO] and his committee have undertaken in bringing this legislation to the floor. I know that Chairman FAZIO does not have an easy job in putting together a legislative appropriation bill and it is a thankless job, because regardless of what kind of appropriation measure you bring to the floor, it is going to be controversial and it is going to invite amendments.

My concern is in sticking to a principle which I think serves us well long term and that is to hold funding levels at a freeze level on all the appropriation bills that reach the floor.

□ 1650

We all know that Gramm-Rudman sequestration faces us if we do not keep our spending measures within bounds. One of the easiest ways in my judgment to hold the line on spending is to simply say in every category that we will spend no more.

This appropriation bill, like several before it, has a somewhat higher funding level than we are spending at in this current fiscal year. The only way in which we can get it back to a freeze level is to adopt an amendment like the Frenzel amendment. With the Frenzel amendment we will bring spending in this bill back down to the post sequestration funding level for fiscal year 1986. If we carry that lower funding level forward, we stand a better chance of avoiding sequestration in the coming year. If we do face sequestration in the coming year, by freezing these appropriation bills as they come along we will face a less stringent, a less difficult, a less deep sequestration of our spending in various categories.

Again, if we want to make budget decisions less painful down the road, it seems appropriate that we take a bite out of these appropriation bills as they come to the floor by adopting a freeze amendment. I again encourage Members to take seriously the amendment offered by Mr. FRENZEL. This amendment will bring this bill down to a freeze level, and I think that it ought to be adopted.

Mr. FAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GAYDOS.].

Mr. GAYDOS. Mr. Chairman, it is not the most pleasant duty to serve on the Subcommittee on Accounts, under the able leadership of Chairman ANNUNZIO. At one time it maybe had been considered pleasant, and a good spot, but today, the last 2 or 3 years we have been in a very difficult position.

The maker of the amendment serves on that committee with me, and I think that he would agree with me before this whole body that we were pretty tightfisted last year, and we cut things down substantially. We were accused of being unreasonable, and I as a chairman had to repeatedly and am repeatedly turning down many chairmen's requests for additional funds.

I will give you a good practical example. Chairman RODINO needed funds desperately. He had to bypass our committee and go a special route and ask for a special resolution and take the time of this House in order to fund those needs.

So I am saying to the Members of the House that we have practiced austerity in its very essence. I have a list here of what the various standing and select committees have done to abide by the austerity program indicated by Gramm-Rudman. Here are some examples. The Judiciary Committee I mentioned for their $50,000 had to go the circuitous route that they did through the special resolution. The Select Committee on Narcotics has requested a limited $5,000, which I had to refuse them—$5,000 in that very, very sensitive area. The Committee on Foreign Affairs has furloughed every employee in that committee for 5 days every month, and on and on. The Merchant Marine Committee has permanently terminated 10 employees, and the Committee on Aging will furlough most employees for 3 weeks coming up tentatively. HIS already has terminated 12 employees.

I conclude by very clumsily asking this group, look at the practicality of what this cut means.

Mr. FRENZEL. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I hope that the Members of this body have listened to our two distinguished Members from Minnesota. I have been studying this process now I think in the last 3 weeks through several appropriations bills, and today I think that I hit on something.

I want to take the Members back to the debate on Gramm-Rudman. One Member of the body stood in the well and said rather graphically, and I remember the gestures, that Gramm-Rudman will change the way we do business in this body. I think that we need to be aware of that, because indeed the members of the Committee on Appropriations have indeed spoken, and spoken well, for how hard they have worked, and they have worked hard.

If you take a look at the budget process in this House, beginning with the President's budget, which is a budget for current services, we do have a current-services process where we indeed develop spending programs and budgets and appropriations bills by looking backward. As we look backward on what we have done in the past and how hard we have worked to hold spending down in light of our past, we do have a right to feel good about the work that we have done. And again I would commend the Appropriations Committees for doing so.

Yet they feel the frustration for those of us who continually seem to be out here saying that we must do more, and I think that Mr. FRENZEL has given us the reason. We are looking ahead. The fact is, and the Committee on the Budget will tell you, they know that when it comes time to face the music on Gramm-Rudman, we are going to be $25 billion short. We are going to face the possibility of a $25 billion sequestration. The best way in the world to minimize that pain and that heartburn at that time is to look into each and every one of these appropriation bills at this time and see where we can do more to cut spending now selectively, creatively, and responsibly, in order to avoid those very, very painful and in fact unnecessary across-the-board cuts later.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I am happy to yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Chairman, the gentleman talks about unnecessary expenses. He used the House gym as a hotel. Does he not think that was an abuse of taxpayers' money?

The CHAIRMAN pro tempore (Mr. PANETTA). The time of the gentleman from Texas [Mr. ARMEY] has expired.

Mr. FAZIO. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would simply like to point out, in opposition to the amendment, that this bill is both within the BA and the outlay numbers in the budget resolution. So much for the argument about the budget resolution and sequestration.

I would point out that this bill has been at a virtual freeze for 2 years. In contrast, the Office of Administration for the Executive Office of the President is up 13.7 percent; the executive residence of the White House is up 17.9 percent; and the Office of Management and Budget is up 15 percent. I do not think that the Congress has to apologize in comparison to the executive branch in our frugality.

I for one am tired of having administration witnesses come down to the Appropriations Committee having two rows of backup for every witness, and we may have two or three staff people at most in the appropriations process to try to give oversight that this country has a right to expect on the administrative branch of Government.

Mr. Chairman, I urge a "no" vote on this amendment.

Mr. FRENZEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard some complaints about what we will do to our budgets and how we may destroy our efficiency around here. I think that it is fair to note that the accounts that we are talking about are all expanded in this particular bill by more than the cost of living. For instance somebody complained about CBO and GAO. CBO is up 7 percent; GAO is up 6 percent. My amendment will simply bring them down to a level which will take care of them, they will be getting an inflation allowance, but no more.

Committee employees, up 16 percent; the Committee on Appropriations itself, up 10 percent. I do not think that we need those very large increases. If we need them, perhaps we can forgo them for a 1-year period while we do our best to meet the Gramm-Rudman targets that we have set for ourselves.

This is a pretty simple amendment. I think that everybody understands it. It has all the infirmities of every across-the-board amendment. It is a bit of a blunt instrument, and many Members will not be for it for that reason.

It is the best vehicle that is available for me to try to put on a freeze at 1986 BA levels.

□ 1700

I believe with respect to congressional operations, there will still be plenty of money left to run our elevators and to do our staff work and to take care of our necessary expenses.

I believe the Congress should be the very first to inflict on itself a little sacrifice so that it could then, with a clear conscience, vote for its reconciliation bills and vote for its sequester.

Mr. Chairman, I hope that this amendment will be passed.

Mr. FAZIO. Mr. Chairman, I yield 30 seconds to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the amendment. This appropriation bill is within the 1987 budget. The budget is our guideline. Arbitrary picking of freeze amounts in 1986 does not do the job. What we have to live within are the outlays and the budget authority that are in the budget.

This appropriation does so, even if one factors in what the other body's outlays and budget authority are likely to be.

For that reason, I oppose the amendment.

Mr. FAZIO. Mr. Chairman, I yield the balance of my time to my good friend, the ranking minority member of the committee, the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I thank my chairman for yielding and would like to close the debate by first mentioning the fact that throughout the process of developing this bill, we have had really fantastic bipartisan support as we have gone through the very difficult task of developing the appropriations measure that provides the funding for the necessary work of the Congress.

I would like to express my appreciation to my chairman, the gentleman from California [Mr. FAZIO] for his work; to the gentleman from Minnesota, BILL FRENZEL, for the work that he has been involved in in attempting to provide some restraint in terms of Federal spending as it relates to the legislative branch.

This bill is a very, very effective tool that essentially says that the Congress is providing the leadership needed that will lead toward restraint in spending.

The bill is some $350 million below the 302(b) amount in the budget, both in outlays and in authority. We are far below those projected figures.

It is very important for the membership to realize that as we all recognize, it is tough to vote for our own. In this case, we have done the job of cutting back the levels of expenditures requested.

I urge my members to swallow hard and vote for their own bill.

The CHAIRMAN pro tempore. (Mr. PANETTA). The question is on the amendment offered by the gentleman from Minnesota [Mr. FRENZEL].

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

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

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of 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. 258]

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Bartlett
Barton
Bateman
Bates
Bedell
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Burton (CA)
Burton (IN)
Bustamante
Byron
Callahan
Carper
Carr
Chandler
Chapman
Chappell
Chappie
Cheney
Clay
Clinger
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
DeLay
Dellums
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Eckert (NY)
Edwards (CA)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fawell
Fazio
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Franklin
Frenzel
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hatcher
Hawkins
Hayes
Hefner
Hendon
Henry
Hertel
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Long
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Monson
Montgomery
Moody
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
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
Stokes
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Waldon
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

□ 1720

The CHAIRMAN. Four hundred two 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 Minnesota [Mr. FRENZEL] 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 209, not voting 23, as follows:

[Roll No. 259]

AYES—199

Andrews
Archer
Armey
Badham
Bartlett
Barton
Bateman
Bates
Bedell
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Broomfield
Brown (CO)
Burton (IN)
Byron
Callahan
Carper
Chandler
Chappie
Cheney
Coats
Cobey
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Courter
Craig
Crane
Daniel
Dannemeyer
Daschle
Daub
Davis
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Duncan
Eckart (OH)
Eckert (NY)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Fawell
Fiedler
Fields
Fish
Franklin
Frenzel
Gallo
Gekas
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gradison
Gregg
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hendon
Henry
Hiler
Hillis
Holt
Hopkins
Hubbard
Huckaby
Hunter
Hutto
Hyde
Jacobs
Jeffords
Johnson
Jones (OK)
Kanjorski
Kasich
Kemp
Kindness
Kolbe
Kramer
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (FL)
Lightfoot
Lloyd
Loeffler
Lott
Lujan
Lungren
Mack
MacKay
Madigan
Martin (IL)
Martin (NY)
McCain
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McKernan
McMillan
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Monson
Moorhead
Morrison (WA)
Nelson
Nichols
Nielson
Olin
Oxley
Packard
Pashayan
Penny
Petri
Pickle
Porter
Pursell
Quillen
Ray
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sikorski
Siljander
Slattery
Slaughter
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solomon
Spence
Stallings
Stangeland
Strang
Stratton
Stump
Sundquist
Sweeney
Swindall
Tauke
Tauzin
Taylor
Valentine
Vander Jagt
Vucanovich
Walgren
Walker
Weber
Whitehurst
Whittaker
Wirth
Wise
Wortley
Wylie
Young (FL)
Zschau

NOES—209

Ackerman
Akaka
Alexander
Anderson
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Beilenson
Berman
Bevill
Biaggi
Boggs
Boland
Boner (TN)
Bonior (MI)
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Bruce
Bryant
Burton (CA)
Bustamante
Carr
Chapman
Chappell
Clay
Clinger
Coelho
Coleman (TX)
Conte
Conyers
Coyne
Darden
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Edwards (CA)
Evans (IL)
Fascell
Fazio
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hatcher
Hawkins
Hayes
Hefner
Hertel
Horton
Howard
Hoyer
Hughes
Jenkins
Jones (NC)
Jones (TN)

Kaptur	Morrison (CT)	Smith (IA)
Kastenmeier	Mrazek	Solarz
Kennelly	Murphy	Spratt
Kildee	Murtha	St Germain
Kleczka	Myers	Staggers
Kolter	Natcher	Stark
Kostmayer	Neal	Stokes
LaFalce	Nowak	Studds
Lantos	Oakar	Swift
Lehman (CA)	Oberstar	Synar
Lehman (FL)	Obey	Tallon
Leland	Ortiz	Thomas (GA)
Levin (MI)	Owens	Torres
Levine (CA)	Panetta	Torricelli
Lewis (CA)	Pease	Towns
Lipinski	Pepper	Traficant
Livingston	Perkins	Traxler
Long	Price	Udall
Lowery (CA)	Rangel	Vento
Lowry (WA)	Reid	Visclosky
Luken	Richardson	Volkmer
Lundine	Rodino	Waldon
Manton	Roe	Watkins
Markey	Rose	Waxman
Martinez	Rostenkowski	Weaver
Matsui	Rowland (GA)	Weiss
Mavroules	Roybal	Wheat
Mazzoli	Rudd	Whitley
McDade	Russo	Whitten
McHugh	Sabo	Williams
McKinney	Savage	Wilson
Mica	Scheuer	Wolf
Mikulski	Schroeder	Wolpe
Miller (CA)	Schumer	Wright
Mineta	Seiberling	Wyden
Mitchell	Shelby	Yates
Moakley	Sisisky	Yatron
Mollohan	Skeen	Young (AK)
Montgomery	Skelton	Young (MO)
Moody	Smith (FL)	

NOT VOTING—23

Barnard	Edgar	Marlenee
Barnes	Feighan	Moore
Bonker	Fowler	Parris
Breaux	Grotberg	Rahall
Campbell	Gunderson	Roemer
Carney	Hartnett	Stenholm
Collins	Ireland	Thomas (CA)
Crockett	Leath (TX)	

The Clerk announced the following pair:

On this vote:

Mr. Campbell for, with Mr. Barnard against.

Mr. DERRICK changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

TWENTY-FIFTH ANNUAL BALL GAME BETWEEN DEMOCRATS AND REPUBLICANS

By unanimous consent (Mr. CONTE was allowed to proceed out of order.)

Mr. CONTE. Mr. Chairman, tonight, once again, this Congress will witness the great battle between the Democrats and Republicans on the ball diamond. This year, our 25th annual game, will be held at Four-Mile Run Baseball Park in Alexandria at 6:30. The proceeds for the game will go to Children's Hospital.

But, Mr. Chairman something has been affecting your party's team. Over the past 3 years, the Democrats—younger, swifter, more talented—at least according to MARTY RUSSO, who thinks he is 25 years old, but throws like he was 100, have not been able to win.

So I have a suggestion for your manager, the wily Mr. CHAPPELL—take samples. That's right—just like Pete Rozelle in the NFL, you should be taking samples to determine what substances are affecting your team. I want you to know that I have tested the entire Republican team and with the exception of trace or two of premium draft, they came clean.

But with your team, such a test could make a difference. I'm told that with these samples they can even determine the effect on your players of those 25 cent cigars that SABO and CHAPPELL smoke. Considering the brands they buy, it's a wonder anyone on your team can see much less hit.

These samples can also tell you the effect of sugar on MARTY RUSSO. The way that guy puts away pizza, milkshakes, and Cokes, it could be affecting his throws. The ball simply sticks to his hand.

In fact, I have heard that such a sampling effort can determine the effect of Gramm-Rudman on MIKE SYNAR. That would really be interesting to know.

So, Mr. Chairman, I urge you to follow my team's lead. It may be the key to success. With spaced-out players like BILL NELSON on your team, CHAPPELL is going to have a real challenge in bringing your team back to the reality that defeat once again looms at the hand of the mighty elephant Republican team.

UPDATE ON THE 25TH ANNUAL BALL GAME

(By unanimous consent, Mr. DOWNEY of New York was allowed to proceed out of order.)

Mr. DOWNEY of New York. Mr. Chairman, the House Democratic team is prepared to stand tall and take the test that Mr. CONTE offers, and we, like the American League this year in the All-Star Game, intend to reverse the awful trend of the last 3 years.

It is quite clear to me that the Republican team will have far better use for these plans after we are finished with them than we will for urine samples prior to the game.

You will watch the inimitable donkeys fight their way to victory, and I predict a 7-to-5 victory on our part tonight.

Mr. FAZIO. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. GEPHARDT, 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. 5203) making appropriations for the legislative branch for the fiscal year ending September 30, 1987, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

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.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 266, noes 146, not voting 19, as follows:

[Roll No. 260]

AYES—266

Ackerman	Dymally	Lent
Akaka	Dyson	Levin (MI)
Alexander	Early	Levine (CA)
Anderson	Eckart (OH)	Lewis (CA)
Andrews	Edwards (CA)	Lipinski
Annunzio	Edwards (OK)	Livingston
Anthony	English	Lloyd
Applegate	Evans (IL)	Loeffler
Atkins	Fascell	Long
AuCoin	Fazio	Lowery (CA)
Bateman	Fish	Lowry (WA)
Bates	Flippo	Luken
Bedell	Florio	Lundine
Beilenson	Foglietta	MacKay
Bennett	Foley	Madigan
Bentley	Ford (MI)	Manton
Berman	Ford (TN)	Markey
Bevill	Frank	Martin (NY)
Biaggi	Franklin	Martinez
Bliley	Frost	Matsui
Boggs	Fuqua	Mavroules
Boland	Garcia	Mazzoli
Boner (TN)	Gaydos	McCloskey
Bonior (MI)	Gejdenson	McCurdy
Bonker	Gephardt	McDade
Borski	Gibbons	McGrath
Bosco	Gilman	McHugh
Boucher	Gonzalez	McKinney
Boxer	Gordon	Mica
Brooks	Gray (IL)	Michel
Brown (CA)	Gray (PA)	Mikulski
Bruce	Green	Miller (CA)
Bryant	Guarini	Mineta
Burton (CA)	Hall (OH)	Mitchell
Bustamante	Hamilton	Moakley
Byron	Hatcher	Molinari
Callahan	Hawkins	Mollohan
Carper	Hayes	Montgomery
Carr	Hefner	Moody
Chapman	Hertel	Morrison (CT)
Chappell	Hillis	Mrazek
Clay	Holt	Murphy
Coelho	Horton	Murtha
Coleman (TX)	Howard	Myers
Conte	Hoyer	Natcher
Conyers	Huckaby	Neal
Cooper	Hutto	Nelson
Coughlin	Jeffords	Nichols
Coyne	Jenkins	Nowak
Daniel	Jones (NC)	Oakar
Darden	Jones (TN)	Oberstar
Daschle	Kanjorski	Obey
Davis	Kaptur	Ortiz
de la Garza	Kastenmeier	Owens
Dellums	Kennelly	Panetta
Derrick	Kildee	Pease
Dickinson	Kleczka	Pepper
Dicks	Kolter	Perkins
Dixon	Kostmayer	Porter
Donnelly	LaFalce	Price
Dowdy	Lantos	Quillen
Downey	Leath (TX)	Rangel
Duncan	Lehman (CA)	Reid
Durbin	Lehman (FL)	Richardson
Dwyer	Leland	Rodino

Roe
Rogers
Rose
Rostenkowski
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shelby
Sikorski
Sisisky
Skeen
Skelton
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Waldon
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wright
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)

NOES—146

Archer
Armey
Badham
Bartlett
Barton
Bereuter
Bilirakis
Boehlert
Boulter
Broomfield
Brown (CO)
Burton (IN)
Chandler
Chappie
Cheney
Clinger
Coats
Cobey
Coble
Coleman (MO)
Combest
Courter
Craig
Crane
Dannemeyer
Daub
DeLay
DeWine
DioGuardi
Dorgan (ND)
Dornan (CA)
Dreier
Eckert (NY)
Emerson
Erdreich
Evans (IA)
Fawell
Fiedler
Fields
Frenzel
Gallo
Gekas
Gingrich
Glickman
Goodling
Gradison
Gregg
Hall, Ralph
Hammerschmidt
Hansen
Hendon
Henry
Hiler
Hopkins
Hubbard
Hughes
Hunter
Hyde
Ireland
Jacobs
Johnson
Jones (OK)
Kasich
Kemp
Kindness
Kolbe
Kramer
Lagomarsino
Latta
Leach (IA)
Lewis (FL)
Lightfoot
Lott
Lujan
Lungren
Mack
Martin (IL)
McCain
McCandless
McCollum
McEwen
McKernan
McMillan
Meyers
Miller (OH)
Miller (WA)
Monson
Moorhead
Morrison (WA)
Nielson
Olin
Oxley
Packard
Pashayan
Penny
Petri
Pickle
Pursell
Ray
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Siljander
Slattery
Slaughter
Smith (NE)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snyder
Solomon
Spence
Stangeland
Stenholm
Strang
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Vucanovich
Walker
Weber
Whittaker
Wirth
Wyden
Wylie
Zschau

NOT VOTING—19

Aspin
Barnard
Barnes
Breaux
Campbell
Carney
Collins
Crockett
Dingell
Edgar
Feighan
Fowler
Grotberg
Gunderson
Hartnett
Marlenee
Moore
Parris
Rahall

□ 1745

The Clerk announced the following pair:

On this vote:

Mr. Barnard for, with Mr. Campbell against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LELAND. Mr. Speaker, during the course of the vote on rollcall No. 256 I was away from the Hill and missed the vote. Had I been here, I would have voted "no."

PERSONAL EXPLANATION

Mr. WALDON. Mr. Speaker, I was with people from my district when rollcall No. 256 was acted upon by the House. I would like to have the record show that had I been here, I would have voted in the negative.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to state that he will entertain 1-minute speeches now, and after the 1-minutes the House will proceed with general debate on the transportation bill, if there is no objection. If a Member questions going into the Committee of the Whole, then the House would have completed its business. Members understand that Members who have left for the day should be protected.

A PROPOSED IMPORT FEE ON FOREIGN OIL

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

Mr. JONES of Oklahoma. Mr. Speaker, today we are circulating a letter to the President pleading with him to use the authority he has under the existing Trade Act to impose an import fee on foreign oil and oil products.

This is a matter of national security. In the oil patch the independent domestic oil industry is literally being driven out of business by a deliberate policy of OPEC nations to drive down producer prices and to drive domestic U.S. producers out of the business. We are already trending in the direction of the late 1960's and early 1970's in which the United States is depending more and more on foreign sources and specifically OPEC sources for our energy needs.

The only thing that can change this and stabilize the domestic oil industry is to put an import fee on foreign oil to equalize the tax foreign producers would pay equal to that of domestic producers. The President has this authority, and we are asking him to use this authority. Such authority in the form of an import fee would not help big oil companies, but it is absolutely vital to independent producers and to oil patch States such as Oklahoma to keep this depression in the oil patch from continuing.

Mr. Speaker, we hope the President will listen to our plea, and I hope my colleagues will join in signing this letter to him.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on tomorrow, July 30, 1986. This request has been cleared by the minority.

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

There was no objection.

COMMENDATIONS FOR LAW ENFORCEMENT PERSONNEL AND ST. LAWRENCE SEAWAY EMPLOYEES

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

Mr. MARTIN of New York. Mr. Speaker, I would like to extend my personal congratulations and recognition from the Congress to employees of the St. Lawrence Seaway Development Corporation, the U.S. Border Patrol, the U.S. Immigration and Naturalization Service, and New York State Police personnel in northern New York for their handling of what could have been a sensitive international incident earlier this summer.

At 10:42 p.m. on June 25, a 27-year-old Cuban seaman, carrying only an English-Spanish dictionary and a few personal belongings, jumped from the deck of his Cuban vessel as it was transiting the St. Lawrence Seaway's Eisenhower lock in Massena, NY. The seaman's intention was to seek political asylum in the United States.

The matter was handled quickly and efficiently with only 15 minutes passing between the time he jumped ship until he departed Eisenhower lock in the custody of American officials.

The Seaway Corporation employees, following that agency's well-thought-out and written procedures addressing such circumstances, apprehended and detained the Cuban national until Immigration personnel arrived. Recognizing that he might be seeking political asylum, they made no attempt to force him back onto the ship. Hundreds of foreign-flag vessels transit the Seaway locks at Massena every year, and because many of them are from Soviet bloc nations, the Corporation's person-

nel are always mindful of the fact that such occurrences could happen, although this is the first such incident in recent years.

As you know, Mr. Speaker, ships from Communist nations are free to transit the 2,300-mile long Seaway, an international waterway jointly administered by our country and Canada. The Seaway Corporation is an operating administration of our U.S. Department of Transportation and is ably headed by Administrator James Emery.

Specifically, I want to recognize the activities of Seaway employees, Cheri Ritzmann and Sharon Roraback, and the members of the Eisenhower lock crew who were on duty at the time, Calvin Kinney, Jack Jorgenson, Roger Premo, Toban Corey, and James Hitsman. All of them handled this incident in a most professional manner.

In conversations with by colleagues over the years, Mr. Speaker, I have frequently cited the Seaway Corporation as a unique Federal agency. With less than 200 employees, it is one of the smallest of our agencies, but its employees have consistently shown us that it is one of which we can be very proud. Its employees work on a day-to-day basis with seamen from all around the world. Not only are they dedicated to their special crafts, they are on the front line as ambassadors of good will, as well. I am very proud of them and am pleased to cite their performances to my colleagues in the Congress.

□ 1755

INTRODUCTION OF LEGISLATION TO COMPEL LTV CORP. TO CONTINUE PAYING INSURANCE BENEFITS TO RETIREES

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

Mr. STOKES. Mr. Speaker, today I introduced legislation along with 22 cosponsors that will compel LTV Corp., which has filed for protection from its creditors under chapter 11, to continue paying medical and life insurance benefits to its retirees until a bankruptcy court orders the cessation of such benefits.

LTV's decision to cancel health and life insurance benefits would affect 78,500 retirees and their families, including 30,000 in the Cleveland area alone. This action on the part of LTV demonstrates a callous disregard for the welfare of employees who have loyally served that company and labored to make LTV our Nation's second largest domestic steel manufacturer.

Mr. Speaker, this action on the part of LTV has potentially disastrous ramifications for retirees living on a fixed income and dependent on these benefits. Already, I have received reports of incidents whereby LTV retirees have been denied medical treatment due to the lack of insurance coverage. The fact that some of our Nation's senior citizens have been turned away from hospitals and other health care facilities is not only appalling but represents a total abandonment of LTV's responsibility to its former employees.

Yesterday, in hearings held in Cleveland, Prof. Vern Countryman of Harvard, America's foremost bankruptcy expert, testified in favor of the legislation which I have today introduced in the House. Professor Countryman stated unequivocally that the action of LTV Steel in canceling retirees' health and life insurance benefits was in violation of the law.

Mr. Speaker, I invite my colleagues to join me in the cosponsorship of this legislation.

FATHER JENCO AND GEORGE O'BRIEN

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

Mr. MICHEL. Mr. Speaker, My home State of Illinois and the Nation recently suffered a great loss when our colleague, George O'Brien, died.

Among his many fine achievements, none was closer to George's heart than his unceasing efforts to secure the release of Father Lawrence Jenco, who is a native of Joliet, IL, in George's district.

So we greet the release of Father Jenco from his captivity with a mixture of joy and sorrow—joy that he has been returned to his family and loved ones, but sorrow that George, who had worked so long for this day, was not here to greet Father Jenco.

Last year, George came to my office with members of Father Jenco's family. He told me—as they did—of their great faith that Father Jenco would emerge from his captivity, but also of their understandable discontent over the slow and seemingly fruitless diplomatic process.

I was deeply moved by their message.

George went beyond the call of duty in this case. He journeyed to Syria to talk to officials in the hopes of gaining Father Jenco's release.

I believe that George O'Brien's persistence, his faith, his unswerving devotion to the cause of Father Jenco contributed not only to the morale of Father Jenco's family, but to the ultimate happy outcome.

I just want to say that George O'Brien's work on behalf of the Jenco family, and especially Father Jenco, was certainly one of George's finest hours.

FATHER JENCO AND GEORGE O'BRIEN

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

Mr. DORNAN of California. Mr. Speaker, it was at George O'Brien's inspiration, because his health was failing, that I went ahead to Syria 1 month ago on a trip that we had planned to take together, to deliver a letter signed by 251 of our colleagues, asking the nation of Syria, and particularly its President, Mr. Assad, to do what he could to get the release of our hostages.

George was with me in spirit on that trip. He told me, from his wheelchair in the corner of the House floor just 17 days before he died, to tell President Assad that he thought Mr. Assad was sincere in his efforts to help and to please do what he could to speed this process up.

I passed those words on to President Assad just 4 days later. I told him that George O'Brien's health was failing and that George would appreciate it if he would redouble his efforts.

Now I want to express my gratitude to President Assad and the Syrian Government, because he told me that day, June 30, that we would have very good news very soon. Then he expressed himself on something that I urged him to do and that was to let the hostages communicate so that there would not be a double trauma—the psychological torture of the brothers, the families, the mothers, the wives, and the children. As we now know, President Assad kept this promise to me. The American people are grateful to know that our remaining three hostages are alive. But we are still worried for their safety and anxious for their return.

I am now going to ask the 181 Members who I could not get to in time to sign my original letter to President Assad to sign another letter expressing gratitude to President Assad for the release of Father Jenco and to ask him to get out our other three brave men.

I have a resolution I have submitted today to that effect.

SOUTH AFRICAN TEXTILE AGREEMENT

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

Mr. DERRICK. Mr. Speaker, it disgusts me to learn that Americans can continue to buy clothing made in South Africa. By doing so, we're wrapping ourselves in the misery of that country's black majority. It appalls me, as a textile State representative, to learn that South African textile imports will be allowed to increase 4 per-

cent. And that's on top of what they are already dumping on our retail stores! The administration's textile negotiators are giving the oppressive Government of South Africa even more leeway than they have given to exporters such as Taiwan and Hong Kong.

It's bad enough that we're allowing the flood of textile imports to continue robbing Americans of their jobs. But when we allow a nation such as South Africa to do it, that's downright idiotic!

PRESIDENT SHOULD IMPOSE VARIABLE RATE OIL IMPORT FEE

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

Mr. TAUZIN. Mr. Speaker, today I join my colleague, the gentleman from Oklahoma, in signing a letter to the President asking him to use the authority that he currently enjoys to impose a variable rate oil import fee before things get much worse in this country.

In Louisiana today, the unemployment rate struck a high of 13.6 percent. In my own hometown of Thibodaux, LA, the rate is 18-plus percent.

The workers in Thibodaux, LA, and throughout Louisiana who have lost their jobs have lost those jobs as surely to the flood of oil imports as have the workers from the automobile plants and steel mills of America. Those Americans in Louisiana have unfortunately been denied trade adjustment assistance, and yet nevertheless they are out of work as surely as other workers have been put out of work by imports.

The national security implications of this tide of imports is serious, too. We learned last week that the U.S. dependence on Persian Gulf oil has increased threefold in the last year, 300 percent, and that dependence on foreign oil continues to grow as Americans are put out of work in numbers that would surprise and shock you in the gulf patch of Louisiana and throughout the Southwest.

Mr. President, we call upon you, use your authority, impose an oil import fee now and protect this country and the jobs of America. We need your help.

FATHER JENCO AND GEORGE O'BRIEN

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

Mr. GILMAN. Mr. Speaker, I would like to join the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL], and the distinguished gentleman from California [Mr. DORNAN] in praising the efforts of our belated Member, George O'Brien, for his efforts in attempting to secure the release of the American hostages that are presently being held and for his efforts, particularly with regard to Father Jenco, the Catholic priest who was just released.

George had his heart in this effort and discussed this with many of us, particularly with those of us on the task force on the Foreign Affairs Committee who have been trying to find a way to try to release the hostages.

George's efforts motivated many of us to try to find additional avenues.

I am pleased to have joined with the gentleman from California in his effort in making an appeal to the Syrian head of Government, President Assad. We hope in our future efforts that we will finally and eventually see George O'Brien's wish fulfilled that all the American hostages will eventually be free.

I know all my colleagues join in that prayer and in that wish.

FATHER JENCO AND GEORGE O'BRIEN

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

Mr. MINETA. Mr. Speaker, the Rev. Lawrence M. Jenco has been released from his captivity in Lebanon, and has been reunited with his family. I know all the Members of this House join with me in sending the Jencos our best wishes.

As I am sure Father Jenco knows, no man could have a more loyal and hard-working family than he has. During the 18 months he was held prisoner, Father Jenco's family tirelessly crusaded for his release. All of us who have worked with the hostage families are filled with admiration for their strength and unwavering determination.

As several of the hostage families have said, the administration has been shamefully slow in recognizing their ordeal. I am convinced that pressure from this Congress played a major role in Father Jenco's release, as it also did in Rev. Ben Weir's release earlier.

If we are to see the other American hostages, then I believe we in the Congress must maintain our support for the families and our pressure on the administration to find a solution to this all too long hostage drama.

I would also like to note with sadness that the late George M. O'Brien was a personal friend of Father Jenco, and spoke many times from this well on his behalf. I am sorry George is not with us now to share this moment.

A MESSAGE FOR ROMANIA

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

Mr. WOLF. Mr. Speaker, earlier today this Congress, this body, sent a message to our State Department and sent a message to the Romanian Government that 190 Members of this body, Republicans and Democrats, will no longer put up with the persecution of the Catholic Church, the Orthodox Church, the Baptist Church and the Pentecostals in the country of Romania. They are violating human rights.

There are many Members who after this vote said that if they had this at a different time they might have switched their votes.

They should know that the next time this issue comes up we are going to win, unless they change.

Congressman HALL of Ohio, Congressman SMITH of New Jersey and myself have a piece of legislation which will suspend the most-favored-nation status now held by Romania for 6 months.

We say to the Romanian Government, loosen up. Lighten up. Allow human rights to take place and be respected in Romania. If you do that, you will keep most-favored-nation status. If you do not do that, the 190 today who joined and others will be with us the next time to vote to knock out most-favored-nation status for the country of Romania.

SOCIAL SECURITY COLA

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

Mr. WEISS. Mr. Speaker, when inflation goes up, Social Security recipients deserve a cost-of-living adjustment [COLA]. But under current law, they will only receive a COLA if inflation is more than a 3-percent trigger level.

The 3-percent trigger is unfair to our Nation's Social Security recipents, who are denied full protection against inflation. Even worse, the trigger has been the source of endless political posturing by the President and others, who have sought to temporarily eliminate the trigger requirement shortly before key elections.

In February 1985, I introduced legislation to reduce the 3-percent trigger to 1 percent in order to afford senior citizens with permanent inflation protection and remove the Social Security COLA from political considerations. I was joined in this effort by Representatives ROYBAL, TRAXLER, and 47 others.

I am pleased to note that last week, the Ways and Means Committee approved a provision that will accomplish what we set out to do. It will

guarantee a Social Security COLA to all beneficiaries, regardless of the rate of inflation.

If it is good policy to eliminate the trigger in election years, it should be good policy every year. I strongly urge my colleagues to support this new protection for Social Security recipients.

AN EXPRESSION OF OUTRAGE OVER TEXTILE AGREEMENT WITH SOUTH AFRICA

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

Mr. HEFNER. Mr. Speaker, I am outraged to learn of the agreement this administration has reached with South Africa to allow them to increase their textile imports into the United States by 4 percent.

The administration secretly negotiated this agreement for an increase that is greater than the increase granted to Taiwan, South Korea, and Hong Kong, the major textile importers whose goods are flooding our markets and causing the loss of thousands of textile jobs in our country.

Congress has passed a textile import limitation measure which the President vetoed with the promise that better positions would be negotiated in the MFA and in bilateral agreements with our trading partners. But the agreements we see coming out of this administration—with Hong Kong, Taiwan, South Korea, and now South Africa—are calculated to further erode our domestic industry and put American workers out of jobs.

Now here we are saying to a country whose government supports apartheid and at a time when Congress is considering legislation to place sanctions against that country, that not only can they continue to import goods to the United States but they can increase imports in an area where a domestic industry has been seriously hurt by imports.

Mr. Speaker, I believe this action is wrong and that it is more important than ever that Congress override the President's veto of the textile bill.

□ 1810

THE ADMINISTRATION MUST TURN SOUTH AFRICAN TEXTILE POLICY AROUND

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

Mr. ATKINS. Mr. Speaker, there was once a football player who ran 90 yards into the wrong end zone. Football fans couldn't believe it.

Today we learned that the Reagan administration wants to increase imports of South African textiles. Those who oppose apartheid and support the U.S. textile industry can't believe it.

Last month, this House voted total U.S. disinvestment in apartheid. Pretoria's crackdown on democracy was in full force. The international outcry for tough new sanctions was deafening.

And the oblivious U.S. textile trade negotiators were practicing "destructive disengagement" from this country's ideals.

One U.S. trade official, trying to keep his head in the sand, defended the deal "solely in textile terms, not broader political terms." But in textile terms, this deal stinks.

The textiles we import from South Africa keep 10,000 Americans out of work. In 1985, we imported 98 million square yards of cloth from South Africa, more than double the amount in the year before. This agreement allows Pretoria to increase its share of the U.S. textile market eight times more than any other bilateral deal we've signed this year.

A teammate of that football player chased him down the field, trying to get him to turn around, but it was too late.

It's not yet too late for the President to turn his trade team around. If he doesn't then he will by his deeds signal clear support for the apartheid regime of P.W. Botha and a willingness to pay for that support with American jobs.

GEORGE O'BRIEN'S TIRELESS EFFORTS TO WIN FATHER JENCO'S RELEASE

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

Mrs. MARTIN of Illinois. Mr. Speaker, despite his time-consuming duties and deteriorating health in the last month, the efforts of our colleague, George O'Brien, to secure the release of Father Jenco set the standard for personal commitment by a Member of this body. From almost the beginning of Father Jenco's captivity, George O'Brien worked tirelessly to win his liberation. He provided instruction, aid, and assistance to the entire Jenco family in their own 25 trips to Washington.

The first Member of Congress to go to Syria on Father Jenco's behalf, he met not only with President Assad and other Syrian officials, but with representatives of the Vatican, France, Britain, Israel, Iran, Turkey, Egypt, and the United Nations.

His efforts opened up communications channels with the highest levels of the Syrian Government.

Here George continuously acted to coordinate the efforts of the State Department, White House, NSC, CIA, and the Congress. His own 1-minute almost every day that the House was in session from mid-June to December ensured that the cause of Father Jenco would not be forgotten.

One of the members of the Jenco family said that George O'Brien at his death had gone to Heaven and found a special key to release Father Jenco. I think that we all agree, and we are very glad that the door was open.

PRESIDENT CAN RELIEVE OIL-PATCH MISERY

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

Mr. WATKINS. Mr. Speaker, today I join my colleague from Oklahoma, JIM JONES, in a letter to the President of the United States, asking him to use the authority that he has at his fingertips with the stroke of the pen to be able through an executive order add an oil-import fee which would offer tremendous relief and preserve an industry in the U.S. oil patch.

Mr. Speaker, the President has that authority. We have endured pain in Oklahoma through unemployment. We have lost the greatest number of jobs ever in the history of our State, the greatest number of bankruptcies, and the greatest number of bank failures. Yet the President has such power that, with the stroke of the pen, he could relieve all this by putting on an oil-import fee and being able to allow the oil patch to survive.

Just 18 months ago we had 4,500 oil rigs drilling oil in the United States. Today we have approximately 650, the lowest number since 1930 or since we have been keeping records. That has been the disastrous policy of this administration, and this administration could do something about it if they only wanted to.

That is what I want the people in Oklahoma, Texas, Louisiana, and throughout this Nation to know, that the suffering, the destroying of families, could be prevented if the President just had the desire and will to correct it.

LTV POLICY TOWARD RETIREES IS WRONG

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

Mr. VISCLOSKY. Mr. Speaker, I join with the gentleman from Ohio [Mr. STOKES] and other of my colleagues in sponsoring legislation to require the LTV Corp. to resume providing health and life insurance coverage for company retirees, unless and until a court of competent jurisdiction orders them to cease.

On July 17 LTV Corp. filed for protection under chapter 11 bankruptcy proceedings and coldly chose not to

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protect their 78,500 retirees; 4,832 of these retirees live in my district. I believe corporate management is wrong on the law, wrong in their management practices, and wrong in terms of meeting their responsibility to deal justly with those who continue to work at LTV facilities and those who have retired after faithfully contributing to the company's past success.

LTV is wrong on the law. Yesterday in testimony, Professor Countryman indicated his belief that the company is obligated to continue these payments until the company has negotiated changes with the union, or, failing that, has obtained a bankruptcy court order. Others have essentially suggested a similar position to this speaker.

LTV is wrong in terms of management practice. At a time when management should be working to bring all workers, regardless of the color of their collar together, they have pitted retirees against those in current service. They have pitted current employees at different facilities against one another. They have placed LTV union members in a position wherein they must assume the responsibility for all steel workers at other companies; companies who might be inclined to follow suit should a pattern be set.

LTV is wrong in terms of its obligation to create a just economic system. They should look more closely into the eyes of an Indiana Harbor Works employee with six children and a father who is an LTV retiree. A gentleman who last Friday had to decide whether or not to strike. I saw those eyes.

In sum, LTV corporate policy in terms of its suspension of health and life insurance benefits to its retirees is cold; it is wrong.

I trust that the action we have taken today will promptly lead to a correction of its action.

THE PRESIDENT SHOULD EXERCISE AUTHORITY TO IMPOSE IMPORT FEE

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

Mrs. BOGGS. Mr. Speaker, falling oil prices are having a wrenching effect on the national economy. Petroleum-related employment is down well over 100,000 jobs. The number of active drilling rigs is at its lowest level since World War II.

Falling oil prices are worsening the trade balance rather than improving it because we are consuming more than in the past. In 1977 imports supplied 47 percent of all U.S. petroleum. Last year our reliance on foreign imports fell to 27 percent, yet today imports are up to 31 percent of consumption and CRS is projecting this level of consumption will rise to 50 percent by 1988. Virtually all of the increased U.S. oil imports come from OPEC countries.

The crises in American energy production:

Has caused economic hardship and unemployment in my region;

Has caused us to halt investment in finding new sources of domestic energy to replace what we are consuming today; and

Has caused increased foreign consumption which aggravates our trade balance and causes greater reliance on vulnerable energy resources from the Middle East.

President Reagan has existing Executive authority to impose import fees on strategic commodities, such as petroleum. I respectfully call on the President to exercise that authority immediately.

GRAMM-RUDMAN SUPPORTERS IGNORE CONSTITUTION, ECONOMIC REALITY

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

Mr. FRANK. Mr. Speaker, you have to admire the determination of the supporters of Gramm-Rudman. In the first place, they have shown a marvelous ability not to let something as trifling as the Constitution of the United States interfere with their determination to have their way. Now they have a new obstacle that they are willing to brush aside—the American economy.

Today Paul Volcker told the Banking Committee that because of the failure of the economy to grow at the pace projected by the administration, the $144 billion deficit target for the next fiscal year by Gramm-Rudman is beyond our reach.

Maybe our reach ought to exceed our grasp, but our legislation ought not to exceed our brainpower, and I am afraid that that is what happened with Gramm-Rudman. They tried in December of 1985 to predict what the economy was going to look like over the next few years; they were wrong.

Paul Volcker, not heretofore identified with the big-spending faction of the Government, tells us now that because the economy is not performing as was expected and as assumed by Gramm-Rudman, it does not make sense to push for the $144 billion. But just as unconstitutionality did not get in the way of the Gramm-Rudman advocates, economic reality probably will not, either.

□ 1820

I hope the majority of this House will understand that what Mr. Volcker says is accurate and that we cannot, by legislative fiat, undo economic facts.

GENERAL LEAVE

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 5205, and that I may be permitted to include tables, charts and other extraneous matter.

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

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1987

Mr. LEHMAN of Florida. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5205) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1987, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania [Mr. COUGHLIN] and myself.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

□ 1821

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 consideration of the bill, H.R. 5205, with Mr. PANETTA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Florida [Mr. LEHMAN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. COUGHLIN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we submit for your consideration and for the consideration of the Committee of the Whole the bill, H.R. 5205, making appropriations for the Department of Transportation and related agencies for fiscal year 1987.

This is a good, responsible, balanced, well-crafted bill.

Before I get into the details of this particular bill, I first want to express my appreciation to the Members who serve on the Transportation Appropriations Subcommittee. The gentleman from Pennsylvania [Mr. GRAY], the gentleman from Michigan [Mr. CARR], the gentleman from Illinois [Mr. DURBIN], the gentleman from New York [Mr. MRAZEK], and the gentleman from Minnesota [Mr. SABO] all provided insight and perspective during the 3-month indepth review we gave to Federal transportation programs and policies during our hearing process. The subcommittee minority members have been equally diligent. The gentleman from Massachusetts [Mr. CONTE], the gentleman from Michigan [Mr. PURSELL], and the gentleman from Virginia [Mr. WOLF], all are to be commended for the spirit of cooperation they have displayed and the commitment they have shown to developing a safe and effective transportation system for this Nation. I want to mention the ranking minority member, the gentleman from Pennsylvania and my special friend [Mr. COUGHLIN], who has spent long hours in committee hearings and has such a broad knowledge of our transportation programs and policies. I pay tribute to his knowledge, dedication, and character, and I want him to know of my great appreciation for his sound judgment and cooperation. Mr. COUGHLIN has enabled us to work as a team, rather than on a partisan basis. And I think that has been to the benefit of this country.

Mr. Chairman, in preparation for this bill the committee developed a hearing record contained in seven volumes amounting to over 6,000 pages. Testimony was received from more than 225 witnesses including 29 Members of this body.

This was done, I think, by having such a capable staff. I have been in the private sector and in the nonprofit sector and we are running a $10 billion business on this subcommittee. We have done it with two staff members and two support staff. I want to commend Tom Kingfield, Greg Dahlberg, Linda Muir, and Janet Oakley. I also want to mention our other key staff members, Ken Kraft, associate staff with the gentleman from Pennsylvania, Mr. COUGHLIN, Jeff Jacobs, minority staff with the gentleman from Massachusetts, Mr. CONTE, and Lucy Hand of my own staff.

The committee, I believe, has carefully reviewed the programs of the Department of Transportation and related agencies, and is recommending what we consider to be sufficient funds in light of current budgetary constraints to enable these agencies to help meet the requirements of our Nation's transportation system.

Mr. Chairman, the bill before you provides for total spending on Federal transportation programs of $25.765 billion—of which $10.285 billion is new budget authority and $15.48 billion is comprised of various limitations on contract authority obligations.

In addition, the bill appropriates $14.953 billion to liquidate contract authorizations.

Mr. Chairman, in terms of new budget authority, the bill is $318.7 million, or 3 percent below the amount provided for similar activities in fiscal year 1986. The amount provided in fiscal year 1986 includes one-time appropriations made to the Coast Guard in the Department of Defense Appropriations Act 1986.

I think the Members would also be interested to know that the bill as reported by the full Appropriations Committee is about $17 million under our section 302(b) allocation for budget authority. With regard to just discretionary authority, we are only $99,000 below our section 302(b) allocation. As the Members know, under the Budget Act, the Budget Committee provides a lump sum allocation to the Appropriations Committee pursuant to section 302(a), and the Appropriations Committee then subdivides that among its 13 subcommittees. Our target for discretionary budget authority that was provided to us by the Committee on Appropriations is $9.9 billion and we are within that amount.

With respect to the major recommendations in this bill, I would call the attention of the Members to pages 2 and 3 of the report. The major bill highlights are as follows:

First, the appropriation of $2.797 billion for operations of the Federal Aviation Administration, $32.58 million more than the budget request;

Second, a provision providing for obligations of not to exceed $13.125 billion for Federal-aid highways, the same as the fiscal year 1986 level;

Third, the appropriation of $1.85 billion for operating expenses of the Coast Guard;

Fourth, a continuation of funding for the existing urban mass transportation formula grant program at a level of $2 billion;

Fifth, a total of $613 million, including funds derived by transfer, for grants to Amtrak;

Sixth, a provision providing for obligations of not to exceed $1.017 billion for airport development and planning grants;

Seventh, an appropriation of $50 million for capital improvements at the metropolitan Washington airports;

Eighth, a total of $829.914 million, including funds derived by transfer, for facilities and equipment of the Federal Aviation Administration;

Ninth, a provision providing for obligations of not to exceed $1.015 billion for the discretionary grants program of the Urban Mass Transportation Administration;

Tenth, the appropriation of $200 million for transit projects substituted for interstate highway segments;

Eleventh, the appropriation of $141.7 million for the research, engineering, and development activities of the Federal Aviation Administration;

Twelfth, a continuation of funding for the construction of the Washington metro system at the fiscal year 1986 level of $217.239 million;

Thirteenth, a general provision providing that the air traffic controllers who were fired as a result of the 1981 strike shall not, as a class, be barred from reemployment as air traffic controllers; and

Fourteenth, a general provision prohibiting the takeoff and landing of any aircraft by a foreign air carrier owned directly or indirectly by the Government of South Africa or by South African nationals.

Mr. Chairman, for the Office of the Secretary of Transportation, the bill provides a total of $73.443 million—a reduction of $5.796 million from the current level and $16.903 million above the budget. The bulk of the increase above the budget is for continuation of essential air service subsidies, which the administration proposed to eliminate. In addition, office-by-office statutory dollar breakdowns are specified in the bill for the Office of the Secretary.

With respect to the Coast Guard, a total program level of $2.417 billion is recommended—an increase of a little over $10 million above the budget request and $3.714 million over the fiscal year 1986 adjusted program level. The amounts in the bill would provide for a 5.8-percent increase in operating expenses for fiscal year 1987 and a 21-percent reduction in acquisition, construction, and improvements assuming that certain sums are made available to the Coast Guard from funds appropriated in the Department of Defense Appropriations Act 1986. With respect to acquisition, construction, and improvements, we believe such reductions are reasonable in light of the large, unexpended amounts appropriated for this activity over the last several years. The unobligated balance for this account totals over $400 million. Excluding acquisition construction, and improvements, the bill reflects more than a $120-million increase in Coast Guard program levels between fiscal years 1986 and 1987.

We believe this level provides for a balanced program with emphasis on maritime law enforcement—especially drug interdiction; national defense commitments; search and rescue capabilities; dependability and safety of Coast Guard ships, boats, aircraft, and shore facilities; and the welfare and safety needs of Coast Guard person-

nel. It will provide for 38,053 military positions and 5,654 civilian positions, which is essentially the same as the budget request.

For Coast Guard operating expenses, the bill provides a program level of $1.850 billion for fiscal year 1987. This is $107.5 million more than the amount provided for similar activities in fiscal year 1986. It is $13 million below the budget request. The reduction from the budget is based on lower than anticipated fuel costs and inflation, normal slippages in the operational dates for new vessels, shore facilities, and other equipment, and additional management efficiencies.

The bill would also require that not less than $372.983 million of the operating expenses appropriation be available for drug interdiction activities. This is in keeping with the committee's strong commitment to adequately fund such activities. I invite the Members' attention to the drug interdiction section of the report beginning on page 13, which says that we must have a more coodinated and balanced approach if we are going to make headway in fighting the battle against drugs.

The operating expense funding level of $1.850 billion will support 37,054 military positions and 4,549 civilian positions. These levels are the same as the budget request and represent increases of 2,415 military and 200 civilian positions over the fiscal year 1986 level.

For acquisition, construction, and improvements, we are recommending an appropriation of $101.86 million. This appropriation plus an estimated $102.25 million in unobligated carryover funds will provide for a total program level of $204.1 million. The total program level is comprised of $144.9 million for vessel acquisitions and improvements; $5.6 million for aircraft; $27 million for shore facilities; $3.4 million for aids to navigation; $1.2 million for command, control and communications, and related systems; and $22 million for administration, survey and design.

The sum of $364 million, as requested in the 1987 budget, is provided for the pay of retired military personnel of the Coast Guard and Coast Guard Reserve. This is based on an average of 24,673 personnel on the retired rolls.

For reserve training, $63.857 million, including $5 million derived by transfer, is recommended. This will provide for a ready reserve of 18,500 including a selected reserve of 12,500.

The bill includes $20.1 million for the basic and applied scientific research, development, test, and evaluation projects necessary to maintain and expand the technology required for the Coast Guard's operational and regulatory missions. This amount is essentially the same as the fiscal year 1986 level.

For the State recreational boating safety assistance program, we approved the budget request of $15 million.

The bill also contains appropriations of $1 million each for the deepwater port liability fund and the offshore oil pollution compensation fund.

For the Federal Aviation Administration, we are recommending a total program level of $4.906 billion, including a $1.017 billion limitation on the use of contract authority for fiscal year 1987. This is $94.373 million more than the fiscal year 1986 adjusted level, and $392.381 million more than the budget request. This level will provide sufficient funds to continue the restoration of the air traffic control system, continue modernization of the national airspace system, improve our airports, and continue important safety regulatory and research initiatives.

For FAA operations, we recommend appropriations of $2.832 billion, including $34.5 million for headquarters administration. This represents an increase of $107.3 million over the fiscal year 1986 program level of $2.725 billion. This would provide for 45,669 positions including 20,058 controllers, supervisors, and support personnel for centers and towers, and 4,595 flight service station personnel.

With respect to the air traffic control system, we recommend $978.791 million and 20,058 positions for the operation of air route traffic control centers, terminal radar approach control facilities, airport traffic control towers, and certain ancillary facilities. This is $14.3 million and 326 positions above the budget request.

We approved the proposed reductions in overhead staffing for the centers and towers, but recommend additional funds to support an increase of 326 air traffic controllers over the budget request. This increase should support a total of 15,306 air traffic control positions—the 14,306 position level reached in February 1985, plus the additional 1,000 positions announced by the Department of Transportation on September 19, 1985.

Our committee remains concerned about air traffic controller work force staffing. While the FAA has reported progress in improving air traffic control capacity, full performance level staffing is still below 60 percent at some critical centers. In addition, the FAA has been slow to fill the additional 1,000 positions announced last September. As of May 31, 1986, the air traffic controller work force level was 14,168. This is still over 300 positions short of the legislated employment level of 14,480 that must be reached by the end of fiscal year 1986.

We also recommend a partial restoration of the proposed reduction in overtime funds for air route traffic control centers. The budget assumes a reduction of 180,125 hours of overtime. This restoration of funds would support 100,000 hours of overtime to avoid unacceptable levels of system delays and to accommodate unanticipated traffic growth or other system developments.

The bill also includes $10.314 million above the budget for the certification and inspection of the airlines and of the general aviation aircraft. This increase is necessary to fully fund the additional 300 safety inspectors and support staff provided in fiscal year 1986, and another 200 inspectors in fiscal year 1987.

We are deeply concerned about the effectiveness of the FAA's aviation safety inspecton program. According to the testimony presented by the General Accounting Office, the FAA has not responded effectively to the changes deregulation has brought to the airline industry. Since deregulation, the numbers of air carriers and aircraft have increased dramatically. Yet, in the same time period, the administration proposed significant staffing reductions in such critical areas as air safety inspections. For example, between 1978 and 1983, the FAA reduced its inspector staff by 34 percent—from over 2,000 staff to 1,332 staff.

The GAO believes this slowness to respond to changing conditions was further complicated by basic management deficiencies. For instance, the FAA did not collect data on what inspections were or were not being performed or what its inspections showed. It lacked the standards necessary to provide a framework for making appropriate decisions on the minimum levels of inspections essential to ensure airline compliance with safety standards. Without adequate guidance, FAA regional officials, for the most part, gave priority to certifying new and expanding airlines rather than to inspecting existing carriers.

Although the FAA has begun to respond to these problems and has developed a long-term strategy for improving its inspection program, the GAO concluded that this program cannot adequately ensure that commercial airlines are complying with all FAA safety regulations. Additional inspectors are needed and are funded in this bill. But, this action alone will not correct all of the deficiencies identified by the GAO. Our committee, in concert with the authorizing committee, will continue pursuing the necessary management reforms to ensure that these resources are used wisely. A key part of our effort will be the comprehensive report mandated in section 321(a) of this bill.

Moving on to trust fund contributions, of the $2.797 billion provided for

FAA operating expenses in fiscal year 1987, the bill specifies that $691.048 million, or 25 percent of the total, be derived from the airport and airway trust fund. In my view, this is an artificially low level that is caused by an ill-conceived formula contained in authorizing legislation. It is one of the causes for the high trust fund balance we currently have. I would hope that the authorizing committee would change this provision to reflect a straight percentage of the amount appropriated when the program comes up for reauthorization.

For facilities and equipment, the bill contains $829.914 million for fiscal year 1987, including $1.914 million derived by transfer. This is a decrease of $120 million from the fiscal year 1986 adjusted level of $950.3 million, but is about $5 million above the budget request.

I know many Members are interested in the funding status for terminal doppler weather radars. These radars should enhance the FAA's wind shear detection capabilities. The bill includes $88 million—$22.5 million above the budget—to install these radars at 15 locations. This equipment is an interim response to the wind shear problem until the "optimized" radars are fully developed. We will continue to give the wind shear radar procurement and research and development programs top priority.

With respect to the NAS plan, our committee is becoming increasingly dissatisfied with the FAA's progress in implementing this plan. We have raised several concerns about NAS plan management in the report, which are found on pages 25 and 26. Of particular concern is the NAS plan's eroding benefit-to-cost ratio. According to the General Accounting Office, projected savings have dropped by 33 percent since fiscal year 1982, from $24.5 to $16.5 billion. In addition, the General Accounting Office has given troubling testimony to our committee questioning the benefits attributed by the FAA to several major NAS plan projects. This testimony has damaged the credibility of the FAA in assuring the Congress and the taxpayers that the NAS plan is being prudently managed.

In addition to management difficulties, projected NAS plan costs continue to grow. If related project funds provided before 1982 or required after 1992 and requisite NAS plan research and development funds are added to the official cost estimate of $11.7 billion, the NAS plan now will cost over $15 billion. This amount will increase by an estimated $550 million with the addition of the terminal doppler weather radar project. At the same time, the FAA has not realized the productivity savings from new equipment as originally predicted. The 5-month delayed submission, until September 1986, of the congressionally requested annual NAS plan update only serves to reinforce our apprehension about NAS plan management, and justifies the need for a comprehensive and realistic assessment of the plan's initial objectives and whether such objectives still can be accomplished in a cost-effective manner.

With respect to FAA research, engineering, and development, we recommend $141.7 million, which is an increase of $7.2 million over the budget request. This includes $3 million over the budget request for TCAS-III implementation and $5.5 million over the budget for airport capacity research. We have deleted the request of $1.548 million for the DUATS project.

The bill also includes a $1.017 billion obligation limitation on airport development and planning grants. This is the highest funding level ever provided for this program.

The bill also includes $35 million for the operation and maintenance of metropolitan Washington airports, and $50 million for construction projects at those airports.

We have also recommended reducing the FAA's authority to borrow from the Treasury to pay defaulted aircraft purchase loans from $125 to $75 million. Testimony indicates that the FAA has paid approximately $169 million as a result of defaulted loans. The amount of these defaults is alarming and we believe that the FAA should fully explore other alternatives with the creditors, such as rolling over the loan or extending the payment period before it agrees to pay for a default. We have, therefore, reduced the amount of borrowing authority to $75 million to give added incentive to employ such options.

FEDERAL HIGHWAY ADMINISTRATION

Under the Federal Highway Administration, the bill provides for a total fiscal year 1987 program level of $14.117 billion in highway aid. This includes a limitation of Federal-aid highway contract authority obligations of $13.125 billion. The total FHWA program level is $1.311 billion more than the budget request and almost $258 million less than that provided in fiscal year 1986.

For budget planning purposes, we have assumed that highway programs will, for the most part, be reauthorized at the same levels and to the same extent as provided in current law for fiscal year 1986.

I would like to emphasize that the highway funding levels in this bill are higher by $2 billion than the amount of income expected to come into the highway trust fund. We estimate that fiscal year 1987 outlays attributable to the highway account of the trust fund will be about $14.096 billion. This compares to estimated total fiscal year 1987 income credited to the highway account of approximately $12.053 billion, based on current law. The $2.043 billion difference will serve to reduce the estimated $9.141 billion balance in the highway account by about 12.4 percent.

The bill provides a total of $202.75 million for FHWA administrative expenses, $3.441 million below the budget request.

The bill also contains an appropriation of $23.5 million for railroad-highway crossings demonstration projects in five different cities.

A $10 million limitation on highway-related safety grants is also contained in the bill for fiscal year 1987, the same as the budget request, and an appropriation of $7 million is recommended for highway safety research and development, which is the same as the budget request.

We recommend funds for 11 additional items not in the budget request: $1.887 million for an airport-highway demonstration project, $11 million for an intermodal urban demonstration project, $9 million for reconstruction of a section of the Baltimore-Washington Parkway, $13.9 million for an expressway gap closing project, $10 million for highway safety and economic development demonstration projects, $4 million for an airport access demonstration project, $3 million for a highway-railroad grade crossing safety demonstration project, $4 million for a nuclear waste transportation safety demonstration project; $1.5 million for Theodore Roosevelt Bridge capacity improvements, and $5 million for an airport access highway demonstration project.

For motor carrier safety, the bill includes $20.447 million, $932,000 over the budget request, to continue the activities of the Bureau of Motor Carrier Safety.

The bill also provides $18 million to liquidate contract authority obligations for the Motor Carrier Safety Grant Program. This assumes enactment of authorizing legislation to provide contract authority for this program as requested by the administration.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

For the National Highway Traffic Safety Administration, the bill includes a total program level of $98.46 million for operations and research. There were over 43,500 traffic deaths in 1985 and auto accidents still kill our young people more frequently than any other cause. This is $9.63 million more than the program level proposed in the budget request.

The bill also reserves $10 million of this appropriation to finance the second year of a 3-year pilot project to implement the recommendations contained in the National Academy of Science's report "Injury in America." The committee is hopeful that the re-

search recommendations in that report can produce larger payoffs in the injury-related research work currently funded by the NHTSA.

We also recommend a limitation on obligations for the State and Community Highway Safety Grant Program of $121.06 million, an increase of $11.06 million over the budget request.

For the Alcohol Safety Incentive Grant Program, we have established a limitation on obligations of $14.4 million in fiscal year 1987. This is the same as the amount obligated in fiscal year 1986 for this program.

For safety education and information grants, we have established a combined fiscal year 1983, 1984, 1985, 1986, and 1987 obligation limitation of $4.75 million. This is the same amount as provided in fiscal year 1986. We will assess the results of past and ongoing media campaigns before we will recommend additional funding for such purposes.

Mr. Chairman, for the Federal Railroad Administration, major recommendations include a program level of $26.7 million for railroad safety, $9.8 million for railroad research and development, a program level of $26.75 million for Office of the Administrator expenses—that includes $10 million for local rail service assistance grants—$9 million for the Redeemable Preference Share Program, and $5 million for Conrail commuter transition assistance.

For Amtrak, we are recommending the sum of $613 million, including $11 million derived by transfer. Of course, the President proposed deleting all Amtrak funds and the Congress has overwhelmingly rejected this proposal year after year. We expect that all existing routes and services will be maintained at this funding level—including section 403(b) and 403(d) service under the existing funding formulas. Bill language is also included continuing the statutory conditions for rehabilitating and operating a new route between Philadelphia and Atlantic City, and establishing a 60-percent Federal match for the Westside connector project in New York City.

In addition, the bill includes $16.962 million for Northeast corridor capital improvements. This sum will be of direct benefit to Amtrak.

With regard to Amtrak, the committee report expresses displeasure over repeated allegations of abuse by mid-level Amtrak management employees of Amtrak's work force discipline and grievance process. The effects on work force morale caused by past abuses and allegations of continuing abuses can only have a negative impact on employee productivity and efforts to reduce operating costs. Therefore, we reduced the recommended subsidy by $1 million for poor management practices. The Department of Transportation inspector general has also been requested to conduct a full investigation of Amtrak's discipline and grievance process, which is described in detail on page 114 of the report. We think this problem can be remedied, and we are going to insist that Amtrak's top management make this a priority item.

For the Urban Mass Transportation Administration, a total program level of $3.481 billion is recommended for fiscal year 1987. This is $2.261 billion more than the budget request, but $50.005 million less than the adjusted fiscal year 1986 program level.

Under the Formula Grant Program, we recommend an appropriation of $2 billion. The President's budget did not request any new general fund appropriations for this program in fiscal year 1987. Instead, the budget assumed enactment of new legislation to establish a Block Grant Program funded from the mass transit account of the highway trust fund. The President's proposed block grant would reduce by two-thirds the funding going into similar transit functions in fiscal year 1986. I think this approach amounts to almost a complete abandonment of mass transit in this country and its good that such an approach was discarded by the authorizing committee.

The amount recommended for formula grants in fiscal year 1987 is $57.55 million below the amount provided in fiscal year 1986. The operating assistance component of this appropriation would not be limited in any way other than what is provided by the formulas established in the Surface Transportation Assistance Act of 1982.

The bill also includes language limiting obligations for transit discretionary grants to $1.015 billion. This is $14.457 million more than the fiscal year 1986 limitation. As stated previously, the President proposed combining this program with the Formula Grant Program and certain other highway programs into a Block Grant Program. I invite the Members' attention to pages 101 through 105 of the report for a detailed description of how these funds are to be distributed.

With respect to new starts, the bill contains $110 million for the metro rail project in Los Angeles. In last year's continuing resolution, the House approved language which required the Secretary of Transportation to negotiate a full-funding agreement for this project. Two weeks ago, the Secretary announced that agreement had been reached to proceed with metro rail construction. Groundbreaking is scheduled for September.

Metro rail will be a very cost effective use of Federal funds. In fact, 45 percent of metro rail's cost will come from non-Federal sources—almost twice that required by law. For instance, in 1980 Los Angeles County taxpayers approved a sales tax increase to help fund this project. Also, Gov. George Deukmejian has pledged $400 million in State funds toward the cost of metro rail.

The construction of this project will allow Los Angeles to begin to solve the intolerable traffic congestion and poor air quality pervasive to that city. This project has a long history of widespread, bipartisan support, and we look forward to its completion.

The bill also includes $200 million for transit projects that have been substituted for interstate highway projects. Of this amount, 50 percent is to be distributed on a formula basis and 50 percent on a discretionary basis. The discretionary funds will be distributed as outlined on pages 105 and 106 of the report.

The bill appropriates $217.239 million as authorized by Public Law 96-184, the Stark-Harris legislation, to continue construction of the Washington, DC, Metrorail system.

The bill also provides a total of $48.6 million for research and administrative expenses of UMTA.

The bill limits the administrative expenses of the St. Lawrence Seaway Development Corporation to $1.925 million, $65,000 less than the budget request. In addition, we recommended an appropriation of $2 million to complete necessary concrete repairs at the Eisenhower lock.

For the Research and Special Programs Administration, the bill contains an appropriation of $20.8 million, $776,000 more than the budget request. This would provide for three additional hazardous materials enforcement/regulatory personnel, and two additional pipeline safety inspectors above the budget request.

For the Office of the Inspector General, the bill includes an appropriation of $27.77 million. This is $140,000 more than the budget request.

Title II of the bill contains $560.25 million in new budget authority for six transportation-related agencies and commissions. This is $370,000 below the cumulative budget requests, and $11.17 million above last year's adjusted level.

More specifically, we recommend $1.975 million for the Architectural and Transportation Barriers Compliance Board, $22.4 million for the National Transportation Safety Board, a total of $47.95 million for the Interstate Commerce Commission, $434.173 million for the Panama Canal Commission, $2.297 million for the United States Railway Association, and $51,663,569 for the Federal share of interest payments for the bonded indebtedness of the Washington Metropolitan Area Transit Authority.

Mr. Chairman, there are several general provisions in this bill that will be of interest to the Members, including

section 330 dealing with limitations concerning South Africa on the awards of Government contracts; section 331 prohibiting the takeoffs and landings in the United States of South African aircraft; and section 332 dealing with the reemployment eligibility of fired air traffic controllers. The general provisions are summarized on page 120 of the report.

Mr. Chairman, the bill before the body is a fiscally responsible bill which I believe provides adequate funding for our transportation programs. I ask for its favorable consideration and approval.

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

□ 1840

Mr. COUGHLIN. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, it is a great pleasure to rise in strong support of the fiscal year 1987 transportation appropriations bill. Chairman BILL LEHMAN has done an outstanding job of balancing both the competing needs of the various transportation modes, and accommodating as many Members as possible who requested projects. All achieved despite the limited dollars available. Proof that miracles do happen.

This is a bill with bipartisan support. It was developed in the spirit of cooperation and shows the subcommittee's commitment to safe and effective transportation. It is a pleasure to work with the other subcommittee members, SILVIO CONTE, CARL PURSELL, FRANK WOLF, MARTY SABO, BILL GRAY, BOB CARR, DICK DURBIN, and BOB MRAZEK, on such an interesting and important assignment.

While I am mentioning the members of the subcommittee, let me also recognize the staff who work on this bill: Jeff Jacobs and Kenny Kraft for the minority and Tom Kingfield, Greg Dahlberg, Lucy Hand, Linda Muir, and Janet Oakley for the majority.

The bill provides $10,284,900,569 in new budget authority. This is about $3.3 billion above the President's budget request and the Office of Management and Budget has announced its opposition. However, the amount recommended is only $137,924,000 more than the amount enacted to date in fiscal year 1986. When the fiscal year 1986 appropriations are adjusted to reflect certain Coast Guard programs which were supplemented by money from the Defense appropriations bill, the fiscal year 1987 amount is actually $318,701,000 less than 1986. The section 302(b) allocation is $10,302,000,000. So we are under that figure.

With respect to outlays, based on CBO figures, our report shows the bill to be $13 million over the section 302(b) budget allocation in discretionary outlays but $508 million under the allocation in mandatory outlays. Overall then, the bill is $495 million under the 302(b) allocation in outlays.

With respect to last year, the bill is $252 million over in discretionary outlays but $909 million under in mandatory outlays. This is a net at $657 million under last year's outlays.

The chairman has explained what is recommended in the bill so I will not repeat it. Some of the highlights are:

First, $21 million for payments to air carriers,

Second, $1,858,800,000 for Coast Guard operating expenses,

Third, $2,800,447,000 for Federal Aviation Administration operations,

Fourth, a total of $829,914,000 for FAA facilities and equipment,

Fifth, a highway obligation ceiling of $13,125,000,000,

Sixth, an appropriation of $613 million for Amtrak,

Seventh, $2 billion for section 9 formula grants in the Urban Mass Transportation Administration,

Eighth, a general provision which bars the Secretary from denying reemployment to the fired air traffic controllers "as a Class" solely because of participation in the illegal strike,

Ninth, a general provision directing the Secretary to deny landing rights to flights originating in South Africa, and

Tenth, a general provision prohibiting UMTA from forcing privatization on local transit authorities. It should be a local decision.

It is a good bill. It is virtually at last year's level. It is under the section 302(b) allocation. For all these reasons, it deserves your support. I urge that it be passed.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. COUGHLIN] has 25 minutes remaining, and the gentleman from Florida [Mr. LEHMAN] has 11 minutes remaining.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. MOAKLEY]

Mr. MOAKLEY. Mr. Chairman, I would like to engage the gentleman from Florida, in a discussion that I believe the committee will find worthy of attention. The Boston World Trade Center is currently developing a state-of-the-art people mover for the Commonwealth Flats area of Boston. They are well on their way to establishing the first daily operating monorail in an urban center.

Mr. LEHMAN of Florida. If the gentleman will yield. The Federal role in such projects is often limited to architectural design and technical support. What is the level of Federal involvement that the Commonwealth Flats people mover is seeking?

Mr. MOAKLEY. This project has been totally funded by private and State dollars and will operate through private funding entirely. The Boston Seaport Monorail, Inc. is requesting $1 million in UMTA funding for technological and design assistance. The developers will be using this small grant to leverage $24 million in private investment.

Mr. LEHMAN of Florida. Where will this system be developed and produced?

Mr. MOAKLEY. In a time where we see more and more examples of foreign technology used to solve domestic problems, it gives me great pleasures to report that this system is being technically planned in Florida and manufactured in Vermont. The developers made the domestic production of the monorail a requirement in their contract. The Transportation Group Inc., a division of Bombardier, Inc., are the producers of the highly successful monorail system for the Disney facilities. The Boston system will incorporate proven technology and the most sophisticated design elements. The monorail will have a capacity of serving 5,000 persons per hour. It will be unlike any other existing system and is designed to deal with extreme weather conditions including, ice, snow, and high winds—not unlike those conditions found in many large, Northeastern cities with open harbors.

Mr. LEHMAN of Florida. I believe the gentleman from Massachusetts is presenting us with a unique plan for developing urban transportation technologies; an opportunity for the Federal Government to implement state-of-the-art methods to alleviate urban congestion and to provide seed funding to attract private sector support and investment.

Mr. Chairman, I believe the combination of Florida with New England technology is a pretty good combination.

Mr. MOAKLEY. I thank the subcommittee chairman, and I commend him and his committee for the diligent way they have handled the bill.

Mr. COUGHLIN. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. MCCAIN].

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

Mr. Chairman, for the last year, the National Park Service has been studying the issue of noise from aircraft operations over Grand Canyon National Park and how it affects the natural quiet and experience of the park. And I am sure we all are all too familiar with the recent tragic events over the Grand Canyon in which a collison of two aircraft resulted in the deaths of 26 individuals. With 50,000 flights a year currently, and projected steady increases, the problems of safety and noise must be addressed as expeditiously as possible. The House Interior Committee has approved legislation drafted by our distinguished chair-

man, Mr. UDALL, and myself, which, together with the results of the National Park Service study of aircraft operations at Grand Canyon National Park, attempts to address these issues.

However, this aircraft management plan is only half the solution. What is needed at the canyon to compliment this plan, in my opinion, is effective radar coverage. To this point, I do not believe the FAA has attempted to address my concerns in a meaningful fashion. It is my hope that the Department of Transportation or the FAA will use some funds contained in this bill or otherwise available to them, to conduct a study to determine the appropriateness of radar coverage. Before anyone rejects radar at the Grand Canyon out of hand, I believe we should have all the facts in front of us.

Mr. LEHMAN of Florida. If the gentleman will yield, I congratulate the gentleman for bringing this issue to the attention of the House. I agree with him that this matter is serious enough to deserve prompt attention and I will work with him to initiate this study as soon as possible.

Mr. COUGHLIN. I, too, congratulate the gentleman for his attention to this matter and I will assist him in his efforts to initiate this study.

Mr. McCAIN. I thank the chairman and Mr. COUGHLIN for their cooperation on this issue.

Mr. COUGHLIN. Mr. Chairman, let me just say that the subcommittee is certainly aware of the great tragedy that did occur at the Grand Canyon and particularly aware of the tremendous work that the gentleman from Arizona has done with regard to this and with regard to trying to increase both the safety and the public use of the Grand Canyon. It is a monument to his efforts. It is very important indeed. We certainly want to work with him in his effort to initiate this study.

Mr. McCAIN. Mr. Chairman, I thank the gentleman and the chairman of the subcommittee for their consideration and assistance and cooperation on this issue. With their help I believe we can resolve this issue.

Mr. LEHMAN of Florida. Mr. Chairman, at this time I have no further request for time. I reserve the balance of my time.

Mr. COUGHLIN. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia [Mr. WOLF], a member of the subcommittee.

Mr. WOLF. I thank the gentleman from Pennsylvania for yield this time to me.

Mr. Chairman, I say to the chairman of the subcommittee, the gentleman from Florida [Mr. LEHMAN] that it is with deep concern that we learned recently of the Virginia Highway and Transportation Board's action to increase the restricted hours on Interstate 66 inside the Capital Beltway. As you know, the current restrictions are 7 to 9 a.m. and 4 to 6 p.m. Monday through Friday. Beginning August 4, the highway will be further restricted to 6:30 to 9 a.m. and 4 to 6:30 p.m.

Mr. LEHMAN of Florida. If the gentleman will yield, how does this decision affect the high occupancy vehicle rule on I-66?

Mr. WOLF. The board decided to adopt permanently our proposal to reduce the carpool—HOV—requirements from four to three persons and that action is to be commended. But the decision to lengthen the hours has the potential to worsen traffic congestion in northern Virginia by forcing many hundreds of cars onto already congested roads while I-66—presuming current HOV usage continues—handles an average of less than five vehicles per minute. No information has been presented which would indicate that a significant number of additional carpools could be created at the late hour of 6 p.m. each evening.

Mr. LEHMAN of Florida. What data is available on the morning hours?

Mr. WOLF. With respect to the morning hours, it is apparent that congestion has been occurring during "fringe periods" of the restricted hours, from 6:30 to 7:15 a.m. and from 8:45 to 9:45 a.m., and therefore prudent action by the board may be justified. However, much of this congestion is because aggressive enforcement of the HOV regulations is lacking. Stricter enforcement of the HOV restrictions, combined with the growing use of the Metrorail system, should reduce congestion during the restricted hours.

Mr. LEHMAN of Florida. Was the board's decision based on an extensive study?

Mr. WOLF. The principal problem with the board's action is that an adequate study and analysis were not performed. The board based its decision on only 1 day of traffic counts, just 12 days after the Metrorail Orange Line extension was opened. A decision of this magnitude which affects thousands of people in northern Virginia requires an extensive study followed by a fair opportunity for the people who will be affected to express their views. Relying on 1 day of traffic counts without the benefit of public comment is simply insufficient justification for such a major change in the operation of I-66.

Mr. Chairman, I want to be on record voicing my extreme concern over this decision and will be taking a close look at its impact on the commuters in northern Virginia. Your watchful eye on this matter, as one who has a deep commitment to meeting the country's transportation needs, would be helpful and I would appreciate your indulgence at some later date in addressing this issue should it become necessary.

Mr. LEHMAN of Florida. I can understand your concern over this matter, Mr. WOLF, and will be happy to monitor the situation on I-66 as these tighter restrictions are implemented.

Mr. WOLF. Mr. Chairman, I thank the chairman of the subcommittee.

□ 1855

Mr. LEHMAN of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Chairman, I have some concerns about appropriations under this bill that might support a highway project in my district which could have potentially devastating effects on an important local historic district, the village of Hudson, OH.

Title 49, United States Code, section 303, commonly known as section 4(f), requires that projects may only be approved if they "include all possible planning to minimize harm to the historic site resulting from the use" and that impinging development may only go forward if there is "no alternative." However, in considering an expansion of a Federal-aid highway which runs through Hudson, the Ohio Department of Transportation has not planned a way to minimize harm to the historic district and maintains that there is no alternative to expansion of the road within the historic area. In fact, local officials have outlined alternatives and have requested input from the State as to how adverse effects on the historic resources can be mitigated. No meaningful response has been made to either point, so far.

Clearly, planning for the highway first and mitigation of harm to historic resources last, as the State is proposing to do, will invariably put highway interests in a position superior to historic preservation interests. It is my understanding, and I seek the chairman's advice, that Congress intended for highway conflicts with historic resources to be worked out at the early planning stages and that planning for historic resources only after highway plans are firmly laid out does not meet the standard set by Congress, requiring that all possible planning be done.

Mr. LEHMAN of Florida. Mr. Chairman, if the gentleman will yield, my understanding is the same as that of the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I would add that the State's plans for the Route 91 extension through Hudson may also be premature. At this very moment, the expansion of a nearby, parallel road, Route 8, into a four-lane superhighway is being financed by the Federal Highway Trust Fund. It is expected to be completed within a few months. Would it not be more in keeping with Federal highway

policy, as well as fiscal prudence, if the State would postpone plans for expansion of Route 91 through Hudson until the effect of the completed Route 8 project can be accurately measured, and particularly its effect in realigning traffic on Route 91?

Mr. LEHMAN of Florida. That is my understanding of the Federal policy.

Mr. COUGHLIN. Mr. Chairman, I yield 6 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding this time to me.

Mr. Chairman, when we get to the appropriate point in the bill, I intend to give the House the opportunity to select once again among priorities that we may wish to address.

As the committee has pointed out, they are up against their 302 budget allocations, and so we have to look internally into the bill to try to find ways of readjusting priorities.

It would be my intent to look at the Offices of the Secretary, to look at NTSA, in order to find some moneys that are now devoted to enforcement of the 55-mile-an-hour speed limit in order to transfer those moneys to the Coast Guard for drug interdiction.

The Committee's report goes into some detail as to what is being done in the drug interdiction area. It indicates that they are not certain that this is exactly the way that we ought to proceed for the future.

I would say, though, that I have recently seen at least a preliminary proposal of the bipartisan drug plan that we have coming forward in this House, and it indicates that we are going to need another $90 million of money for the Coast Guard. Now that is $90 million that cannot be gotten within this year's budget unless we find some way to provide some funding. I do not suggest I can find $90 million. However, I do believe that there is about $20 million that can be gotten out of a law enforcement priority determination.

Let us understand that is what we would be doing here. Under this program that is funded in this bill, we now give about $20 million to local police authorities or to State police authorities for the enforcement of the 55-mile-an-hour speed limit. In other words, we place a law enforcement priority on the country that suggests that we ought to spend $20 million of taxpayers money to see to it that people drive 55 miles an hour rather than 56 miles an hour. That is exactly what we are doing. We are saying that that difference between 55 and 56 miles an hour is so important that we ought to spend $20 million on it.

I suggest that many of the American people would regard it as being a greater priority to spend the $20 million trying to interdict drugs coming into this country and giving that money to the Coast Guard to do it. That is what my amendments will seek to do.

As usual, we will have to go through a rather elaborate procedure in order to get from here to there. But it seems to me that it is a priority determination that this House may want to do, because it seems to me if you have law enforcement priorities for this country, they ought to be aimed at doing something about drugs rather than aimed at doing something about the 55-mile-an-hour speed limit.

It seems interesting to me that as the speeds have been increasing on our highways, the fatality rate has been steadily going down. However, as drugs have flowed into this country, there is no doubt that the fatality rate in drugs has gone up.

If we want to talk about saving lives, the way to save lives right now is to stop drugs rather than spending police time and effort on a 55-mile-an-hour speed limit.

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

Mr. WALKER. I am glad to yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, in addition to serving on the Committee on Appropriations and this subcommittee, I also have the honor of serving on the Select Committee on Narcotics Abuse and Control as the second ranking minority member on that committee.

If the gentleman were transferring funds somehow to increase the funding for drug abuse education, I would have great sympathy with what the gentleman is doing. And I might myself have some amendment to that effect at some point.

But we have in this bill right now millions of dollars for Coast Guard interdiction. Yet the Coast Guard cannot tell us in the Select Committee whether they interdict 4 percent of the drug traffic or 10 or 30 percent, particularly when it comes to cocaine, which is the epidemic at the present time. Cocaine is the basis for so-called crack. It is terribly difficult to interdict, particularly any shipments on the high seas because such a small quantity of it is so very potent.

Somehow I believe, and have believed for some time, that we have misplaced our priorities in our programs for drug abuse, and that indeed we should be spending more in drug abuse education here to discourage young people from taking drugs than in interdiction and law enforcement.

Those are all very appealing things to do. But I hope at some point the gentleman might rethink his programs for combating drugs and try to direct the funds in other directions because our ability to interdict has at best been a very minimal success.

Mr. WALKER. If the gentleman will allow me to respond, the problem is I cannot get to drug abuse education in this bill. There are no drug abuse education programs in this bill. We will have a bill coming later on, and that may be something that we want to address.

But we ought to address the war on drugs at the places where we can come up with resources.

What I am saying to the gentleman is that the bipartisan plan that is being developed around here indicates that there is a need for $90 million more for the Coast Guard. I say to the gentleman that there is no room in this bill for that additional $90 million unless we provide it. We cannot get the $90 million. I am saying that maybe we can get maybe $20 million of that. It seems to me we ought to move in that direction.

It seems to me that the other day when we had the Drug Enforcement Administration up and we had $50 million there, some of that money might have been used for educational programs, but the House turned that down.

It seems to me that there is no place that we are willing, where we can make the transfers, to come up with the money for the drug fight.

All this gentleman is attempting to do is provide some of the resources in some of these bills so that, when we get to that drug fight, we do not come back here, as the Speaker has suggested recently that we are going to do, and that is ignore the budget and ignore the deficit for this program. I do not think the American people are going to be very happy with us if we do that either.

It seems to me that when we can find places to change our priorities, now is the time to do it. That is all I am trying to do.

□ 1905

The CHAIRMAN. The gentleman from Pennsylvania [Mr. COUGHLIN] has 12 minutes remaining, and the gentleman from Florida [Mr. LEHMAN] has 6 minutes remaining.

Mr. LEHMAN of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. COUGHLIN. Mr. Chairman, I have no further requests for time, but I yield myself such time as I may consume.

Let me just say first that I hope we will not take funds from programs that are today saving lives and transfer them to other programs that may be more questionable in their ability to save lives. Also I hope that we do not take funds from what are essentially very small programs in terms of the total number of dollars involved in them and transfer them to other programs that are very, very large programs in terms of the total number of dollars involved in them.

The distinguished chairman of this subcommittee, the gentleman from

Florida [Mr. LEHMAN], who is as concerned about drug abuse as any Member of this House and who is our friend, has crafted a carefully balanced bill, one that I hope will be considered and passed by this House as the subcommittee has proposed.

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

The CHAIRMAN. The gentleman from Pennsylvania [Mr. COUGHLIN] yields back the balance of his time.

Does the gentleman from Florida [Mr. LEHMAN] yield back the balance of his time?

Mr. LEHMAN of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. COUGHLIN] for his remarks, and I just want to associate myself with the position that he has taken on the enforcement of the 55-mile-per-hour speed limit and the necessity for keeping those funds available for this purpose.

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

Mr. LEHMAN of Florida. I yield to my friend, the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank my friend for yielding.

The implication of what the gentleman from Pennsylvania said was that the 55-mile-per-hour speed limit is in fact reducing fatalities. Now, the recent studies are showing that despite the fact that speeds are going up, the fatality rate is coming down.

Does the gentleman have information to refute that, or does the gentleman have information to refute the fact that the number of lives lost per million miles driven in foreign countries, where they have higher speed limits than we do, is in fact lower than what we have in this country?

Mr. LEHMAN of Florida. Mr. Chairman, I have a lot of facts and a lot of information. There have been 10,000 lives a year saved since 1972. I think a great many of those lives have been saved due to the enforcement of the 55-mile-per-hour speed limit.

I do not think we should be playing dollar games with programs that save lives, not only lives but mutilations and injuries to people who have been in accidents.

I believe that the cost of lives lost through the years in automobile accidents in this country is greater than the number of lives lost by heart disease and cancer combined, because car accidents are what kill young people. That is where you lose the potential years of life.

Mr. Chairman, I associate myself, as I said, with the remarks of the other gentleman from Pennsylvania [Mr. COUGHLIN], and I will oppose very strongly the position taken by the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. LEHMAN of Florida. Yes, I yield to my friend, the gentleman from Pennsylvania.

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

I just wanted to point out to the gentleman, though, that if we can keep drugs off the streets, that also saves lives, and it seems to me that there is much empirical evidence that keeping drugs off the streets right now is in fact lifesaving, whereas there are all kinds of statistics which question whether or not the 55-mile-per-hour speed limit is playing any role whatsoever at the present time in saving lives.

Mr. LEHMAN of Florida. Mr. Chairman, I do not wish to continue the debate any further at this time, but I would say that we have put a floor in the Coast Guard budget of over $370 million for drug interdiction. Now the $20 million that the gentleman wants to take from highway safety is not going to make that much improvement in drug interdiction, but it could cause a lot of deaths on the highways that otherwise would not occur.

Mr. Chairman, I do not see any need to debate the matter further now, and I will yield back the balance of my time.

Mr. WALKER. I would only say, Mr. Chairman, that it is a debate worth having.

Mrs. VUCANOVICH. Mr. Chairman, I would first like to commend the members of the committee for having the integrity to restore the funding that will allow 750 positions to be retained at flight service stations around the country. The administration requested that this funding be eliminated. This is indeed a victory for the Nation's general aviation pilots who rely so heavily on flight service stations.

As you may recall, I led the effort in the 98th Congress to maintain funding of the flight service stations until the automated equipment that was to replace the FSS was in place and working. I am so pleased to see that effort being carried forth today.

The safety of the general aviation pilots should not be compromised for anything, and especially not for productivity improvement as the FAA has proposed. The FAA believes that if the existing flight services are consolidated with automated facilities right now, there would be a significant cost savings. The committee wisely was not convinced of such a savings. While I support the new automated flight service stations, I believe that the pilots of our great Nation deserve a tested, proven, and on-line replacement system before the ties are cut from the existing flight service stations. This bill provides that.

The flight service stations have performed a vital service to the general aviation pilots over the years. They aid in flight assistance on preflight, inflight, and emergencies; and in the dissemination of weather information. Without these services, the general aviation pilots would be grounded.

Once again, I commend the committee on their action and urge favorable passage of this bill. Thank you.

Ms. SNOWE. Mr. Chairman, I rise to stress the importance of funding for rural transportation. I urge my colleagues to look closely at the inequities of allocation between urban and rural transportation.

I have introduced legislation which will increase the proportion of the Urban Mass Transportation Act [UMTA] allocated to rural transportation. This legislation would increase the funding formula for section 18 of UMTA from 2.93 percent to 5 percent. This would be accomplished by reducing the percentage for each of the two urban categories by about 1 percent.

For too long, rural areas have been relying on a disproportionately low percentage of funding for transportation. Although 39 percent of the national population live in rural areas, they receive less than 3 percent of the transportation funds. Thus, increasing the rural formula allocation to 5 percent is only a small step toward equity.

In rural areas, public transportation is often the only means of transportation for the elderly and the handicapped. Thus, public transportation is of vital importance if these groups are to maintain their independent functioning in the community. Children, too, benefit from public transportation in rural areas. Many Head Start and nursery school programs depend on public systems for transporting children to and from their programs. In spite of this, numerous witnesses testified, in hearings held by the Subcommittee on Human Services of the Select Committee on Aging, that large commercial bus companies are reducing the number of rural stops because they are losing money due to the low number of riders. As a result, specialized and more economical types of public transportation are increasingly necessary in rural areas.

Currently, there are 2.5 million nonurban households with no car, and another 10.2 million households with only 1 car. Without commercial bus routes, those living in rural areas can become isolated and may find themselves without access to other systems, such as taxi service.

I recognize that all UMTA Programs have been reduced. This should serve as a challenge to all public transportation systems, rural as well as urban, to become increasingly efficient and creative in managing their Federal dollars. Although, because of labor costs, urban transportation is more costly to operate than rural transportation, funding is very skewed. At present, UMTA spends $28 per capita for transportation in large urban areas as compared to only $1 per capita in nonurban areas. I believe it is time that the rural population received a larger share of the pie.

Mr. Chairman, the current 2.93-percent set-aside was established in 1982, and simply reflects a historic breakdown between urban and rural transportation. It does not reflect need or equity. I, therefore, urge my distinguished colleagues who represent urban areas to consider a more balanced division between urban and rural funding for transportation.

Mr. LEHMAN of Florida. Mr. Chairman, I have no further requests for time, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. OWENS] having assumed the chair, Mr. PANETTA, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 5205) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1987, and for other purposes, had come to no resolution thereon.

CERTIFICATION WITH RESPECT TO THE BINARY CHEMICAL MUNITIONS PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-248)

The SPEAKER pro tempore (Mr. OWENS) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Appropriations and the Committee on Armed Services and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, July 29, 1986.)

INTRODUCTION OF BILL TRANSFERRING THE OLD U.S. CUSTOM HOUSE IN NEW YORK CITY TO THE MUSEUM OF THE AMERICAN INDIAN

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

Mr. UDALL. Mr. Speaker, I join today with several of my colleagues in introducing legislation to transfer the Old U.S. Custom House in New York City to the Museum of the American Indian.

The Museum of the American Indian is one of the great, largely undiscovered treasures of the Western Hemisphere. Presently located in cramped quarters in Upper Manhattan, the museum contains nearly a million artifacts, 70,000 negatives and prints; and 40,000 manuscripts, maps, and documents. The collection is derived from the native peoples of North, Central, and South America.

Founded in 1916 by engineer-financier George G. Heye on land donated by Archer M. Huntington, the museum's collection has grown to include a vast array of Indian artifacts: precious metal ornaments, toys and games, masks, clothing, totem poles, cooking utensils, ceramic vessels, towering house posts, dolls, weapons, and musical instruments.

It has been called the finest collection of American Indian artifacts in the world, but because of limited floor space, only a small fraction of it is on display at any given time. Many of the fragile treasures are kept in old storage facilities where changes in temperature and humidity threaten their preservation.

On those occasions when the works of the museum have been exhibited at more spacious and accessible quarters, the public response has been overwhelming. Two major exhibitions were held in 1978 and 1979 at the U.S. Custom House on Bowling Green in New York City. Each of these shows displayed more than 500 masterpieces. The 1978 exhibit, "Echoes of the Drum," attracted nearly 80,000 visitors, 1,000 a day, despite a citywide newspaper strike. The second exhibit, "The Ancestors: Native Artisans of the Americas," also attracted great crowds and critical acclaim.

The legislation which I am introducing today would convey the Old U.S. Custom House in New York City to the Museum of the American Indian on a permanent basis, subject only to the normal restrictions and conditions imposed upon the transfer of surplus U.S. property.

Presently, the Old U.S. Custom House, designed by Cass Gilbert and completed in 1907, stands empty under the care of the General Services Administration. As the success of the 1978 and 1979 exhibits demonstrate, the Custom House would make a great showcase for the Museum of the American Indian.

The museum is desperately in need of a new facility. To adequately house its vast collection, the museum requires 100,000 to 150,000 square feet of space. The museum also needs one large building in which to consolidate its scattered facilities. At the moment, the library and research branch of the museum are located some distance from the museum itself.

The Custom House would be an ideal solution. Conveniently located on Bowling Green in Lower Manhattan's Battery Park area, it would permit the museum to expand and improve service to the public and to scholars. Most importantly, it would allow the museum to expand the public viewing area by four or five times. Space would also be available for the Educational Extension Service and the Indian Information Center, making available the computerized catalog of the collection and museum training for Native Americans. And, with appropriate renovation, the Custom House could provide climate-controlled storage for the collection and expansive library and research facilities for scholars.

Mr. Speaker, I urge the swift approval of this legislation. It would make a lasting contribution to the preservation of Native American artifacts and culture.

CONGRESSIONAL GOLD MEDAL STANDARDS

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

Mr. ANNUNZIO. Mr. Speaker, last week, together with the ranking minority member of the Consumer Affairs and Coinage Subcommittee, Mr. HILER, I introduced the Congressional Gold Medal Act. This bill would formally establish the congressional gold medal and set standards for its award.

Over the past 200 years, Congress has from time to time voted to award special congressional gold medals to persons found deserving of this high honor. The first gold medal was awarded in 1775 to George Washington. Since then the award has been voted to many distinguished Americans, such as the Wright Brothers, Charles Lindbergh, Thomas Edison, and Dr. Jonas Salk.

Over the past decade an ever-increasing number of bills calling for the award of the congressional gold medal have been introduced. In 1980, as chairman of the Subcommittee on Consumer Affairs and Coinage, I instituted a policy requiring any gold medal legislation to have at least 218 cosponsors before the subcommittee would consider the legislation. Gold medal bills are then brought to the floor under suspension of the rules, so that a two-thirds vote is required for passage. While these requirements have had some effect in assuring that medals are only awarded to those persons considered as truly worthy of this high honor, an ever-increasing number of bills have continued to be introduced.

Over the past several years I have had discussions with Members who have expressed concern that the congressional gold medal was no longer as exclusive or meaningful as it was previously. I shared those concerns, and over the past year have studied what standards should be adopted for the award of congressional gold medals.

I have discussed the development of appropriate standards with the ranking minority member of the subcommittee, Mr. HILER, who also is concerned about safeguarding the honor of the congressional gold medal. He worked closely with me in developing H.R. 5236.

In addition to the standards in the bill, the subcommittee will continue to apply the requirement that a gold medal bill must have a majority of the House, at least 218 cosponsors, before subcommittee consideration. Also, to assure that bills are nonpartisan, the subcommittee will require that a gold medal bill be sponsored by at least 40 percent of the Members of each party.

The subcommittee will apply these guidelines to any gold medal bill that has not yet attained 218 cosponsors this Congress. When the next Congress organizes, it is my intention to have these cosponsorship guidelines incorporated into the Banking Committee rules.

H.R. 5236 and these cosponsorship guidelines will assure that the congressional gold medal is awarded only for truly outstanding achievements, and will restore the medal to its rightful place of high esteem.

MILITARY FLIGHT SAFETY BILLS ARE INTRODUCED

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

Mr. ROSE. Mr. Speaker, shortly after the Arrow Air military flight crashed last December at Gander, Newfoundland, I began discus-

sions with Senator AL GORE about legislation we could introduce that would protect members of the armed services from ever again having to fly in airplanes as poorly maintained and as dangerous as the one that took 248 servicemen's lives in Gander. I am introducing legislation today, with 19 cosponsors which is the result of those discussions. Other Members of the House, including Congressmen BENNETT, NICHOLS, and HOPKINS, have also introduced legislation with the same objective, and I support their efforts. I am glad that their legislation, including the part I cosponsored, is moving through the Armed Services Committee

The thrust we are taking today is a requirement that the Federal Aviation Administration notify the Military Air Command promptly whenever a contractor airline is cited for a safety violation. Mr. Speaker, after the Gander accident the congressional investigation disclosed that the Military Air Command was going by what it was told, or not told, by the FAA, so far as safety was concerned. Under the legislation we are introducing today, the Military Air Command would know "promptly" when safety violations are found—something that is supposed to happen now, but as we sadly found out, does not. Under our legislation, the MAC could, should and would hold the flight on the ground until defects are corrected, or until a safe plane is provided.

The bill requires additional actions to make air movement safer for our troops, including "more frequent hands-on and en-route inspections, periodic rotation of field inspectors, prevention of overscheduling of flight crews," and forbids reprisals against airline employees who notify FAA of violations. It also prohibits airlines from employing FAA inspection personnel from going to work for an airline he or she inspected for 2 years after leaving the FAA.

I urge the Congress to act so that our members of the armed services will be protected against having to fly in aircraft the likes of what Arrow Air provided.

I am also introducing a resolution calling for the appropriate committees to look into whether a separate agency responsible for airline safety should be established. It may be that since the FAA is charged with the promotion of air travel, air safety should be in the hands of a different agency.

A TRIBUTE TO THE LATE HONORABLE EDWARD A. GARMATZ

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

Mr. JONES of North Carolina. Mr. Speaker, on February 10, 1966, I was sworn in as a Member of Congress due to a special election. Following this, my first committee assignment was to the Committee on Merchant Marine and Fisheries, which at that time was chaired by the Honorable Eddie Garmatz. As do some new Members, I needed as much guidance as possible, and I found the chairman, the late Eddie Garmatz, was a friend indeed. He was very patient with me and explained the procedures and responsibilities. So, it was obvious that one of my first impressions of Members of Congress centered on Chairman Garmatz. Therefore, my memory is one of fondness and gratitude.

After he saw fit to retire from the strains of Congress, we maintained our friendship. During my multiple hospital confinements, he stayed in close touch, a gesture which I shall always appreciate. Even during the Christmas season he saw fit to remember our friendship with much appreciated and appropriate gifts. Certainly, he shall be missed by many, but perhaps by no one with any more appreciation than I.

To his family and his multiple friends, I offer my deepest sympathy. We can all be grateful for his services to this Nation during his lifetime.

□ 1915

A TRIBUTE TO THE LATE HONORABLE ED GARMATZ

The SPEAKER pro tempore (Mr. OWENS). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

GENERAL LEAVE

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the passing of Congressman Ed Garmatz.

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

There was no objection.

Mrs. BENTLEY. Mr. Speaker, it has been said that we see our way as well as we do because we stand on the shoulders of the leaders who have gone before us. One of those leaders passed away last week. Eddie Garmatz was a Member of this body, a chairman of its Merchant Marine Committee, a defender of America, a wise and visionary leader, and he was my friend. He called me his Republican buddy.

The battles he fought to defend the Nation's seapower and its commerce are still undecided, but we are here to continue those struggles in large part because he was here and worked so hard and so well to protect his dream of restoring the United States as a maritime power.

Yes, Eddie Garmatz, an old style crab feast, clubhouse, Christmas turkey, East Baltimore politician who served 13 terms as Democratic Congressman from the Third District of Maryland and for whom the Federal courthouse in Baltimore is named, succumbed to cancer last week.

Vintage Americana, 2 months ago on the Memorial Day weekend I attended a service at St. Stanislas Cemetery and Congressman Garmatz was there, along with city councilman, Minnie DiPietro, and Senator Joe Bonagna, and the American Legion Post from Fleet Street.

It was an extremely hot day. In fact, it was nearly 100 degrees in the Sun where we were sitting and pretty soon the former Congressman had to leave the stand because it was so hot. I was then told that he had just gotten out of the hospital the day before and it was too much for him.

When I caught up with him, I said, "Eddie, why did you come out on such a hot day?"

And he said, "Helen, I've been doing that for 40 years with that American Legion group and I couldn't miss this one." That is vintage Eddie Garmatz.

Mr. Garmatz served in Congress during the administration of Presidents Harry Truman, Dwight Eisenhower, John Kennedy, Richard Nixon, and Lyndon Johnson; but he not only never lost touch with his East Baltimore roots, he also remained a pretty good friend of amazing numbers of people who voted for him.

Garmatz voted straight democratic, a hundred percent labor, and about a hundred ten percent for U.S. shipping and maritime interests. He rose through the old seniority system during his 25½ years in the House of Representatives to become chairman of the House Merchant Marine and Fisheries Committee in 1965, and in the sixties Baltimore and Maryland were very fortunate because we had three chairmen of full committees; George Fallon, chairman of the Public Works and Transportation Committee; Sam Friedel, chairman of the House Administration Committee; and Ed Garmatz, chairman of the House Merchant Marine and Fisheries Committee. He was the last of the three to pass on.

These three powerhouses commuted regularly from Baltimore-Washington by train and a lot of business was conducted on that train in the morning. They decided there how they were going to apply that power for Baltimore and for Maryland and they did their job well.

It was a privilege for me as a newspaper editor to be able to join them on some of these trips and to learn at their feet.

During his term as chairman of the House Merchant Marine and Fisheries Committee, the legislation that was passed was almost like an encyclopedia of maritime legislation, the most famous of which, of course, as far as the merchant marine was concerned, was the passage of the 1970 Merchant Marine Act, which allowed subsidies for the construction of bulk carriers.

It was during his term that there was a first-time interest in oceanography by that committee and he placed it in the Subcommittee for Oceanography and it is still in place today.

Under his regime was passed the National Environmental Protection Act

[NEPA], which is a definitive environmental legislation.

You know, this was typical of him; although the Interior Committee really had jurisdiction there, he managed to pull it away and to get the legislation through his committee.

It was under him that Fisheries came into their own.

There was the passage of the Endangered Species Act, the Marine Mammal Protection Act, as well as the Port and Waterways Development Act, the Bridge to Bridge Radio Telephone Act, the Tug and Barge Licensing bill, and the Federal Boat Safety Act which of course was the first time that any legislation had been passed in respect to recreational boating.

A considerable amount of Panama Canal legislation was also enacted under his stewardship.

He opposed any vessels made of wood. I remember a number of the battles year after year that he and Congresswoman Lenore Sullivan, who succeeded him as chairman of the House Merchant Marine Committee, the battles they had over whether or not the *Delta Queen* could continue to sail on the Mississippi River. Every year this bill came up and every year there was almost a knockdown battle between the two of them.

I might say that she prevailed on those. The *Delta Queen* is still sailing on the Mississippi.

He formed a subcommittee for the Maritime Academy and it was also he who managed to bring the Marine Engineers Beneficial Association Training School to Baltimore for engineers.

Yes, we can say that he supported subsidies for American shipbuilding, laws encouraging the use of American flagships, money for dredging Baltimore Harbor and even research into the propagation of the blue crab.

He was an early and continuing supporter of Adm. Hyman Rickover and atomic powered submarines and ships.

He fought against the St. Lawrence Seaway, condemned the Defense Department purchase of British ships as a harbinger of doom, chided President Dwight Eisenhower for taking the *Queen Elizabeth* to Europe instead of the SS *United States* and he sought the elimination of sea nettles from Maryland waters.

In 1963 he opposed a contract for "jumbo-izing," that is extending the length of a vessel, the jumbo-izing of two Navy ships because the midsections were to be built in Japan. He wanted the work to be done in private American yards, keeping those yards available in case of a national emergency. How familiar those words are today.

Always a staunch friend of labor and shipping, Mr. Garmatz proudly retained his membership in the International Brotherhood of Electrical Workers, AFL-CIO.

He fought in the House and in the Merchant Marine Committee on behalf of that constituency and those ideals, Maryland shipbuilding first, American shipbuilding second, and foreign shipbuilding, never.

He was still an active member, I mean a card-carrying member of the IBEW when he died.

The maritime people always regarded him as one of their type. In the 1964 campaign in which he defeated city councilman John Pica in the primary, Thomas W. Gleason, in a personal letter to each longshoreman, cited Mr. Garmatz as "one of the best friends that longshoremen have ever had."

In that letter he said:

> Eddie Garmatz is not only a friend of the longshoremen and the International Longshoremen's Association, but he is one of the best friends labor has ever had in Congress—a card-carrying union man.

The thing that I think we all loved best about Eddie was that he was always a humble person, never assumed any lofty airs, and he never forgot his friends. No matter what another person's status was, Ed treated all those people with equal respect and humility.

He particularly retained a special place in his heart for the working person, for a waitress, a doorkeeper, an electrician, and always in a restaurant or at a dinner he went into the kitchen first to talk to those people who were preparing the meal before he went out to enjoy his meal.

Testimony to how these little people, the working people felt about him, was evident last week in the Capitol as the clerks, who still remembered him in the Congress, came up to me and said, "He was always such a gentleman."

Although Ed was not a person of fancy words, since his formal education was limited, he was one Member of Congress who knew how to get his bills through. He was one of the best floor managers in the business, and that was because of the way he worked with other Members of Congress and his respect for them, regardless of party. When you look at the agenda of legislation that he enacted while he was chairman, you can see how well he did his work.

One of his best friends and a working colleague was Gerald Ford when he was minority party leader. They frequently worked together to push through several pieces of maritime legislation. Ed called on Mr. Ford when he needed him, and he always was given that support.

Ed did not have any legal experience, but he did not think that mattered much. He always would say, "All you need is a little two-plus-two-equals-four common sense."

"You don't have to be a Harvard graduate or a Rhodes scholar. The way they decide things today, I wish we had more electricians and plumbers making court decisions and in the legislature."

That was typical Ed Garmatz.

He grew up in Baltimore near Gay and Federal Streets, not far from downtown. He first got into politics in the old 14th precinct of the 8th ward around North Avenue and Gay Street in the heyday of clubhouse politics. He remembered in a newspaper interview that he first joined the Colonial Pleasure Club. Later on he counted 65 political clubs in his Third Congressional District.

He said, "We need to take hayrides and my friends got interested in politics that way."

His early job was in the maintenance department of the American Brewery until he got his first political job as a clerk with the Maryland Racing Commission. After that he became a police magistrate. When a friend joined the Armed Forces in World War II, Ed said, "I would like to have your job," because the pay was better. It was $4,000 a year.

He started out in politics as an ally of Thomas D'Alesandro, Jr., who also was at his funeral services last week. When D'Alesandro became mayor in 1947, he handpicked Garmatz as his successor for the Third Congressional District seat. Garmatz had been D'Alesandro's treasurer and campaign manager.

In 1947, Garmatz spent $8,500 to get elected to that first term and THOMAS O'NEILL, who was the Sun's political writer at the time, called the election "unusually expensive."

However, Garmatz once reported spending only $250 1 year when he ran unopposed. He was unopposed in five primary and four general elections. When he did have opponents, he routinely demolished them by margins of two, three, four, and five to one.

D'Alesandro predicted that Garmatz would get more than his two opponents at one time, and he did. He got an independent Democrat and a Republican, city councilman Simon Jarosinki and Ed Panetti, and D'Alesandro then delivered Little Italy's third precinct, third ward, the famous "Third of the Third" for Garmatz, 537 to 57 for his benighted opponents.

□ 1930

Baltimore politics were much simpler in those days. Eddie recalled his relationship with Tommy D'Alesandro as his campaign manager. He said:

> I used to put a quarter barrel of beer in the back of my car and drive around and find somebody having a birthday or something and we'd set it up and 15 to 25 people would come in. Then Tommy would drop by, accidentally, you know, and say "Hi." After he had shaken hands all around, we would leave and go set up at another place. We

would do that three or four nights a week just to get him acquainted with the people.

Gene Raynor, who is head of the Baltimore City Board of Elections Supervisors, described Mr. Garmatz as a man with a great sense of humor. No matter how he felt, he wanted to say something to make people smile. He always wanted to do something to make people feel good. His generosity was his byword.

For example, he bought dollar bills from the mint in pads like notepaper and would peel them off for kids for birthdays and graduation. He did not want to slight the adults, so he had giant-type bills printed up in ones or fives, sometimes even hundreds, and he would peel them off, handing them to adults, always with a smile. As Gene Raynor said, he always enjoyed a joke, and wanted to make people feel good.

Another person who remembered him so well was Richard Lidinsky, who is now the deputy comptroller of the city, but who was Eddie's aide for several years. He said:

Eddie was just a great guy. Nobody will know of his benevolence to many, many people. Wherever he felt there was a need, he came forward.

Richard described that in a eulogy at the funeral services last week.

Garmatz ran 365 days a year, always quickening his pace a bit during an election season, and he wanted that daily commute because he was able to stay closer to the voters. Even on the last time he attended a public event, on that very hot day, he stood tall and erect. He had grown a bit portly in his middle age, and he always wore three-piece suits, subdued, always with a Maryland black-eyed-susan as a boutonniere, and a four-pointed white handkerchief in the breast pocket. A diamond stickpin frequently gleamed under the splendidly dimpled Windsor knot in his tie.

He grew bald early on, wore glasses and a small neat mustache cut in the style of the leading men of the thirties, and after the LBJ years, affected a trademark wide-brimmed western Stetson hat, although in his early years in Congress he occasionally wore a homburg. In the summer his Stetson hat was a straw hat, and in the winter it was a grey felt.

Yes, we in Maryland and all those who knew him shall truly miss this man who contributed so much to his home State and to our country through his long years of dedication.

Those of us who knew him in Congress, those on the streets of his district, and those who viewed him from afar can only look back with fondness and respect on his many contributions and thank the Lord that he had the strength and will to take the lead in the service of his country.

Mr. Speaker, there is another side to Congressman Ed Garmatz that we all knew about and that was his devotion to his wife and sister.

The Honorable Richard A. Lidinsky, deputy comptroller of the city of Baltimore, said it so eloquently at the funeral service:

But this was only a part of the whole man, Eddie Garmatz, for it can be proudly stated that he was the devoted, dedicated husband and constant companion of his lovely and gracious wife, Ruth, for 49 years. Without her steadfast support and understanding, capped by her love and devotion, Eddie's accomplishments would have been difficult, if not impossible to achieve.

And, Ed's sister, Elizabeth, who served so conscientiously and efficiently as his top aide in Congress, is due acknowledgement and gratitude for her part in his career.

And I would like to note that his last words just before he slipped into his coma, were: "Take care of Ruth."

He was always so worried about her because she had been in frail and failing health in recent years. Ed frequently said he had to hurry home from an event because he was concerned about "my Ruth."

Mr. HOYER. Mr. Speaker, last Tuesday, July 22, the Port and city of Baltimore lost one of their best friends of the post-World War II era with the death of former Congressman Edward A. Garmatz, who served in this House from 1947 to 1972.

The Baltimore Sun last week termed Congressman Garmatz' philosophy as being, "Maryland shipbuilding first, American shipbuilding second, and foreign shipbuilding never."

The health of the Port of Baltimore and its shipping-related industries was the first issue of concentration for Congressman Garmatz in his 13 terms in this House. In time, he assumed the chairmanship of the Merchant Marine and Fisheries Committee, which we all know is the most important committee in all the House in terms of the shipping industry.

Perhaps the most lasting testament to the effectiveness of Congressman Garmatz was adoption by the Congress of the Merchant Marine Act of 1970 which helped to rejuvenate American shipbuilding. In recognition of all of his efforts on behalf of the Third District and the people of Maryland, the Federal building in Baltimore is named in his honor. That monument and his legislative achievements will long stand as reminders of Congressman Garmatz' commitment to the people of Baltimore.

I join the House in sending our condolences and prayers to Congressman Garmatz' wife, Ruth, and his sister, Elizabeth Garmatz.

Ms. MIKULSKI. Mr. Speaker, I rise today to pay tribute to former Congressman Edward A. Garmatz who passed away last week in Baltimore at the age of 83.

Eddie Garmatz was my Congressman when I was growing up in east Baltimore. He was my predecessor in this office. I considered him a friend and an adviser.

During his 25 years in Congress, Eddie Garmatz helped the Port of Baltimore flourish. As the powerful chairman of the House Merchant Marine and Fisheries Committee, Congressman Garmatz laid the foundation for the enactment of the Merchant Marine Act of 1970.

This important piece of legislation provided a vital boost to the shipping industry in Baltimore and around our country. It boosted an industry but it also boosted our city's economy. It created new jobs in our shipbuilding and ship repair yards.

Around the streets and neighborhoods of east Baltimore, where he himself was born and raised, Congressman Garmatz was known simply as "Mr. Garmatz."

He was a proud man. He was proud of his city, his State, and his Polish heritage. In fact, he was one of the first persons of Polish background ever elected to the U.S. Congress.

In Congress, he fought for the port community but that's not all he did. He worked tirelessly with Mayor Tommy D'Alesandro, Jr., and others to create new jobs and new economic growth for our city.

And he fought just as hard in Congress for programs to maintain our strong national security. He was a strong man and he wanted our Nation to be just as strong.

But with everything he was involved in—with his chairmanships and his other activities—one thing that stands out the most about Eddie Garmatz was that he was never too busy to take time to talk to individual people who were having trouble with the Federal Government.

Eddie Garmatz was elected to Congress term after term because he knew how to be a good representative of the people. He never forgot his roots and he never lost sight of where he was going.

He taught me many things during his life and what I thank him for the most is that he taught me how to be a good Member of Congress.

We all mourn his passing.

Mr. MITCHELL. Mr. Speaker, first of all, I would like to commend Congresswoman HELEN BENTLEY for providing the time for this remembrance of former Congressman Edward Garmatz.

On July 22, 1986, Edward Garmatz lost a battle with cancer. Edward Garmatz represented Baltimore for 12 terms and retired as the dean of the Maryland congressional delegation.

While sadness over his recent death remains with us, the strength of Edward Garmatz' life and his commitment to his constituents will be remembered for many years to come. There are not many who will forget or cease to benefit from his significant contributions and leading role as chairman of the House Merchant Marine and Fisheries Committee. He was an expert on maritime matters which were a priority to many of his constituents working the Baltimore port.

I join my colleagues in extending heartfelt sympathy to Edward Garmatz' family and in expressing admiration of his service to others.

Mr. DE LA GARZA. Mr. Speaker, I rise today to take a moment to pay homage to my departed friend and former colleague, Edward Alexander Garmatz. As I take this opportunity to add little grains of sand to that which was Eddie Garmatz, I recall how when I came here as a young fellow in 1965, I was privileged to serve under this tutelage on the Committee on Merchant Marine and Fisheries. I will always remember the finesse and proficiency with which he executed his responsibilities as com-

mittee chairman. He was truly masterful and particularly helpful in both guiding a novice and helping a younger Member to get his feet planted squarely on the ground. For that knowledge, I will always owe him a debt of gratitude.

The range of fond memories I have of Eddie's expertise are many, but among them, I will remember the first year I served on his committee, how I sent him Texas Rio Grande Valley Ruby Red grapefruit. From that good day until the day of his death, Eddie Garmatz ordered Ruby Red grapefruit from the Alamo Fruit Co. in my district. His constancy in this respect was just another sign of the stability which resulted in his translating his exceptional skills as a legislator into substantive achievements on behalf of his State and his country.

Just as each member of a committee imparts an indelible impression, each chairman leaves behind a legacy. Eddie Garmatz will long be remembered not only as a great Congressman, but also as a great chairman.

For having had the privilege of knowing Eddie Garmatz, I am grateful. For serving with him, I am indeed a better man.

Mr. HORTON. Mr. Speaker, I want to express my appreciation to my colleagues from Maryland, HELEN BENTLEY and BARBARA MIKULSKI, for arranging this special order during which we can pay tribute to a dear friend and former colleague we lost last week, Edward A. Garmatz.

From 1947 to 1972, Eddie served in the House of Representatives for the people of Maryland. As a 7-year chairman of the Merchant Marine and Fisheries Committee, he was a champion for the U.S. merchant marine fleet. Even during his long tenure in the House, he never relinquished his membership in the International Brotherhood of Electrical Workers. His dedication to the American workers and proper working conditions made him a leader in the labor field, and a constant friend to union members.

Eddie led—and eventually won—the battle for passage of the Merchant Marine Act of 1970. Although our merchant marine fleet is still beleaguered, particularly in the Great Lakes, that legislation proved to be of great assistance to that ailing industry.

For the 10 years during which Eddie and I served together in Congress, I considered him a true friend and an ally in the work to sustain our merchant marine and to ensure basic worker rights. We shall miss him.

My wife, Nancy, and I wish to express our deep regrets to Eddie's widow, Ruth, and to the Garmatz family.

Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in the House of Representatives in paying tribute to the Honorable Edward A. Garmatz, whose death on July 22 was a great loss to the people of this Nation.

Representing the Third Congressional District of Maryland for 25 years before his retirement in 1972, Eddie Garmatz had an outstanding record of service as a strong supporter of the America shipbuilding industry. As chairman of the House Merchant Marine and Fisheries Committee from 1966 to 1972, he was highly respected for his expertise on maritime matters, and I was privileged to have had the opportunity to serve with him on this committee. He was especially sensitive to the needs of the Baltimore port, and worked tirelessly on behalf of his constituents whom he so ably represented.

Congressman Garmatz was a fine legislator, and served the people of the Third Congressional District of Maryland with distinction. He will be missed by all those whom he served, and all those who know him.

Mrs. Annunzio and I extend our deepest sympathy to the members of his family who survive him.

Mr. DANIEL. Mr. Speaker, many Members of this body were saddened last week by the passing of our former colleague, Edward Alexander Garmatz.

When I arrived here as a freshman Member in 1969, Eddie Garmatz had been long on the scene. He was "Mr. Merchant Marine" to me, as he was to many others, for the depth and breadth of his knowledge on the subject was awesome.

Not only was he a source of much information and good advice, he was an exceptional human being, who demonstrated his concern for his constituents and his concern for a robust merchant marine capability in a hundred different ways.

Nor did his concern cease when he left this body. For many years, he served in an advisory capacity to the Maritime Institute, and thus extended his influence to new and succeeding generations of merchant seamen.

I am told that the last time anyone saw him, he was still wearing a blackeyed susan in his lapel, a symbol of his loyalty to the State of Maryland, and an affirmation all flower-lovers share of the triumph of hope.

Eddie is gone, but his influence will be felt by those he left behind in this body and by American seaman who continue to sail the seas of this world.

Mrs. HOLT. Mr. Speaker, I rise to honor the memory of Edward A. Garmatz, a former Member of this House who served our Nation with great distinction and is remembered with affection by all who knew him.

His congressional district embraced the Port of Baltimore; he became chairman of the Merchant Marine and Fisheries Committee, and he was a zealous and effective advocate for the American shipbuilding and merchant shipping industries.

I should note that the Port of Baltimore is the hub of the Maryland economy, and Mr. Garmatz is remembered for his contributions to the work and improvement of this port, which is one of our Nation's greatest.

Before the congressional redistricting after the 1970 census, Mr. Garmatz represented the northern part of the district I currently represent, and I know the affection with which he is remembered by my constituents in that area.

He served 13 terms in the House of Representatives, and that fact attests to the popularity he achieved because of his attentiveness to the needs of the people he represented.

Mr. Garmatz was a noble Marylander, a dear friend, and one who deserves the lasting honor and respect of his State and our country.

Mr. BOLAND. Mr. Speaker, I am pleased to join my colleagues in paying tribute to Edward Garmatz, who passed away last week.

I had the pleasure and privilege of serving with Eddie Garmatz during most of his 13 terms in Congress. I knew him to be a man of great political ability, deep personal conviction, and sound judgment. Eddie's public service career began as a union leader, he then served as a police magistrate, and became a political organizer before coming to serve in Congress. While in the House, Eddie Garmatz chaired the House Merchant Marine and Fisheries Committee for 6 years and was the dean of the Maryland State congressional delegation. As chairman of the Merchant Marine Committee, he was known as an expert on maritime matters and was key in the development of the Port of Baltimore. he was an unabashed proponent of the American maritime industry, and I believe that history has shown that his warnings about the direction in which that industry was headed were correct.

Eddie Garmatz was proud of Baltimore. He never forgot that his roots were in that fine city and he never forgot that responsibility that he owed to his constituents, many of whom were his friends and neighbors. The people of Baltimore and the people of Maryland were well represented by Eddie Garmatz and I believe that they recognized that fact. I know that all the people of Maryland have been saddened by his passing, as have those of us who served in this House with him.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GUNDERSON (at the request of Mr. MICHEL), for today and tomorrow, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LIGHTFOOT) to revise and extend their remarks and include extraneous material:)

Mr. LEACH of Iowa, for 60 minutes, on August 6.

(The following Members (at the request of Mr. LEHMAN of Florida) to revise and extend their remarks and include extraneous material:)

Mr. UDALL, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ROSE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. BONIOR of Michigan, for 60 minutes, on July 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LIGHTFOOT) and to include extraneous matter:)

Mr. GRADISON in two instances.
Mr. BROOMFIELD in three instances.
Mr. SOLOMON.
Mr. HENRY.
Mr. SILJANDER.
Mr. BADHAM.
Mr. DENNY SMITH.
Mr. COURTER in two instances.
Mr. RITTER
Mr. IRELAND.
Mr. KEMP.
Mr. MCEWEN.
Mr. HORTON.
Mr. HAMMERSCHMIDT.
Mr. EVANS of Iowa.
Mr. STANGELAND.

(The following Members (at the request of Mr. LEHMAN of Florida) and to include extraneous matter:)

Mr. FAZIO.
Mr. MICA.
Mr. UDALL.
Mr. RAHALL.
Mr. RANGEL.
Mrs. BOGGS.
Mr. EVANS of Iowa in two instances.
Mr. FLORIO.
Mr. VENTO in two instances.
Mr. ACKERMAN.
Mr. ERDREICH.
Mr. FOWLER.
Ms. MIKULSKI in two instances.
Mr. LIPINSKI.
Mr. HOYER.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that the committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1904. An act to provide for the use and distribution of funds appropriated in satisfaction of judgments awarded to the Chippewas of the Mississippi in docket numbered 18-S before the Indians Claims Commission, and for other purposes, and

H.R. 4434. An act to amend the act entitled "An act granting a charter to the General Federation of Women's Clubs."

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 30, 1986, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3969. A communication from the President of the United States, transmitting proposed amendments to the request for appropriations for fiscal year 1987 for the Department of Labor, pursuant to 31 U.S.C. 1107 (H. Doc. No. 99-247); to the Committee on Appropriations and ordered to be printed.

3970. A letter from the Secretary of the Army, transmitting the annual report on U.S. Soldiers' and Airmen's Home for fiscal year 1984 and the report of the annual general inspection for fiscal year 1985, pursuant to 24 U.S.C. 59, 60; to the Committee on Armed Services.

3971. A letter from the Chairman, Equal Employment Opportunity Coordinating Council, transmitting a report of the Commission's interagency coordination activities for the period October 1, 1984 through September 30, 1985, pursuant to Public Law 92-261, section 715; to the Committee on Education and Labor.

3972. A letter from the Employee Benefits and Risk Manager, Farm Credit Banks of Louisville, transmitting the farm credit institutions in the fourth district amended retirement plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3973. A letter from the Chairman, National Capital Planning Commission, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3974. A letter from the Commissioner, Immigration and Naturalization Service, transmitting a report on the adjustment of the status of nonimmigrants to that of aliens lawfully admitted for permanent residence, pursuant to 8 U.S.C. 1255b(c); to the Committee on the Judiciary.

3975. A letter from the Acting Assistant Secretary of the Air Force (Logistics and Communications), transmitting notice of the decision to convert to contractor performance the grounds maintenance function at Reese Air Force Base, TX, pursuant to Public Law 99-190, section 8089 (99 Stat. 1216); jointly, to the Committee on Armed Services and Appropriations.

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:

Mrs. BURTON of California: Committee on Rules. H. Res. 516. Resolution waiving certain points of order against consideration of H.R. 5234, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1987, and for other purposes (Rept. 99-721). Referred to the House Calendar.

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. RODINO:

H.R. 5265. A bill to amend title 28 and title 11 of the United States Code to provide for the appointment of additional bankruptcy judges, to provide for the appointment of United States trustees to serve in bankruptcy cases in judicial districts throughout the United States, to make certain changes with respect to the role of United States trustees in such cases, and for other purposes; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself, Mr. BROOKS, and Mr. KINDNESS):

H.R. 5266. A bill to to require the President to submit legislation for the reorganization of the executive branch in order to more effectively combat drug trafficking and drug abuse; to the Committee on Government Operations.

By Mr. ENGLISH (for himself, Mr. DANIEL, Mr. HUTTO, Mr. COLEMAN of Texas, Mr. PEPPER, Mr. RANGEL, Mr. SHAW, Mr. SMITH of Florida, Mr. WALKER, Mr. HUGHES, Mr. GILMAN, Mr. JONES of Oklahoma Mr. WATKINS, Mr. EDWARDS of Oklahoma, Mr. MCCURDY, and Mr. HUNTER):

H.R. 5267. A bill to authorize additional appropriations for fiscal year 1987 for the United States Customs Service in order to strengthen the drug enforcement capabilities of the Service; to the Committee on Ways and Means.

H.R. 5268. A bill to authorize additional appropriations and personnel for the Coast Guard for enhanced drug interdiction activities; to the Committee on Merchant Marine and Fisheries.

H.R. 5269. A bill to authorize appropriations for fiscal year 1987 for additional assistant United States attorneys and additional special agents of the Drug Enforcement Administration, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

H.R. 5270. A bill to authorize appropriations to the Department of Defense to enhance assistance by the Armed Forces to civilian drug enforcement agencies; to the Committee on Armed Services.

By Mr. PEPPER:

H.R. 5271. A bill to establish the National Center for Biotechnology Information within the Department of Health and Human Services as a component of the National Library of Medicine; to the Committee on Energy and Commerce.

By Mr. BRYANT:

H.R. 5272. A bill to provide a comprehensive national oil security policy; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. CARNEY:

H.R. 5273. A bill to establish the National Lottery Commission to operate a national lottery for the purpose of creating a surplus revenue fund to be used to reduce the Federal debt; jointly, to the Committees on Ways and Means, the Judiciary, and Post Office and Civil Service.

By Mr. HAMMERSCHMIDT (for himself and Mr. MINETA):

H.R. 5274. A bill to amend section 404 of the Federal Aviation Act of 1958 to prohibit discrimination against handicapped persons in air transportation; to the Committee on Public Works and Transportation.

By Mr. HILLIS:

H.R. 5275. A bill to amend title 38, United States Code, to provide for variable rates of interest on loans made by the Veterans' Administration and secured by National Service Life Insurance policies; to the Committee on Veterans' Affairs.

By Mr. KEMP:

H.R. 5276. A bill to prohibit certain companies who have filed for bankruptcy from discontinuing medical and life insurance benefits to retirees; to the Committee on the Judiciary.

By Mr. REID (for himself and Mrs. VUCANOVICH):

H.R. 5277. A bill to transfer certain public lands in Nevada to the Toiyabe, Humboldt, and Inyo National Forests; to the Committee on Interior and Insular Affairs.

By Mr. ROBERTS (for himself, Mr. STANGELAND, Mr. MARLENEE, Mr. EVANS of Iowa, Mr. COMBEST, Mr. GUNDERSON, and Mr. MORRISON of Washington):

H.R. 5278. A bill entitled: "The Export Enhancement Improvement Act"; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. ROSE (for himself, Mr. BOLAND, Mr. FAUNTROY, Mr. LUNDINE, Mr. CLAY, Mr. DICKINSON, Mr. ROE, Mr. SISISKY, Mr. BEVILL, Mr. TORRES, Mr. BOUCHER, Mr. BOEHLERT, Mr. OLIN, Mr. WEAVER, Mr. FUSTER, Mr. HENDON, Mr. WRIGHT, Mr. LEVIN of Michigan, Mr. BATEMAN, Mr. WHITEHURST, and Mr. YOUNG of Florida):

H.R. 5279. A bill to promote air safety and for other purposes; to the Committee on Public Works and Transportation.

By Mr. SHAW:

H.R. 5280. A bill to amend title 10, United States Code, to enable the Armed Forces to engage in arrests, searches, and seizures in drug cases on the high seas and in the territorial waters of the United States and to pursue persons evading arrest onto the land mass of the United States; to the Committee on Armed Services.

H.R. 5281. A bill to amend the Federal Aviation Act of 1958 to combat drug trafficking, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. SKEEN:

H.R. 5282. A bill to prohibit the importation of drug paraphernalia; to the Committee on Ways and Means.

By Mr. STOKES (for himself, Ms. OAKAR, Mr. REGULA, Mr. MCCLOSKEY, Mr. SEIBERLING, Mr. MURPHY, Mr. PEASE, Mr. VISCLOSKY, Mr. ECKART of Ohio, Mr. FEIGHAN, Mr. BEVILL, Mr. FROST, Mr. RAHALL, Mr. NOWAK, Mr. TRAFICANT, Mr. KOLTER, Mr. WALGREN, Mr. CLAY, Mr. LAFALCE, Mr. MCDADE, Mr. HAYES, Mr. LIPINSKI, Mrs. COLLINS, Mr. OBERSTAR, Mr. ANNUNZIO, Mr. RUSSO, and Mr. ERDREICH):

H.R. 5283. A bill to prohibit certain companies who have filed for bankruptcy from discontinuing medical and life insurance benefits to retirees; to the Committee on the Judiciary.

By Mr. UDALL (for himself, Mr. BOEHLERT, Mr. ECKERT of New York, Mr. MARTIN of New York, and Mr. WORTLEY):

H.R. 5284. A bill to authorize the Administrator of General Services to convey property to the Museum of the American Indian, and for other purposes; to the Committee on Government Operations.

By Mr. VENTO:

H.R. 5285. A bill entitled: "The Public Employees Social Security Equity Act of 1986"; to the Committee on Ways and Means.

H.R. 5286. A bill entitled: "Public Pension Parity Act of 1986"; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 5287. A bill to amend titles XVIII and XIX of the Social Security Act to provide for budget reconciliation for the Medicare and Medicaid programs for fiscal years 1987, 1988, and 1989; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HEFNER (for himself and Mr. CONTE):

H.J. Res. 688. Joint resolution to authorize and request the President to designate the month of December 1986, as "Made in America Month"; to the Committee on Post Office and Civil Service.

By Mr. WAXMAN (for himself and Mr. MARKEY):

H. Con. Res. 373. Concurrent resolution expressing the sense of Congress concerning the need for international cooperative efforts to identify the individuals exposed to radiation as a result of the nuclear accident at Chernobyl in the Soviet Union and to monitor the health status of those individuals so as to increase, for their benefit and the benefit of the citizens of the United States and of all the world's peoples, the level of understanding of the effects of exposure to radiation; jointly, to the Committees on Foreign Affairs and Energy and Commerce.

By Mr. GEPHARDT:

H. Res. 515. Resolution designating membership on certain standing committees of the House; considered and agreed to.

By Mr. DORNAN of California:

H. Res. 517. Resolution welcoming Father Lawrence Jenco back to the United States after over 18 months in captivity, encouraging further Syrian help in securing the release of the remaining hostages in Lebanon, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ROSE (for himself, Mr. BOLAND, Mr. FAUNTROY, Mr. LUNDINE, Mr. CLAY, Mr. DICKINSON, Mr. ROE, Mr. SISISKY, Mr. BOUCHER, Mr. BOEHLERT, Mr. OLIN, Mr. WEAVER, Mr. FUSTER, Mr. HENDON, Mr. WRIGHT, Mr. LEVIN of Michigan, and Mr. WHITEHURST):

H. Res. 518. Resolution authorizing and directing the appropriate committee or committees of the House or any authorized subcommittee thereof, to study the advisability and feasibility of establishing an independent air safety enforcement agency; to the Committee on Rules.

By Mr. SHAW (for himself, Mr. GINGRICH, Mr. LEWIS of Florida, and Mr. WALKER):

H. Res. 519. Resolution to express the sense of the House of Representatives concerning the policies of colleges and universities with respect to the use of illegal narcotics among their students; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

435. By the SPEAKER: Memorial of the legislature of the State of Illinois, relative to the observance of Memorial Day; to the Committee on Post Office and Civil Service.

436. Also, memorial of the legislature of the State of Louisiana, relative to American military forces who served in Vietnam; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 471: Mr. DELAY.

H.R. 693: Mr. DORNAN of California, Mr. REID, Mr. FRANK, Mr. DARDEN, Mr. JONES of Oklahoma, and Mr. DANNEMEYER.

H.R. 782: Mr. MCKINNEY.

H.R. 1213: Mr. FEIGHAN, Mr. FAWELL, and Mr. MAVROULES.

H.R. 1436: Mr. SMITH of New Hampshire.

H.R. 1453: Mr. WEAVER, Mr. BATES, Mr. BONKER, Mr. WHEAT, and Mr. DYMALLY.

H.R. 1917: Mrs. BENTLEY, Mr. DOWDY of Mississippi, and Mr. PASHAYAN.

H.R. 2280: Mr. MORRISON of Connecticut.

H.R. 2423: Mr. EVANS of Iowa.

H.R. 3024: Mr. BOULTER, Mr. CLINGER, Mr. STUDDS, Mr. SCHUMER, and Mr. ROBERT F. SMITH.

H.R. 3040: Mr. FRANK, Mr. ACKERMAN, and Mr. WORTLEY.

H.R. 3260: Mr. RICHARDSON.

H.R. 3799: Mr. HAYES, Mr. APPLEGATE, Mr. PETRI, and Mr. STALLINGS.

H.R. 4179: Mr. DYMALLY, Mr. FAZIO, and Mr. MINETA.

H.R. 4282: Mr. RICHARDSON.

H.R. 4299: Mr. CALLAHAN, Mr. HENRY, Mrs. HOLT, Mr. MCCOLLUM, Mr. KEMP, Mr. PARRIS, Mr. DICKINSON, Mr. NICHOLS, Mr. EVANS of Iowa, Mr. FIELDS, Mr. SILJANDER, and Mr. ROTH.

H.R. 4349: Mr. PURSELL.

H.R. 4455: Mr. TALLON, Mr. THOMAS of Georgia, Mr. WHITLEY, Mr. HATCHER, Mr. ROWLAND of Georgia, Mr. PERKINS, Mr. EVANS of Illinois, Mr. KASTENMEIER, Mr. BEVILL, and Mr. SAVAGE.

H.R. 4535: Mr. MARKEY and Mr. HENDON.

H.R. 4546: Mr. GOODLING and Mr. TORRICELLI.

H.R. 4633: Mr. ROWLAND of Georgia, Mr. ENGLISH, Mr. TAUZIN, and Mr. ROSE.

H.R. 4638: Mr. ASPIN, Mr. CROCKETT, Mr. LEHMAN of Florida, Mr. SCHUETTE, Mr. DASCHLE, Mr. APPLEGATE, Mr. DELLUMS, Mr. EDWARDS of California, Mrs. LLOYD, Mr. BONIOR of Michigan, and Mr. WIRTH.

H.R. 4639: Mr. DWYER of New Jersey.

H.R. 4714: Mr. TOWNS and Mr. BOULTER.

H.R. 4723: Mr. BORSKI, Mr. HENRY, Mr. CROCKETT, Mr. KASICH, Mr. MARTINEZ, Mr. MONSON, Mrs. SCHNEIDER, and Mr. BOEHLERT.

H.R. 4755: Mr. DYMALLY.

H.R. 4763: Mr. DELAY.

H.R. 4787: Mr. HYDE.

H.R. 4788: Mr. FAZIO, Mr. PASHAYAN, Mr. RICHARDSON, Mr. TALLON, and Mr. BARTON of Texas.

H.R. 4812: Mr. EVANS of Illinois.

H.R. 4838: Mr. BONIOR of Michigan.

H.R. 4843: Mr. WIRTH, Mr. SKELTON, Mr. MORRISON of Washington, Mr. BATEMAN, and Mr. NEAL.

H.R. 4877: Mr. WIRTH.

H.R. 4922: Mr. ROSE and Mr. MOODY.

H.R. 4933: Mr. EDGAR and Mr. MONTGOMERY.

H.R. 4972: Mr. CROCKETT and Mr. KOLTER.

H.R. 4980: Mr. YOUNG of Florida and Mr. WOLPE.

H.R. 5000: Mr. LOWRY of Washington, Mr. SCHUETTE, Mr. BONER of Tennessee, and Mr. MONTGOMERY.

H.R. 5026: Mr. SMITH of Florida and Mrs. BENTLEY.

H.R. 5039: Ms. MIKULSKI, Mr. SEIBERLING, Mr. FUSTER, Mr. TRAXLER, Mr. STOKES, Mr. AUCOIN, Mr. HORTON, Mr. MITCHELL, Mr. KASTENMEIER, Mr. BRYANT, Mr. WHITEHURST, Mr. COLEMAN of Texas, Mr. SAXTON, Mrs. BENTLEY, Mr. SMITH of Florida, Mr. PARRIS, and Mr. LEVIN of Michigan.

H.R. 5043: Mr. SMITH of Florida, Mr. BEILENSON, Mr. CHANDLER, Mr. GREEN, Mr. WAXMAN, and Mr. JEFFORDS.

H.R. 5058: Mr. COURTER, Mr. ROBINSON, Mr. HARTNETT, Mr. MARLENEE, Mr. MYERS of Indiana, Mr. WILSON, and Mr. COBEY.

H.R. 5066: Mr. LEVINE of California, Mr. RUDD, Mrs. BENTLEY, and Mr. EDWARDS of Oklahoma.

H.R. 5067: Mr. BIAGGI, Mr. PASHAYAN, Mr. LAGOMARSINO, Mr. KINDNESS, Mr. HYDE, Mr. ROE, Mr. MCDADE, and Mr. MINETA.

H.R. 5073: Mr. FROST.

H.R. 5092: Mr. KINDNESS, Mr. DANIEL, Mrs. HOLT, Mr. HILER, Mr. BADHAM, Mr. ERDREICH, Mr. SKEEN, Mr. COBEY, Mr. MARTIN of Illinois, and Mr. STENHOLM.

H.R. 5097: Mr. HAMILTON.

H.R. 5144: Mr. KINDNESS, Mr. GILMAN, and Mr. SHAW.

H.R. 5154: Mr. WEISS, Mr. DE LUGO, Mr. KOLTER, and Mr. SAVAGE.

H.R. 5184: Mr. MONTGOMERY.

H.R. 5225: Mr. MILLER of Washington, Mr. AUCOIN, and Mr. SCHEUER.

H.R. 5242: Mr. STALLINGS, Mr. ENGLISH, Mr. WILLIAMS, and Mr. VOLKMER.

H.J. Res. 127: Mr. MATSUI, Mr. GRAY of Illinois, Mr. WYDEN, Mrs. BURTON of California, and Mr. FLIPPO.

H.J. Res. 244: Mr. DASCHLE and Mr. GINGRICH.

H.J. Res. 379: Mr. CAMPBELL.

H.J. Res. 390: Mr. CARPER.

H.J. Res. 524: Mr. MOORHEAD.

H.J. Res. 552: Mr. TAUZIN, Mr. YATES, Mr. WEAVER. Mr. FUSTER, Mr. PEPPER, Mr. SWINDALL, Mr. PACKARD, Mr. KRAMER, Mr. REID, Mr. BADHAM, Mr. YOUNG of Florida, Mr. COUGHLIN, Mr. MCDADE, Ms. MIKULSKI, Mr. GRAY of Illinois, Mr. FAWELL, Mr. LUNGREN, Mr. RICHARDSON, and Mr. GRADISON.

H.J. Res. 586: Mr. DANNEMEYER, Mr. BERMAN, Mr. KASICH, Mr. FUQUA, Mr. SAXTON, Mr. ROSE, Mrs. ROUKEMA, Ms. OAKAR, Mr. CLINGER, Mr. LAFALCE, Mr. MCDADE, Mr. LUJAN, Mr. DENNY SMITH, Mr. HOPKINS, Mr. GRAY of Illinois, Mr. KLECZKA, Mr. CARNEY, Mr. DAVIS, Mr. YATES, Mr. THOMAS of Georgia, Mr. PASHAYAN, Mr. DORNAN of California, Mr. HOYER, Mr. FEIGHAN, Mr. FAUNTROY, Mr. COATS, Mr. HENRY, Mr. BROOKS, Mr. CHAPMAN, Mr. DAUB, Mr. VALENTINE, Mr. GEJDENSON, Mr. WIRTH, Mr. WALGREN, Mrs. JOHNSON, Mr. HEFNER, Ms. KAPTUR, Mr. LIPINSKI, Mr. YOUNG of Florida, Mr. MARTIN of New York, Mr. FISH, Mr. GREGG, Mr. SILJANDER, Mr. SMITH of Florida, Mr. NEAL, Mr. SPRATT, Mr. MCCAIN, Mr. CARR, Mr. DIOGUARDI, Mr. GILMAN, Mr. FORD of Michigan, Mr. SCHUETTE, Mr. MCHUGH, Mr. FLIPPO, Mr. SWINDALL, Mr. NOWAK, Mr. MINETA, Mr. BOUCHER, Mr. DURBIN, Mr. TAUZIN, Mr. ROEMER, Mr. DANIEL, Mr. SOLARZ, Mr. LIGHTFOOT, Mr. JEFFORDS, Mr. COBLE, Mr. GUNDERSON, Mr. NELSON of Florida, Mr. WALKER, Mr. SCHUMER, Mr. YOUNG of Missouri, Mr. DARDEN, Mr. BEVILL, Mr. ERDREICH, Mr. CALLAHAN, Mr. STRANG, Mr. CHAPPELL, and Mr. KOLTER.

H.J. Res. 591: Mr. SOLOMON, Mr. BONIOR of Michigan, Mr. WILSON, and Mr. LEVINE of California.

H.J. Res. 594: Mr. FUSTER and Mr. BUSTAMANTE.

H.J. Res. 655: Mr. BARNES, Mr. BERMAN, Mr. BEVILL, Mr. BOLAND, Mr. BOSCO, Mrs. BURTON of California, Mr. COELHO, Mr. CONTE, Mr. CONYERS, Mr. DANIEL, Mr. DAUB, Mr. DORNAN of California, Mr. FAZIO, Mr. FEIGHAN, Mr. GRAY of Illinois, Mr. HAMMERSCHMIDT, Mr. HARTNETT, Mr. HEFNER, Mr. HORTON, Mr. IRELAND, Mr. JONES of North Carolina, Mr. KASTENMEIER, Mr. LEACH of Iowa, Mr. LEWIS of California, Mr. MCHUGH, Mr. MITCHELL, Mr. MURPHY, Mr. ORTIZ, Mr. PERKINS, Mr. RODINO, Mr. ROSTENKOWSKI, Mr. ROWLAND of Georgia, Mr. SMITH of Iowa, Mr. ROBERT F. SMITH, Mr. SNYDER, Mr. SOLARZ, Mr. SPRATT, Mr. TALLON, Mr. TRAFICANT, and Mr. YOUNG of Alaska.

H.J. Res. 683: Mr. ROBINSON, Mr. DONNELLY, Mr. MCDADE, Mr. MOAKLEY, and Mr. MAVROULES.

H. Con. Res. 129: Mr. WYDEN.

H. Con. Res. 233: Mr. BRUCE.

H. Con. Res. 339: Mr. DE LUGO, Mr. TOWNS, Mr. MOLLOHAN, and Mr. YOUNG of Alaska.

H. Res. 373: Mr. CONTE and Mr. DAVIS.

H. Res. 475: Mr. DELAY.

H. Res. 498: Mr. DOWNEY of New York, Mr. HOYER, Mr. FAUNTROY, Mr. DELLUMS, Mr. DYMALLY, Mr. CONYERS, Mr. WHEAT, Mr. OWENS, Mr. SAVAGE, Mr. GRAY of Pennsylvania Mr. FROST, Mr. BUSTAMANTE, Mr. MORRISON of Connecticut, Mr. TOWNS, and Mr. RANGEL.

PETITIONS, ETC.

Under clause 1 of rule XXII,

442. The SPEAKER presented a petition of the county commission of Loudon County, TN, relative to the Tennessee Valley Authority; which was referred to the Committee on Public Works and Transportation.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4370

By Mr. COURTER:

—At the end of title V (page 68, after line 3) add the following new section:

SEC. 503. WAIVER OF CERTAIN REPORTING, NOTIFICATION, AND STUDY REQUIREMENTS.

(a) IN GENERAL.—Except as provided in subsection (b), effective on January 1, 1987, any provision of law contained in title 10, United States Code, title 37, United States Code, or in any other provision of law contained in any Act authorizing appropriations to or for the Department of Defense or in any Act making appropriations to or for the Department of Defense that requires the President or any official or employee of the Department of Defense to submit in writing any report, notification, or study to Congress or to any committee of Congress shall not be effective to the extent that such provision requires the submission in writing of such report, notification, or study.

(b) EXCEPTIONS.—Subsection (a) of this section shall not apply to any provision of law enacted on or after the date of enactment of this Act or to any provision of law that requires the submission of the following reports, notifications, and studies:

(1) The annual reports, statements, and recommendations required by section 133(c) of title 10, United States Code, relating to the accomplishments of the Department of Defense.

(2) The annual report required by section 133(e) of such title, relating to foreign policy, major military missions, and military force structure.

(3) The reports required by subsection (b)(5) of section 139 of such title (as redesignated by section 104(6) of this Act) and the annual report required by subsection (g) of such section, relating to operational test and evaluation activities.

(4) The annual report required by section 142 of such title (as redesignated by section 104(1) of this Act), relating to North Atlantic Treaty Organization readiness.

(5) The reports required by section 1464(c) of such title, relating to the status of the Department of Defense Military Retirement Fund.

(6) The annual report required by section 2208(k) of such title, relating to the condition and operation of working-capital funds.

(7) The notifications required by section 2233a(a)(1) of such title, relating to expenditures and contributions for acquisition of facilities for reserve components.

(8) The notifications required by section 2304(c)(7) of such title, relating to the use of procurement procedures other than competitive procedures.

(9) The notifications required by section 2306(h)(3) of such title, relating to cancellation ceilings in certain multiyear contracts.

(10) The annual report required by section 2313(d)(4) of such title, relating to subpoenas issued by the Director of the Defense Contract Audit Agency to obtain contractor records.

(11) The annual report required by section 2349 of such title, relating to North Atlantic Treaty Organization acquisition and cross-servicing agreements.

(12) The semiannual report required by section 2357 of such title, relating to contracts in excess of $50,000 entered into by the military departments for research and development.

(13) The notifications required by section 2394(b)(2) of such title, relating to contracts for energy or fuel.

(14) The annual report required by section 2397(e) of such title, relating to the names of certain employees and former employees of defense contractors.

(15) The notifications required by clauses (B) and (C) of section 2401(b)(1) of such title, the cost analyses required by section 2401(e)(1) of such title, and the reports required by section 2401(e)(2) of such title, all relating to the long-term lease or charter of vessels and aircraft by the military departments.

(16) The notifications required by subsection (c)(1) of section 2403 of such title and the annual report required by subsection (e)(2) of such section, relating to waivers of certain requirements for contractor guarantees.

(17) The notifications required by paragraphs (1) and (2) of section 2407(d) of such title, relating to certain contracts awarded by the Department of Defense in connection with North Atlantic Treaty Organization cooperative agreements.

(18) The annual report required by section 2457(d) of such title, relating to the policy to standardize equipment, ammunition, and fuel procured for the use of United States military forces stationed in Europe under the North Atlantic Treaty.

(19) The reports required by subsection (a) or (e) of section 2662 of such title and the annual report required by subsection (b) of such section, relating to certain real property transactions.

(20) The proposals referred to in section 2667a(b)(1) of such title, relating to sale and replacement of nonexcess real property.

(21) The notifications required by section 2672(b) of such title, relating to acquisitions of interests in land for more than $100,000.

(22) The notifications required by section 2676(d) of such title, relating to reductions in scope and increases in cost of a land acquisition.

(23) The notifications and submissions required by section 2687(b) of such title, relating to base closures and realignments.

(24) The annual report required by section 2779(b)(4) of such title, relating to the use of funds appropriated for the elimination of

certain losses caused by fluctuations in currency exchange rates of foreign countries.

(25) The reports required by section 2780 of such title (as redesignated by section 104(2) of this Act), relating to sales or transfers of certain defense articles.

(26) The reports required by section 2803(b) of such title, relating to emergency military construction projects carried out under section 2803 of such title.

(27) The reports required by section 2804(b) of such title, relating to military construction projects not authorized by law.

(28) The notifications required by paragraphs (2) and (3) of section 2805(b) of such title, relating to minor construction in connection with certain relocations of activities from one installation to another.

(29) The reports required by section 2806(c)(2) of such title, relating to contributions for North Atlantic Treaty Organization Infrastructure.

(30) The notifications required by subsection (b) of section 2807 of such title and the reports required by subsection (c) of such section, relating to architectural and engineering services and construction design in connection with military construction or military family housing projects.

(31) The notifications required by section 2808(b) of such title, relating to military construction projects in the event of a declaration of war or national emergency.

(32) The justifications and economic analyses required by section 2809(a)(4) of such title, relating to long-term contracts for the construction, management, and operation of certain facilities.

(33) The notification and justifications required by section 2823(b) of such title, relating to disagreements on the availability of suitable alternative housing at locations in the United States where family housing is proposed to be constructed.

(34) The notifications required by section 2827(b) of such title, relating to relocation of military family housing units.

(35) The economic analysis required by section 2828(g)(6)(A) of such title, relating to leasing military family housing facilities.

(36) The notifications required by section 2834(b) of such title, relating to agreements with the Secretary of State for the use of Department of State housing and related services by Department of Defense personnel.

(37) The notifications required by subsections (d) and (e) of section 2853 of such title, relating to reductions in the scope of work or increases in the cost of military construction projects.

(38) The notifications required by section 2854(b) of such title, relating to repair, restoration, or replacement of damaged or destroyed military facilities.

(39) The annual request required by section 2859 of such title, relating to military construction authorizations.

(40) The annual report required by section 2861(a) of such title, relating to military construction activities and military family housing activities.

(41) The annual report required by section 2871(c)(3) of such title (as redesignated by section 104(8) of this Act), relating to military and civilian personnel end strength levels, certain other manpower requirements, base structures, and certain requirements for and information on officers.

(42) The annual report required by section 2871(d)(2) of such title (as redesignated by section 104(8) of this Act), relating to average student training loads.

(43) The annual report required by section 2871(e) of such title (as redesignated by section 104(8) of this Act), relating to operations and maintenance.

(44)(A) The annual and supplemental reports required by section 2872 of such title (as redesignated by section 104(9) of this Act), relating to weapons development and procurement schedules, including the matter required by section 53(b) of the Arms Export Control Act (95 Stat. 1524; 22 U.S.C. 2795b(b)) to be included in such annual reports.

(B) The notifications in lieu of such supplemental reports under subsection (b) of such section 2872.

(45) The Selected Acquisition Reports required by section 2873 of such title (as redesignated by section 104(10) of this Act).

(46) The notifications required by subsection (d)(3) of section 2874 of such title (as redesignated by section 104(11) of this Act) and reports required by subsection (e) of such section, relating to increases in program acquisition unit costs and procurement unit costs of certain major defense acquisition programs.

(47) The notifications required by section 7307(b)(2) of such title, relating to the disposition of naval vessels to foreign nations.

(48) The quarterly report required by section 7434 of title 10, United States Code, relating to the production from the naval petroleum reserve.

(49) The annual report required by section 406(i) of title 37, United States Code, relating to dependents accompanying members of the Armed Forces stationed outside the United States.

(50) The statements and quarterly report required by subsections (c) and (e) of section 709 of the Department of Defense Appropriation Authorization Act, 1975 (88 Stat. 408; 50 U.S.C. App. 2403-1(e)), relating to the export of certain goods, technology, and industrial techniques.

(51) The notifications, summaries, certifications, and reports required by subsections (a), (b), and (c) of section 502 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2304 note), relating to conversion of performance of commercial and other type functions from Department of Defense personnel to private contractors.

(52) The notifications required by section 1201(c) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 678), relating to transfers of amounts of authorizations.

(53) Two reports and assessments required by section 1231 of the Department of Defense Authorization Act, 1984 (Public Law 98-94: 97 Stat. 693), relating to certain intercontinental ballistic missile systems.

(54) The reports required by section 307(b)(3) of the Department of Defense Authorization Act, 1985 698 Stat. 2515; 10 U.S.C. 2304 note), relating to waivers of a prohibition on contracting out certain logistics activities.

(55) The annual report required by section 1002(d)(1) of the Department of Defense Authorization Act, 1985 (98 Stat. 2575; 22 U.S.C. 1928 Note), relating to the supply of munitions and certain aircraft facilities in support of the North Atlantic Treaty Organization.

(56) The annual report required by section 1002(d)(2) of the Department of Defense Authorization Act, 1985 (98 Stat. 2575: 22 U.S.C. 1928 note), relating to the status and cost of the United States commitment to the North Atlantic Treaty Organization and certain activities of other North Atlantic Treaty Organization members.

(57) The annual reports required by subsections (c) and (d) of section 1003 of the Department of Defense Authorization Act, 1985 (98 Stat. 2576; 22 U.S.C. 1928 note), relating to allied contributions to the common defense.

(58) The annual report required by section 1102 of the Department of Defense Authorization Act, 1985 (98 Stat. 2580; 10 U.S.C. 2872 note (formerly 10 U.S.C. 139 Note)), relating to the Strategic Defense Initiative and any other antiballistic missile defense program.

(59) The notifications required by section 1501(c) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2626), relating to transfers of amounts of authorizations.

(60) The reports required by section 1536(g) of the Department of Defense Authorization Act, 1985 (98 Stat. 2633; 46 U.S.C. 1120 note), relating to the Commission on Merchant Marine and Defense.

(61) The certification required by section 125(a)(1) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 601), relating to any new contract for the procurement of 5-ton trucks.

(62) The legislative environmental impact statement required by section 209(c) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 610), relating to full-scale development of a small intercontinental ballistic missile or the selection of basing areas for the deployment of such missile.

(63) The certification required by section 222 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 613), relating to termination of a prohibition of deployment of a strategic defense system.

(64) The reports required by section 223 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 613), relating to the Strategic Defense Initiative.

(65) The quarterly reports required by section 502(c) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 621), relating to the obligation of funds appropriated for civilian personnel.

(66) The report required by section 1002 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 705), relating to Soviet compliance with arms control commitments.

(67) The annual report required by section 1221(d)(2) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 727), relating to a research program to support the polygraph activities of the Department of Defense.

(68) The annual reports required by section 1407 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 745), relating to unobligated balances in appropriation accounts.

(69)(A) The certifications required by subsections (b) and (c)(2) of section 1411 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 745), relating to the procurement or assembly of binary chemical weapons.

(B) The report required by subsection (e) of such section, relating to consultations among North Atlantic Treaty Organization member nations concerning North Atlantic Treaty Organization's chemical deterrent posture.

(70) The annual reports required by section 704 of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1377), relating to contracts for construction in the United States and its possessions.

(71) The economic analyses required by section 802(d)(1) of the Military Construction Authorization Act, 1984 (97 Stat. 784; 10 U.S.C. 2821 note), relating to proposed military housing rental guarantee agreements.

(72) The notifications required by section 803(b)(2) of the Military Construction Authorization Act, 1984 (97 Stat. 785; 10 U.S.C. 2821 note), relating to waivers of a requirement to use manufactured or factory-built housing fabricated in the United States by a United States contractor for military family housing construction in foreign countries.

(73) The report required by section 840(d) of the Military Construction Authorization Act, 1986 (Public Law 99-167; 99 Stat. 998), relating to the sale of land at Fort Jackson, South Carolina.

(74) The notifications required by the proviso in section 8005(m) of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of the Joint Resolution entitled "Joint Resolution making continuing appropriations for fiscal year 1985, and for other purposes", approved October 12, 1984 (Public Law 98-473; 98 Stat. 1923)), relating to unusual cost overruns incident to overhaul, maintenance, and repair for certain ships.

(75) The annual report required by section 8104(b) of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of the Joint Resolution entitled "Joint Resolution making continuing appropriations for fiscal year 1985, and for other purposes", approved October 12, 1984 (Public Law 98-473; 98 Stat. 1942; 10 U.S.C. 2872 note (formerly 10 U.S.C. 139 note))), relating to consultations with members of common defense alliances concerning Strategic Defense Initiative research.

(76) The notifications required by section 8020 or 8021 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of the Joint Resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99-190; 99 Stat. 1206)), relating to transfers of working capital funds.

(77) The notifications required by section 8021 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of the Joint Resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99-190; 99 Stat. 1206)), relating to the obligation of working capital funds to procure war reserve material inventory.

(78) The notifications required by section 8042 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b)) of the Joint Resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99-190: 99 Stat. 1210), relating to the availability of appropriated funds for intelligence or special activities different from activities justified to the Congress.

(79) The notification required by section 8075 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of the Joint Resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99-190; 99 Stat. 1214), relating to the acquisition of certain types of weapons, subsystems, and munitions of European North Atlantic Treaty Organization manufacture.

(80) The certification required by section 8097 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of the Joint Resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99-190; 99 Stat. 1219)), relating to the obligation or expenditure of funds to carry out a test of the Space Defense System (anti-satellite weapon) against an object in space.

(81) The annual report required by the third proviso in the undesignated paragraph under the heading "FOREIGN CURRENCY FLUCTUATION, CONSTRUCTION, DEFENSE" in the Military Construction Appropriation Act, 1980 (Public Law 96-130; 93 Stat. 1019), relating to transfers of appropriated funds to eliminate losses in military construction or expenses of family housing caused by fluctuations in foreign currency exchange rates of foreign countries.

(82) The reports required by section 125(a) of the Military Construction Appropriations Act, 1985 (as contained in section 101(e) of the Joint Resolution entitled "Joint Resolution making continuing appropriations for fiscal year 1985, and for other purposes", approved October 12, 1984 (Public Law 98-473: 98 Stat. 1883)), relating to terminations of a prohibition on the availability of appropriated military construction funds to foreign governments ineligible to receive such funds by reason of inadequate drug control measures.

(83)(A) The semiannual report required by section 5(b) of the Inspector General Act of 1978 (5 U.S.C. App. 3), relating to activities of the Inspector General of the Department of Defense.

(B) The reports required by section 5(d) of such Act (5 U.S.C. App. 3), relating to particular cases of problems, abuses, or deficiencies which have come to the attention of the Inspector General of the Department of Defense.

(C) The statements required by paragraphs (3) and (4) of section 8(b) of such Act (5 U.S.C. App. 3), relating to the exercise of certain authority of the Secretary of Defense with respect to the activities of the Inspector General of the Department of Defense.

(84) The requirement to furnish information and to report to Congress concerning intelligence activities as provided in subsections (a) and (b) of section 501 of the National Security Act of 1947 (50 U.S.C. 413).

(c) CHANGE FROM QUARTERLY TO ANNUAL REPORT.—Section 406(i) of title 37, United States Code, is amended—

(1) by striking out "quarter" in the matter preceding clause (1); and

(2) by striking out "quarter" in clauses (1) and (2) and inserting in lieu thereof "fiscal year".

—At the end of title V (page 68, after line 3), add the following new section:

SEC. 503. REDUCTION IN PERSONNEL ASSIGNED TO MANAGEMENT HEADQUARTERS ACTIVITIES.

(a) MILITARY DEPARTMENTS AND CINCS.—(1) Not later than September 30, 1988, the Secretary of Defense shall reduce the total number of military and civilian personnel assigned or detailed to permanent duty in the military departments and in the unified and specified combatant commands to perform management headquarters activities or management headquarters support activities by a number that is at least 10 percent of the total number of personnel assigned or detailed to perform such activities on September 30, 1985.

(2) In computing and in making the reduction required under paragraph (1), the Secretary of Defense shall exclude personnel in the Office of the Secretary of the Army, the Army Staff, the Office of the Secretary of the Navy, the Office of the Chief Naval Operations, the Headquarters, Marine Corps, the Office of the Secretary of the Air Force, and the Air Staff who are assigned or detailed to permanent duty to perform management headquarters activities or management headquarters support activities.

(b) DEFENSE AGENCIES AND DOD FIELD ACTIVITIES.—Not later than September 30, 1988, the Secretary of Defense shall reduce the total number of military and civilian personnel assigned to duty in the management headquarters activities or management headquarters support activities in the Defense Agencies and Department of Defense Field Activities by a number that is at least 15 percent of the total number of personnel performing such activities on September 30, 1985. The number of personnel reduced under this subsection in excess of the reduction required by this subsection may be included in the number required to be reduced by subsection (c).

(c) OTHER ACTIVITIES.—Not later than September 30, 1988, the Secretary of Defense shall reduce the total number of military and civilian personnel assigned to duty in the Defense Agencies and Department of Defense Field Activities, other than personnel assigned to management headquarters activities or management headquarters support activities, by a number that is at least 10 percent below the total number of personnel performing such activities on September 30, 1985.

(d) PROHIBITION AGAINST CERTAIN ACTIONS TO ACHIEVE REDUCTIONS.—The reductions required by subsections (a), (b), and (c) may not be accomplished by recategorizing or redefining duties, functions, offices, or organizations.

(e) ALLOCATIONS TO BE MADE BY SECRETARY OF DEFENSE.—(1) The Secretary of Defense shall allocate the reductions required by subsections (a), (b), and (c) in a manner consistent with the efficient operation of the Department of Defense.

(2) The Secretary shall also consolidate and eliminate unnecessary management headquarters activities and management headquarters support activities.

(f) REDUCTION NOT APPLICABLE TO NSA OR DIA.—The reductions required by this section do not apply to the National Security Agency or the Defense Intelligence Agency.

(g) AUTHORITY OF COMBATANT COMMANDERS WITH REGARD TO RDEUCTIONS.—In the case of a reduction under this section made applicable by the Secretary of Defense to a unified or specified combatant command, the commander of that command, after consultation with the commanders of commands directly subordinated to the commander of the combatant command, shall determine the manner in which the reduction shall be accomplished.

(h) PROHIBITION ON FUTURE INCREASE.—After September 30, 1988, the number of civilian and military personnel assigned to perform activities described in subsections (a), (b), and (c) may not be increased above a number that is 10 percent less than the number of such personnel assigned or detailed to perform such activities on September 30, 1985. The limitation provided in this

subsection shall not apply in time of war or during a national emergency declared by Congress.

(i) DEFINITIONS.—For purposes of this section, the terms "management headquarters activities" and "management headquarters support activities" have the same meanings prescribed for such terms in Department of Defense Directive 5100.73 entitled "Department of Defense Management Headquarters and Headquarters Support Activities", dated January 7, 1985.

H.R. 4428

By Mr. COURTER:

—At the end of title II of division A (page 68, after line 4), insert the following new section:

SEC. 215. RECONFIGURATION OF STRATEGIC DEFENSE INITIATIVE PROGRAM.

(a) RECONFIGURATION OF SDI PROGRAM.—The Secretary of Defense shall, consistent with the provisions of the Anti-Ballistic Missile Treaty of 1972—

(1) reconfigure the Strategic Defense Initiative program; and

(2) initiate the development, testing, and deployment of systems for the defense of the United States against attack by strategic ballistic missiles.

(b) REQUIREMENTS.—To the maximum extent practicable, the reconfiguration required by subsection (a)(1) shall enable systems developed under the Strategic Defense Initiative program—

(1) to survive against determined defense suppression attacks;

(2) to provide the most effective protection for the largest possible area;

(3) to be cost-effective when deployed against the most effective or most probable countermeasures; and

(4) to be compatible with future systems for defense against strategic and tactical ballistic missiles, including systems designed to defeat ballistic missile threats during the boost phase, post-boost phase, midcourse phase, or terminal phase of their flight trajectory.

—Page 42, after line 16, insert the following new subsection:

(d) BOOST SURVEILLANCE AND TRACKING SYSTEM.—Of amounts appropriated to the Defense Agencies other than the Strategic Defense Organization pursuant to authorizations in section 201, $100,000,000 is available only for the Boost Surveillance and Tracking System (BSTS) program.

—At the end of part B of title IX of division A (page 201, after line 14), insert the following new section:

SEC. 917. RELEASE OF TECHNICAL DATA.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2325. Release of technical data

"(a) IN GENERAL.—

"(1) RELEASE OF DATA.—The Secretary of Defense shall, if required to release technical data under section 552 of title 5, release technical data to a person requesting such a release if such person pays all costs reasonably attributable to responding to such request, including reasonable charges for the costs of services of agency personnel relating to—

"(A) locating the technical data requested;

"(B) the review of such technical data to determine whether other restrictions apply; and

"(C) duplication and other processing charges.

"(2) REGULATIONS.—The Secretary of Defense shall prescribe regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees under this section.

"(b) DISPOSITION OF COSTS.—Amounts collected under this section shall be retained by the collecting agency and shall be used to reimburse the costs incurred in complying with requests for technical data.

"(c) WAIVER.—The Secretary of Defense shall waive the payment of costs required by subsection (a) which are in addition to costs under section 552 of title 5 if—

"(1) the request is made by a citizen of the United States or a United States corporation, and such citizen or corporation certifies that the technical data requested is required to enable such citizen or corporation to submit an offer or determine whether it is capable of submitting an offer to provide the product to which the technical data relates to the United States or a contractor with the United States;

"(2) the release of technical data is requested in order to comply with the terms of an international agreement; or

"(3) the Secretary determines, in accordance with section 552(a)(4)(A) of title 5, that such a waiver is in the interests of the United States.

"(d) TECHNICAL DATA.—In this section, the term 'technical data' means formulae, designs, drawings, blueprints, technical manuals, or computer software.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2325. Release of technical data.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

H.R. 5205

By Mr. BROWN of Colorado:

—Page 28, line 1, strike "$613,000,000" and insert in lieu thereof "$590,700,000".

H.R. 5234

By Mr. FRENZEL:

—At the end of title III, insert the following new section:

"Section 317. Notwithstanding any other provisions of this Act, each amount appropriated or otherwise made available by this Act not required to be appropriated or otherwise made available by previously enacted law is hereby reduced by 0.7 percent."

EXTENSIONS OF REMARKS

HEINZ W. MAIENTHAU, A 20TH-CENTURY HERO

HON. GARY L. ACKERMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. ACKERMAN. Mr. Speaker, through the horror and depravity of the 20th centuries, a few heroic individuals have stood up and said "No" to barbarism. Such a person was Heinz W. Maienthau, a German who actively fought the rise of Hitler while so many others watched idly, doing nothing.

Mr. Speaker, I am priviledged and honored to include a statement given by Heinz Maienthau, a true hero of the 20th century, in the CONGRESSIONAL RECORD at this point of the proceedings.

STATEMENT BY HEINZ W. MAIENTHAU

I was born December 15, 1902, in Munich Germany. My father's name is Max Maienthau, born either in Nuernberg or Fuerth, a small city near Nuernberg. My mother's maiden name was Anna Kohn, also a native of Nuernberg. We are Frankonian Jews.

This narrative is written at the request of Arther Sinai, who some years ago, when I worked as an investigator in the Office of Special Investigation of the State of Illinois, was my immediate superior. The narrative deals with my personal experiences during the so-called Burger Braeu Putsch involving Adolph Hitler and General Ludendorf. I think that most if not all recollections put down at this time are correct and factual.

Prior to these dates I had lived in Munich, at our apartment, Wiedennayerstrasse 5, which was quite a fancy address at that time. I worked as an "antiquarian" at a famous bookseller, Jacques Rosenthal, a firm well-known for its vast collection of rare books and prints, and especially of mediaeval manuscripts and incunabula (books printed before the year 1500). I also attended courses at the University.

My best friend was a young man by the name of Karl Frankenburger, a brilliant intellectual. His family was one of the most highly respected Jewish families in Germany. His father was Justizrat Frankenburger, a lecturer on international law at the University of Munich and his brother Paul Frankenburger was the conductor of choir of the Munich Opera.

Karl Frankenburger and I had quite a number of various social contacts, some stemming from contacts made in taverns, frequented by artists, students and intellectuals. One of these, called der bunte Papagei was located in the "bohemian" section of Munich. It is there that I met and became somewhat friendly with Alfred Rosenberg and he and I went on several drinking parties together. In such a locale I also met a somewhat shady lady who called herself Katin von Hinueber, a former mistress of Alfred Rosenberg.

Other remote and mostly visual contacts with Adolph Hitler and his entourage were made at a certain Munich Restaurant. Like other young intellectuals I also worked as an extra in a rather famous and high brow Munich Theater, the Kammer Spiele. The "extras" and certain actors and actresses and other theatrical personnel intermingled also socially.

We met, not infrequently, at a certain restaurant (I cannot recall its name), where we had a special table (stammtisch) assigned to us. But Hitler and his close entourage were also frequenters of this restaurant.

Otto Zarek was the "regisseur" or director of the Kammerspiele stock company. He escaped from the Nazis and went to England and wrote a book giving full details of this phase of my recollection. However, I have not seen the book in decades, but, small doubt it is available at the Library of Congress. But this may explain that I had been somewhat noticed by the Nazis at that time.

With Frankenburger I also became active in an organization called "Kartell Republikanischer Studenten". It was a national organization with some strong political connections.

The word Republikan indicated that it was in favor of the democratic Weimar Republic and opposed to its foes. This organization was backed financially and otherwise by the Social Democratic party of Germany and especially by one of its prominent leaders, named Bernstein. Bernstein's own home became the central office of the Kartell Republickanischer Studenten. It was headed by one Wilhelm Koeberlin, an archaeologist, who had spent considerable time in the Near East. He was a rather strange and probably very brilliant person, very secretive and involved. He and his affinity, a young lawyer by the name of Anna Selo, became good friends of mine. (Anna Selo became a delegate to the League of Nations in Geneva, she escaped the Nazis and subsequently lived in New York. As to Koeberlin, I was told that he survived the Nazis and had a rather prosperous antique business in Munich during the Nazi regime.)

The Koeberlin modus operandi was far-flung and intricate. There were some Nazi attempts to infiltrate—and it appears that Koeberlin was aware of them. He had a number of informants. Obviously, there had been a leak because eight of them were found floating down the river Isar in Munich, with their throats cut. This was prior to the Hitler Putsch, if my recollections are right.

In 1922 I was severely beaten and viciously attacked by certain Nazis. I recuperated and was told by various sources that my life in Bavaria was no longer safe and that I should move to Prussia where a Social Democratic government ruled.

Therefore, I obtained a job in Berlin. Furthermore, Karin von Hinueber, gave me a message, purportedly stemming from Alfred Rosenberg that the Nazis would take over Germany and that he neither would or could protect me and that I should leave Germany as soon as possible. I moved to Berlin, where I obtained a job and applied for a visa to the United States which at that time took considerable effort and time to obtain.

In view of the danger I was exposed to and for other reasons I always carried an automatic pistol on my person. I considered myself as a marksman with both handgun and rifle. A few days before the Hitler Putsch I travelled from Berlin to Munich. I stayed at my mother's (she was a widow) and met with both Karl Frankenburger and Koeberlin. They gave me a number of classified documents (I do not recall their nature) and I took them home with me.

On November 7, 1923 I had an urgent telephone call from Koeberlin who said that there was going to be a putsch and that we were all leaving Munich and going to Augsburg (a small town in Bavaria) by a "high-powered" automobile.

Armed with this information and ready to leave I telephoned a friend of the family by the name of Herman Pohl, who, at that time was a high official of the Munich Police. Herman Pohl was an admirer of my widowed mother and wanted to marry her. He came from a prominent Bavaria (gentile) family—was previously an officer of the German Army and as a major in the Army and was one of the pioneer aviators. During World War I he became commander of the Bavarian Airforce. As a student I challenged another (gentile) student to a duel and asked Herman Pohl to be my second—to the great embarassment of the gentile student and of Pohl. Nothing much came of it—the gentiles were not supposed to duel with Jews.

Just when I was about to leave I had a telephone call from Pohl. He said that there was no need to flee to Augsburg that the putsch had been called off and that I did not need to leave Munich since von Kahr was in complete control. In view of this I decided to stay in Munich and of course informed my friends, who also stayed. By some hunch I hid the classified documents and my gun under some linen in a commode in my bedroom.

The next day, early in the morning (I assume it was between seven or eight in the morning) the bell rang. I was still in bed. Some men in the uniform of the regular German Army and without any Nazi insignia said that I was under arrest. They gave me time to dress but did not search my room, where my gun and the documents were hidden. I offered no resistance since the men were in the uniform of the regular and legitimate German Army.

After I dressed the men took me to the street and I was marched up and down the Wiedenmayer Strasse between raised bayonets. I still picture myself—I dressed rather carefully in those days and had yellow suede gloves on my hands. The day was somewhat grey, but not very cold and there was no snow on the ground. Eventually we were joined by other prisoners and guards. At this time I can only recall one of my fellow prisoners. His name was Milton Heilbronner a rather wealthy theatrical producer, father of my friend Herbert Heilbronner and also of two beautiful daughters. At a later date I located Herbert Heilbronner in Los Angeles, where he had a job connected with the motion picture industry (trailers). We had some correspondence during the

twenties—but in later years, when I got to Los Angeles, I could not locate him.

Milton Heilbronner and I marched side by side surrounded by bayonets toward the Buerbraeu Keller which was a brewery with large eating and drinking facilities about 2 miles or 3 miles from the Maximilianstrasse, which crossed Wiedenmayerstrasse and across the river Isar which flows along the Wiedenmayerstrass. All of a sudden I realized that I had failed to put either money or cigarettes into my pocket, when I was arrested. While marching, Mr. Heilbronner gave me some money and cigarettes. When we arrived at the Buerbraeu Keller we were first put on some benches in the restaurant section of the Keller. I believe that eventually 18 hostages were gathered (but my recollection concerning this number is not very sharp). Being a chain smoker at that time of my life, I had a cigarette in my mouth. All of a sudden the command came to bring the hostages before Hitler and so I was taken to Hitler, cigarette in my mouth. When Hitler saw me smoking, he flew in a rage—that a Jew dared to smoke in his presence. One of the uniformed guards grabbed the cigarette out of my mouth and threw it to the floor and took me away. I at that time had really no concept of Hitler's power and future and thought that he was mad.

We were conducted back to the Restaurant part of the Buerbraeu Keller. One particular incident that took place at that time, stuck to my mind. Apparently the Hitler troops also had arrested an American citizen. The American consul in Munich who's name I do not recall, but who subsequently became a prominent official of the State Department came to the Buerbrau Keller, accompanied by others and carrying an American flag. He demanded and obtained the release of the prisoner and with the American Flag in hand guided him to safety. While stationed in the restaurant portion of the Keller and in accordance with the Munich tradition, beer was offered. I bought a stein of beer and to my great surprise the waitress serving me was one of our previous house servants of some years. I do not recall her name—perhaps it was "Resi"—a Bavarian abbreviation for Therese. Since our relation with our servants was always a very good one although a somewhat feudal one, I asked "Resi" to please call Major Herman Pohl—and I gave her his telephone number—and to please tell him what happened and would he please also notify my mother. She came back later and told me that she had spoken to him.

We noticed that there was quite a commotion and that, with the exception of some guards everybody had left. We were told that there was a march downtown with Hitler and Ludendorf leading.

After about an hour or two everybody, including the remaining guards started to fade away. Something had happened—we did not know what. Eventually, when I noticed that most of my fellow prisoners had vanished, I looked around. There was nobody at all where Hilter and Ludendorf and other Nazi leaders previously held forth. Next to their somewhat stage-like previous quarters, was a comparatively small room. To my astonishment it was stacked from top to bottom with a huge quantity of paper money. For some moments I had a temptation to grab some of it, as much as I could carry and hide on me. I dismissed this temptation—knowing that I would certainly be shot, if I would be found with such loot. (to my knowledge all this money was counterfeit or a "special issue" of the new government to be.)

I carefully and quickly made my way home, mostly through the parks, along the river Isar.

When I got home I found that the hidden documents were no longer in the hiding place. My friend, Karl Frankenburger, knowing of their importance, had made his way though the Nazi lines and heroically carried them to safety.

I was glad to leave Munich quickly after that.

The American consul in Munich gave me a visa (number 33 333) to the United States and I arrived in Hoboken, New Jersey, on December 5, 1924, after a unusually stormy passage on the S.S. Stuttgart. I tried to tell people in the United States about the terrorist acts and political murders in Germany but met with complete disbelief.

THE RESISTANCE CAN WIN IN MOZAMBIQUE

HON. MARK D. SILJANDER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. SILJANDER. Mr. Speaker, I would like to call my colleagues attention to a recent study by the Heritage Foundation concerning Mozambique.

This study gives an excellent overview of the Mozambique Government and it's political ideology. In addition, the study provides a unique analysis of RENAMO—the Mozambique National Resistance—and it's capability to force the Government to provide free and fair elections.

We are at a critical stage regarding our policies towards Southern Africa and we should help those people who are advancing the principles which this country stands for.

THE RESISTANCE CAN WIN IN MOZAMBIQUE

One of the major foreign policy disappointments of the Reagan Administration has been its failure to wean Marxist regimes in Africa away from Moscow and Havana.

In Angola, after ten years of communist rule sustained by massive military aid from Moscow and manpower from Cuba, the Angolan regime has been unable to defeat the army of 60,000 freedom fighters led by the charismatic Jonas Savimbi. For five years the United States has tried to negotiate a settlement in Angola, without success. Finally recognizing the failure of its Angola policy, the administration now is providing military assistance to Savimbi's forces.

To Ethiopia, the U.S. shipped $243 million worth of food in 1985 alone, providing relief with American tax dollars for famine caused in part by government policies: Soviet-style collective farming and the forced resettlement of over 600,000 farmers. Yet the State Department's hope that U.S. largesse would lead to improved relations with the Marxist-Leninist regime has proven false. Since last year, Reagan has included Ethiopia in the list of five Marxist-Leninist countries that he says are "at war with their own people." The others are Afghanistan, Angola, Cambodia and Nicaragua.

The president's failure to include Mozambique in this list is notable. That country, the People's Republic of Mozambique, is the principal Marxist-Leninist state where the U.S. still is vigorously pursuing a policy of trying to wean the government away from Moscow. That policy is inconsistent with the Reagan Doctrine and has failed in its implementation. The Marxist-Leninist regime continues to function as a totalitarian government, supported by a foreign invasion force from Zimbabwe and thousands of Soviet-bloc advisers. Meanwhile, opposition forces fighting for self-determination for the people of Mozambique continue to win battles and public support, and move closer to victory. It is time for a new U.S. policy toward Mozambique.

A MARXIST-LENINIST DICTATORSHIP

Since winning independence from Portugal in 1975, Mozambique has been run as a one-party state by Samora Machel, head of the only permitted political party, the Front for the Liberation of Mozambique (FRELIMO). In his eleven years of rule, Machel has turned Mozambique into a Marxist-Leninist dictatorship that is no friend of the United States. A recent State Department report on votes cast in the Untied Nations General Assembly by the 159 member nations lists Mozambique fourth from the bottom in order of support for positions taken by the United States. Mozambique voted opposite the U.S. position 94.1 percent of the time.

Machel has imposed communist doctrine, purged his party of non-Marxists, killed thousands of political opponents, herded over 200,000 others into reeducation camps, nationalized industry and agriculture, and invited Soviet-bloc advisers to Mozambique. According to State Department reports on human rights violations, prisoners at the remote reeducation camps are brutally bound, beaten and often killed. The one-party regime compels non-party members to attend political indoctrination meetings, and permits are required for citizens to travel outside their city of residence.

Now totally reliant on the Soviet Union for arms and oil, Machel has ruined his country's economy, but he receives virtually no economic help from his Soviet mentors. His solution: turn to the West for economic help, while maintaining the all-important Soviet lifeline of arms and advisers that enables him to stay in power and fight the resistance.

INTERNATIONAL COMMUNIST SUPPORT

There are an estimated 2,000 Cubans, 1,000 Soviets, 500 East Germans, and thousands of other Soviet-bloc personnel in Mozambique. Officials of Machel's government acknowledge the presence of both military and civilian Soviet-bloc advisers, but refuse to confirm or deny the numbers. Moscow has provided Hind helicopter gunships in addition to some 85 MiG-17s and MiG-21s. The Mozambican army of some 25,000 troops in equipped almost entirely with Soviet weapons, including AK-47 rifles, T-55 tanks, armored personnel carriers, helicopters and artillery. The most recent report on international arms transfers issued by the U.S. Arms Control and Disarmament Agency shows substantial increases in Soviet-bloc shipments to Mozambique, up from $70 million in 1981 to $130 million in 1982, to $260 million in 1983. Military aid from Moscow increased still further last year.

Mozambique's continued close relations with Moscow were reaffirmed during a three day visit by Samora Machel to the Soviet Union in late March. In a joint communique issued by Machel and Mikhail Gorbachev, the two leaders presented a detailed picture of coinciding views on world affairs.

Both attacked not only "the aggression of the South African racists" but also "their imperialist allies," presumably the United States. They "expressed satisfaction with the development of Soviet-Mozambique relations . . . and of the fraternal ties between the Communist Party of the Soviet Union and Frelimo." They lauded "the presence of Cuban internationalists in Angolas" and "expressed their solidarity with the Libyan people" against the United States.

After Soviet arms and moral support, the most important foreign assistance Machel receives is the direct military intervention of neighboring Zimbabwe (formerly Rhodesia). Fellow Marxist ruler Robert Mugabe sent over ten thousand troops into Mozambique last year in the hope of quickly crushing the resistance against Machel. Instead, he now finds his forces bogged down and losing a war of attrition.

THE NON-COMMUNIST ALTERNATIVE

The opposition to this alliance of African Marxist regimes is RENAMO, the Mozambique National Resistance. RENAMO is led by Afonso Dhlakama, the son of a paramount tribal chief who attended a Christian seminary before joining the resistance to Portuguese rule. RENAMO was founded in April 1977 by Andre Matsangaisse, who fought under Machel during the resistance to the Portuguese. Matsangaisse later was interned in a concentration camp by Machel, but he escaped and established RENAMO to oppose Machel's regime, and Dhlakama became his chief lieutenant. When Matsangaisse was killed in 1979, Dhlakama succeeded him as head of the guerrilla movement, which now numbers 22,000 active guerrillas and 10,000 reservists, operating throughout Mozambique.

Opponents of RENAMO charge that it was established by the colonial administration in Rhodesia and supplied by South Africa. But RENAMO actually was created by Mozambican patriots who had fought the Portuguese only to become disaffected by Samora Machel's brutal repression. Their acceptance of some assistance from Rhodesia and South Africa does not alter the nature of their nationalist movement. About one-third of RENAMO's guerrillas are defectors from the Mozambican armed forces, now fighting to overthrow Machel. They have won growing popular support as the economy has deteriorated and political oppression continued.

ECONOMIC PROBLEMS

Mozambique is facing major economic difficulties: a balance of payments deficit over $400 million, a foreign debt of $2.3 billion (more than the annual gross domestic product), a serious shortage of consumer goods, drought, famine, and a drastic fall in both agricultural and manufacturing production. Roads, rail lines and bridges are deteriorating due to a combination of guerrilla attacks, lack of funds for repairs, and shortages of skilled personnel to maintain them. The socialist economic policies practiced since 1975, including the creation of large collective farms and the nationalization of most businesses, have been disastrous. The regime has lost effective control over some 80 percent of the country, which is twice the size of California.

A Soviet client state, Mozambique depends on Soviet-bloc personnel for its military leadership, state security, information control and technical and engineering expertise. It is also dependent on low cost oil from the Soviet Union. In exchange, the Machel government has given the Soviets use of the port of Maputo to service its Indian Ocean fleet, and concessions for the exploitation of Mozambique's mineral resources.

Moscow treats Mozambique as it does most of its proxy states. Soviet support includes very little economic assistance, but plenty of weapons and Soviet-bloc advisers, both assuring Moscow's control and helping the Marxist-Leninist regime stay in power through the systematic control of the population and the suppression of any opposition. Machel periodically restates his commitment to Mozambique's 1977 treaty of friendship with the Soviet Union (most recently in Moscow in March), even while asking the West for economic help.

Moscow has rejected Machel's request for membership in COMECON, the communist economic and trade organization, presumably on the grounds that the economic basket case that Mozambique has become would merely be a drain on the Soviet economy. The Soviets probably figure they can have it both ways—maintain control through military and technical assistance, while letting Mozambique draw economic and food aid from South Africa, Western countries and international lending institutions.

U.S. AID

Facing a ruined economy and with no prospect of economic help from the Soviet Union, Machel turned to the West for economic aid in 1983, hinting at a retreat from some of his government's socialist practices. Machel turned to the U.S. only after Moscow denied his request for economic assistance, but the State Department responded promptly with $16 million in economic and food aid, and in 1984 sponsored Mozambique's membership in the International Monetary Fund. As a result, Machel quickly received a $45 million World Bank loan and large amounts of U.S. food aid. U.S. assistance increased to $55 million in 1985, bringing total U.S. aid to Mozambique for the ten year period from 1976 through the first half of 1986 to $230.7 million.

The American embassy in Maputo, pleased about "increased Mozambican support for its private sector," has been pressing Washington to increase U.S. aid. Last year, the State Department asked Congress to approve $1 million in nonlethal *military* aid to Machel's regime, despite the large number of Soviet-bloc military advisers in the country. Congress torpedoed the State Department request by conditioning any military aid on economic and political reforms, the restoration of free enterprise, a reduction in foreign military personnel to 55, and a commitment to hold free elections. None of these requirements have been met.

Congress also restricted U.S. economic aid, limiting it to the private sector rather than the Machel regime; but with virtually no private sector left, most aid funds are being used either for humanitarian assistance or to pay American firms to provide services. Sources in Congress are looking into the possible circumvention of the intent of Congress by some State or AID officials, who may have increased humanitarian aid to Mozambique as a way of offsetting the congressional restriction on economic aid.

One U.S. AID contract, for $695,000 to develop a computer-assisted debt management system for the Bank of Mozambique, has been let with the New York investment banking firm of Lehman Brothers. A question being asked in the Senate is whether Richard Moose, assistant secretary of state for African affairs in the Carter Administration and now an executive of Lehman Brothers, may have arranged this contract with former colleagues at AID.

THE CIVIL WAR

The military operations occurring in remote areas of a remote country often have not been reported accurately by much of the Western media. Last September a combined FRELIMO/Zimbabwe offensive was launched, with the support of Soviet and Cuban advisers, against RENAMO's military headquarters at Gorongoza in central Mozambique. The assault was widely publicized in the West as a major defeat for RENAMO. In fact, Dhlakama, who has excellent intelligence on the plans of the Zimbabwean and Mozambican armies, was warned days in advance and had time to evacuate his whole force from the Gorongoza complex.

RENAMO struck back in January, launching attacks in seven provinces that destroyed several railroad trains, dozens of military vehicles and an Alouette III helicopter. In February, RENAMO recaptured the Gorongoza base and seized large quantities of supplies abandoned by the fleeing Zimbabwean and FRELIMO troops. RENAMO forces destroyed the last operating sugar mill in the country. Major power lines have been cut several times, interrupting the supply of electricity to large parts of the country. RENAMO guerrillas operate freely in most of the country and recently have been conducting raids in the suburbs of the capital city of Maputo, which is virtually cut off from the rest of the country, except by air.

On May 19, RENAMO cut the railroad line between Swaziland and Maputo, one of Machel's last land routes to the outside world. On May 21, RENAMO raided FRELIMO party headquarters, destroyed the building and seized documents revealing that FRELIMO considers the resistance the major stumbling block to the full implementation of the Marxist-Leninist program of the Machel regime.

ZIMBABWE'S VIETNAM

Mugabe is anxious to keep open Zimbabwe's access to the sea via the Mozambique port of Beira. Another road from Zimbabwe to the sea, via the port of Maputo, has been closed by RENAMO since last August. Thus, one of Mugabe's main objectives is to keep open the Beira-Mutare road, and adjoining railroad and oil pipeline.

Trying again with the help of Cuban troops, Mugabe launched a new attack on the Gorongoza base on April 12. The assault force consisted of 7,000 Zimbabwean troops, including 3,000 airborne, and was supported by 17 helicopters, Canberra bombers, MiG-17s and MiG-21s. But again Dhlakama had advance warning. This time, instead of abandoning the base, the RENAMO forces were waiting, fought off the assault, and killed a reported 300 of the attackers.

Mugabe owes a debt to Machel for helping him win power in Zimbabwe and now is repaying his debt. Both are Marxist rulers, and Mugabe's support for Machel has elements of "socialist solidarity." But now Mugabe is said to be disillusioned by the reverses his army has suffered. His officers blame the Mozambican army for not holding territory, and the Machel regime for not providing adequate supplies and effectively supporting the military operations.

The Zimbabwean army, equipped in part with Soviet weapons and supplies, reportedly has lost half its helicopters, more than 1,000 men and large quantities of supplies in the Mozambique fighting. Critics inside

Zimbabwe are calling the adventure "Zimbabwe's Vietnam."

THE NKOMATI ACCORD

While the Mozambicans of RENAMO engage in major fighting against foreign troops, the U.S. continues to support Samora Machel and his Marxist-Leninist regime. The U.S. embassy in Maputo claims that Machel is increasing support to the private sector, abolishing bureaucratic obstacles, denationalizing industry, discouraging large scale government projects, and encouraging Western investment. The embassy is trying to encourage these economic reforms, which it complains are being hindered by "the insurgency."

The U.S. decision to support an oppressive Marxist-Leninist dictatorship against a popular anti-communist rebellion is based partly on the hope of moderating the regime over time and gradually converting it from socialism to some form of free enterprise. But U.S. policy toward Mozambique also has been governed by policy toward South Africa. The keystone of this approach is the Nkomati Agreement, signed on March 16, 1984 by Prime Minister P.W. Botha of South Africa and Samora Machel of Mozambique.

Under this non-aggression agreement, Machel promised not to permit the terrorists of the African National Congress to operate against South Africa from Mozambican territory, while Botha agreed to neither support RENAMO nor permit it to have bases in South Africa. The U.S. has considered the Nkomati accord helpful to the administration's policy of constructive engagement toward South Africa. But in this case, U.S. and South African interests diverge rather than converge. An agreement helpful to South Africa that also helps a Marxist-Leninist regime survive in Africa is not in the global strategic interest of the U.S., nor is it compatible with the Reagan Doctrine concept of self-determination and freedom from totalitarian rule.

A FAILED POLICY

In the two years since the Nkomati agreement was signed, RENAMO has become stronger, not weaker. As a result, the United States finds itself with a policy that seems calculated to undermine the efforts of an anti-communist, popularly supported resistance struggling to rid itself of a repressive Marxist-Leninist dictatorship.

U.S. Ambassador to Mozambique Peter De Vos, a Princeton-educated foreign service officer (FSO) who has been described as an apologist for the Machel regime, is due for reassignment this year. His planned replacement is Melissa Wells, a retired career FSO, who during the Carter administration was an alternate U.S. representative to the United Nations under Ambassador Andrew Young. De Vos and officials of the Bureau of African Affairs at the State Department seem convinced that Marxism in Africa is different than elsewhere and that with time and patience African Marxists, including Samora Machel, can be weaned away from socialism and toward some new African economic system that will tolerate private enterprise and economic ties to the West.

The Marxist regime in Mozambique fosters that belief. In May, Abdul Magid Osman, the Mozambique Minister of Mineral Resources, visited Washington and called at State, AID and The Heritage Foundation. At Heritage, he was told frankly that FRELIMO must moderate its rule and get rid of its Soviet-bloc advisers. On his return to Mozambique, Osman was named Minister of Finance, and the Machel regime ordered the transfer of twenty companies to the private sector and announced the breakup of one of the largest collective farms. These are steps in the right direction, but they must be followed by the departure of the Soviet and Cuban advisers, and a genuine move toward political pluralism.

The prospects are not good. Thus far, it has been impossible to convert any regime that is propped up by Soviet, Cuban or other Soviet-bloc troops or advisers away from the methods of Leninism, by which it retains power. Some deviation from the economic principles of Marxism may be possible, but never from the political control methods of Leninism.

Machel retains power through a one-party, totalitarian political system. He has flatly rejected free elections or any discussion of a political compromise with RENAMO. FRELIMO foreign minister Joaquim Chissano has said it clearly: The only possible dialogue with RENAMO is "through the barrel of a gun."

THE PROVISIONAL GOVERNMENT

RENAMO is establishing a provisional government in the large area of Mozambique in which the resistance movement operates freely. Run by a National Council headed by President Dhlakama, the provisional government considers victory in the military struggle a foregone conclusion and is now planning reconstruction and the restoration of basic freedoms.

Dhlakama repeatedly has stated his willingness to negotiate with FRELIMO, with the following three conditions that Machel has categorically rejected:

1. FRELIMO must recognize RENAMO as a legitimate political force (Machel calls the guerrillas bandits).

2. Machel must agree to hold free elections.

3. All foreign troops must be withdrawn.

Dhlakama has promised to hold free elections to establish a national assembly, and to have the assembly write a democratic constitution. Revolutionaries do not always keep such promises, but one thing is certain: Soviet-bloc troops and advisers will no longer be welcome in Mozambique. Also, it is reasonable to assume that a government led by a Christian president who promises religious, economic and political freedom would be considerably better than an oppressive totalitarian regime supported by Moscow and Havana.

CONCLUSION

Of all the insurgencies against pro-Soviet regimes anywhere in the world, RENAMO's is closest to victory. It would be a logical next step for the administration, in making the Reagan Doctrine a reality, to change its policy toward Mozambique and bring it in line with U.S. policy toward other Marxist-Leninist governments that are being challenged by their own people. The administration should:

Downgrade relations with the Marxist-Leninist regime of Samora Machel by withdrawing Ambassador De Vos without a replacement.

Stop all U.S. aid to the Machel government and end Mozambique's most favored nation trading status. A bill proposed by Senator Paul Trible (R-Va) would do so.

Provide moral support and humanitarian assistance (medicine, shoes and clothing) to the anti-communist forces of RENAMO. A bill proposed by Senator Malcolm Wallop (R-Wyo) and Rep. Dan Burton (R-Ind) would provide an initial $5 million in aid to RENAMO.

The United States has a rare opportunity to strike a blow against the Brezhnev doctrine (once a communist state, always a communist state) by helping the Mozambican patriots replace their Marxist-Leninist rulers with a non-communist alternative. This opportunity should be seized without delay.

MEXICO—A NEIGHBOR IN CRISIS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. UDALL. Mr. Speaker, this is the ninth in a series of articles that I have submitted over the course of the past several weeks to illustrate the current crisis in Mexico.

I feel it is critically important to remember that Mexico is not some distant trouble spot, but rather, our friend and valued neighbor to the South.

Recently the Mexican Government has been increasingly under fire in the United States; contributing to the continuing tensions in United States-Mexico relations. Today's article suggests this could be creating a backlash in Mexico. But also observes, that President de la Madrid has quietly shifted to a more conservative stance on a number of issues that concern the United States, and that the two governments still share an overriding interest in maintaining stability on the United States's Southern border.

The article follows:

[From Business Week, July 7, 1986]

WHY THE U.S. RIGHT IS LASHING OUT AT MEXICO'S RULING PARTY

(By Peter Katel and Bill Javestski)

For more than 50 years, Washington policymakers have overlooked Mexico's democratic shortcomings—such as widespread corruption and election-rigging—for one very compelling reason. They counted on the nation's ruling political organization, the Institutional Revolutionary Party (PRI), to keep the U.S.'s southern border secure. But as tensions between the two countries grow over debt, narcotics, immigration, trade, and investment restrictions, tolerance for PRI-style politics is fading in the U.S.

Conservative backers of the Reagan Administration are stepping up their attacks on the PRI's near-monopoly of power. They oppose the Mexican government's heavy intervention in the economy, its opposition to U.S. backing for Nicaragua's *contra* insurgents, and the PRI's leftist and nationalistic posturing. The Administration put some distance between itself and the most outspoken critics of Mexico when Attorney General Edwin Meese III told Mexican President Miguel de la Madrid last month that such attacks do not reflect White House policy. But that did not dissuade Senator Jesse Helms (R-N.C.) from holding hearings on Mexico's problems and from warning on June 17 that to get help from the U.S., Mexico must bring about "fundamental political reform." The PRI's electoral manipulations, Helms said, even raise doubts about the Mexican government's legitimacy.

DIGNITY AND LENTILS

Other conservatives, such as Senator Phil Gramm (R-Tex.), recently lectured Mexican

legislators on the need to reform their economy. The public outbursts could be creating a backlash in Mexico. In a recent TV interview, the usually bland de la Madrid rejected a suggestion that Mexico might alter its neutral stance on Central America to win better terms from the U.S. on its debt. "Dignity can't be changed for lentils, right?" he remarked.

Critics will have another close look at Mexico's internal politics in state elections on July 6. Chihuahua—a sprawling state on the Texas border and a stronghold of the PRI's main opposition, the conservative National Action Party (PAN)—has become a focus of international media attention. The PRI is expected to win, with or without ballot-stuffing, and the PAN is expected to cry fraud. But the PRI wants to wage a strong campaign to blunt charges by the PAN and foes such as Helms that it lacks popular support. It has picked a vote-getter with a conservative image to run against the PAN's charismatic candidate for governor.

In fact, de la Madrid has quietly shifted to a more conservative stance on a number of issues that concern the U.S. Since taking office in 1982, he has wound down support for Nicaragua's Sandinistas and agreed to join the General Agreement on Tariffs & Trade. He closed a loss-ridden steel plant and is expected to sell off Compañia Mexicana de Aviación, a state-run airline. Such gestures will still leave large chunks of the economy in government hands. But a recent decision allowing Hewlett-Packard Co. to buy out its majority Mexican partners in a personal computer plant effectively scuttles plans to keep that industrial sector under Mexican control.

Such ad hoc policy shifts won't of course silence U.S. conservatives. As long as the PRI bars the PAN from major political offices and keeps its ideology of a "mixed" economy of private and state-run enterprises, attacks will continue. But U.S. policymakers will be reluctant to stoke political tensions in Mexico. The two governments still share an overriding interest: maintaining stability on the U.S.'s southern border.

FSLIC RECAPITALIZATION (H.R. 4907, AS AMENDED)

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. GRADISON. Mr. Speaker, the House may soon consider H.R. 4907, FSLIC recapitalization. In this regard, I would like to share with you and my colleagues an article by Bert Ely, which is reprinted from the July 17, 1986, Wall Street Journal.

I have some familiarity with the subject—as a former chairman of the Federal Home Loan Bank of Cincinnati, and as a Representative of the area hit hardest by the recent savings and loan crisis in Ohio. In my view, Mr. Ely correctly analyzes the situation.

The article follows:

[From the Wall Street Journal, July 17, 1986]

THIS SAVINGS AND LOAN MESS WON'T GO AWAY

(By Bert Ely)

Congress soon may bow to Reagan administration requests and write a multibillion-dollar check to bail out the Federal Savings and Loan Insurance Corporation. FSLIC insures deposits in 3,200 thrift institutions with total assets of $1.1 trillion. Why will Congress have to spend this money? Looming insolvencies among the most troubled third of the thrifts will bankrupt FSLIC, and stronger thrifts lack the resources to absorb these losses.

The administration has proposed legislation to bail out FSLIC. However, its plan will not work. The Congressional Budget Office very wisely called it "a budgetary gimmick." In effect, the plan, which will come up for committee action in both Houses within a week, is nothing more than a 30-month punt of the FSLIC mess into the next administration. The bailout plan actually would work against the long-term interest of the healthier two-thirds of the nation's thrifts. It is an 11th-hour desperation measure designed to preserve the status quo in an obsolete industry. Further, delay in attacking the FSLIC crisis will cost taxpayers unnecessary billions of dollars.

FACES ENORMOUS FUTURE LOSSES

Although thrifts-industry profits reportedly tripled last year, the financial condition of the nation's weakest thrifts worsened. At the end of last year, one-fifth of all thrifts were losing money at the collective rate of more than $10 million a day.

In addition, 450 thrifts, with assets of $113 billion, were insolvent, as measured by generally accepted accounting principles (GAAP). (Insolvency means liabilities exceed assets.) Of these, 229 also had losses at a $2.7 billion annual rate on assets of $55 billion. Another 680 thrifts, with assets of $278 billion, were nearly insolvent with GAAP net worths of 0% to 3%.

FSLIC faces enormous future losses with grossly inadequate reserves. It would have losses of at least $29 billion if it sold or liquidated every failing thrift. To offset these potential losses, FSLIC held reserves of just $4.6 billion at the end of 1985. These reserves represent assets available to absorb future losses. The reserves fall short by almost $25 billion!

Given the continuing deflation of asset values, particularly in Texas, Oklahoma and Louisiana, FSLIC's prospective losses easily could be $40 billion or $50 billion instead of $29 billion. Worse, these losses are growing daily in thrifts that are continuing to lose money. Insolvent thrifts will sink FSLIC no matter how well the financially stronger thrifts perform.

The administration's legislation would bail out FSLIC in two ways. First, it would sell $15 billion in zero coupon bonds that would be repaid over the next 35 years with special deposit insurance premiums paid solely by thrifts. Second, it would require the 12 federally sponsored federal home loan banks to transfer $3 billion in past and future earning into FSLIC.

This bailout plan would not work for several reasons. First, it would not raise enough money. The present value of the resources the plan would generate is just $12 billion, assuming no future growth in thrift deposits. This is at least $17 billion less than the losses now facing FSLIC.

Second, the 2,000 or so healthy thrifts would bear the full costs of this bailout. But their pockets are not deep enough to absorb FSLIC's prospective losses. Further, it is a dangerous precedent to ask an industry's winners to bail out its losers.

Finally, the plan suggests that FSLIC spend just $5 billion annually over the next five or six years to resolve its problems. However, FSLIC should spend up to $15 billion annually over the next two years in order to minimize its eventual losses from failing thrifts. The administration's more leisurely pace would greatly increase FSLIC's losses due to the costs of delay.

In evaluating the FSLIC situation, two realities must be faced. First, general tax revenues almost certainly will be needed to meet the federal government's deposit insurance obligations toward thrift depositors. Thus, the primary objective of the FSLIC cleanup must be to minimize the cost to taxpayers. Second, thrifts are obsolete as a legally distinct type of depository institution. This legal distinction must be phased out if most thrifts are to survive as free-standing institutions or as part of a larger financial-services organization.

A resolution of the FSLIC crisis should be based on three premises: one, maximize non-tax resources to absorb potential insolvency losses in failing thrifts; two, minimize the cost of selling or merging failing thrifts, and three, act as quickly as possible.

This approach has three parts:

One, encourage thrifts to switch to the Federal Deposit Insurance Corporation by giving thrifts a choice: either switch to FDIC or eventually be taken over by FSLIC for liquidation or sale. This choice will give the managements of nearly insolvent thrifts the incentive to raise the capital necessary to qualify for FDIC insurance; many lack that much capital. The opportunity to switch would draw billions of dollars of fresh capital into the hundreds of potentially viable thrifts that otherwise will fail. The administration's plan won't attract this capital to weak thrifts.

Thrifts making the switch would pay an exit fee to FSLIC, equal to several years of the special deposit insurance premium they now pay. They would then immediately start paying FDIC premiums, which would protect FDIC against additional insolvency losses.

Thrifts that switched would have five years to transform themselves into regular commercial banks. They could, however, continue to make home mortgage loans.

Two, before any thrifts are actually liquidated, permit anyone to buy a thrift that is unable or unwilling to switch to FDIC. Buyers could be securities firms, insurance companies, other thrifts or commercial banks. Buyers would adequately capitalize the thrift and then switch it to FDIC insurance or meld the acquired thrift into their existing operations. Depository institutions, for example, could buy failing thrifts to acquire depositors and to reduce expenses through branch consolidation. This consolidation process also would enable banking services to be retained in many small towns.

This would enable all but the sickest or worst-managed thrifts to survive in some fashion. It also would save FSLIC billions by selling thrifts as going concerns rather than liquidating them, thus minimizing losses to FSLIC. Recently, liquidations have been five times as expensive for FSLIC as subsidized sales and mergers.

Three, liquidate FSLIC and the relatively few unsalable thrifts over the next five years. The Federal Home Loan Bank Board, the thrift regulator, should also be dissolved, since there would be no more thrifts for it to regulate. This would finally end the longstanding incestuous relationship between the thrift-industry trade associations and the Home Loan Bank Board.

Today the thrifty industry, in an attempt to maintain its independence, can still block any attempts to be melded into the broader

banking industry. As soon as FSLIC needs tax dollars, though, melding will suddenly become more attractive to Congress.

TECHNOLOGY PASSED THEM BY

There will be a few individual losers—some thrift executives, regulators and stockholders—in this process, but American taxpayers will benefit. Transferring surviving thrifts into FDIC, though, is not a panacea. Rather, FDIC must become merely a way station on the road to a marketplace that relates the cost of depositor protection to the risks assumed. This feature is now absent from all federal deposit insurance programs. Unfortunately, progress toward risk-sensitive depositor protection cannot occur until the FSLIC mess is cleaned up.

The FSLIC problem is the Ohio and Maryland S&L problem on a much larger scale. The same solution is called for: save the healthy thrifts by shifting them to another depositor insurer while disposing of the basket cases at the lowest possible cost to taxpayers. But that is not enough. Although the financial structure of thrifts has always been flawed, these institutions have long met a widely perceived public need. Time, technology and the rapidly evolving financial marketplace, however, now have passed them by. This phenomenon and a flawed despositor-protection mechanism are the root causes of the FSLIC crisis. The crisis wil not end, however, until these causes have been rooted out.

FARM CREDIT ENHANCEMENT ACT OF 1986

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. EVANS of Iowa. Mr. Speaker, I have introduced H.R. 4984, the Farm Credit Enhancement Act of 1986, a bill which I believe will help significantly in making more, and more affordable, credit available to farmers and those engaged in agri-business.

I don't suggest that enactment of this legislation will solve the existing problems in our farm credit system but I am satisfied that its enactment will help us avoid in the future, the credit crunch faced today by those engaged in agricultural pursuits.

Today, there is no liquidity in the agricultural mortgage market. Attempts have been made in the private sector by originators of agricultural loans to establish a secondary market in such loans. Institutional investors have turned thumbs down on such attempts since they seek the credit enhancements of a reliable intermediary which can guarantee timely receipt of principal and interest without resort to the underlying mortgage loans which back the investment securities.

The "approved agricultural loan facility" contemplated by H.R. 4984 will be that secondary market intermediary and will be able to match those institutions capable of originating farm mortgages with investors seeking to place long-term fixed income investments. Securities issued by these facilities will appeal to a broad spectrum of institutional investors because they will have the characteristics and quality sought by such investors much like the market has accepted residential mortgage-backed securities issued by Fannie Mae and Freddie Mac. It should be remembered that getting institutional investors to invest in these residential mortgage-backed securities was not an instant or easy thing. In fact, efforts by the purely private sector to establish a secondary market in residential mortgage loans were unsuccessful until the Federal Government lent its imprimatur to this secondary market through Fannie Mae and Freddie Mac.

Based upon that residential mortgage experience, I, and those with whom I have been working, originally wanted to establish an agricultural loan Fannie Mae or Freddie Mac. However, we were not unmindful of the antipathy of this administration toward the creation of any new agency or any governmental involvement in the private sector unless it was absolutely essential. Nevertheless, and based upon the secondary market residential mortgage experience, we knew some Government participation would be necessary if a viable secondary market in agricultural loans were to be established.

We feel we have accomplished a balancing of these concerns in the program we have incorporated in H.R. 4984. The bill does not establish a new Government agency, but utilizes a limited guarantee from the Federal Government to provide the confidence the market will require initially if a successful secondary market in agricultural loans is to be created.

The secondary market program contemplated by H.R. 4984 calls for the creation of a facility to act as the intermediary between the originator and investor which facility would issue agricultural loan mortgage-backed securities, fully guaranteed—100 percent—for timely payment of principal and interest by the facility. These securities would be backed by a pool of mortgages which pool would be 90 percent guaranteed by the Secretary of Agriculture. The facility issuing the securities would be required to hold liquid reserves in sufficient quantity to equal or exceed 10 percent of the principal balance of the outstanding mortgage pool.

The facility, in establishing the pool of mortgages to be guaranteed by the Secretary, would be required to maintain underwriting standards acceptable to the Secretary and would be required to exhaust its own reserves which are allocated to each pool before resorting to the Secretary's guarantee commitment. This pooled insurance concept virtually eliminates any risk to the Department of Agriculture while at the same time it imposes strong underwriting incentives for the facility.

Although it is not dictated or specified in H.R. 4984, one alternative for the establishment of its required reserves by the facility would call for the facility to require all mortgage originators to leave 10 percent of the proceeds from mortgages sold to the facility with the facility. Earnings upon these reserves would be periodically returned to the originator as would the reserves themselves as the mortgages backing each issue are amortized. If this alternative is used, originators would have a strong incentive to underwrite only creditworthy mortgages since these reserves will have been pledged against the first losses suffered with respect to each pool of mortgages originated.

It should be emphasized that the 10-percent private sector reserves and the 90 percent guarantee both are applicable to each pool of mortgages, not each mortgage, and that the Government guarantee is not a guarantee of the securities issued by the facility. This arrangement permits several mortgages in the pool to go "sour" and yet no claim could be made under the guarantee unless the total of such defaulted mortgages exceeded 10 percent of the principal amount of the pool.

The foregoing point is especially important since studies done by the private sector have established that less than 10 percent losses are incurred on agricultural mortgage loans where good underwriting standards and creditworthiness criteria are applied. In short, probably the Secretary's guarantee will be more important to the perception of these securities than as actual loss protection.

The bill permits any person or group, corporate or otherwise, to form a secondary market facility but to be approved and its pools to be eligible for the Secretary's guarantee, such facility must be adequately capitalized—$25 million minimum—and it must demonstrate that it has had significant experience in the origination of agricultural loans.

Under H.R. 4984, the Secretary's authority to guarantee pools of mortgages is limited to $4 billion and such authority to guarantee would expire 5 years after enactment. Of course, expiration of this authority to guarantee new pools of mortgages would not affect the Secretary's responsibility with respect to guarantees previously issued.

Finally, Mr. Speaker, let me say that I do not even suggest that enactment of H.R. 4984 will be a panacea for all of the ills in the Farm Credit System. Rather, I contend its enactment will be a giant step toward making farm credit more affordable and available. We cannot expect many of those who are presently bearing most of the burden for farm credit availability as portfolio lenders to continue to do so when our financial and investment community is looking to secondary markets and the advantages they offer. With greater liquidity comes greater availability and with greater availability, more affordability should follow. That has been the experience with the growth of the secondary residential mortgage market and there is no reason to believe the experience in agricultural credit would be any different.

Just as today there are those who feel Fannie Mae and Freddie Mac could be privatized since the investor community has become confident with respect to residential mortgage-backed securities, we feel the market will embrace agricultural loan mortgage-backed securities once their quality and reliability have been established with the help of the Federal guarantee contemplated by H.R. 4984. This is not a program which must continue and expand. Rather, it is a program which we realistically believe could be terminated within the 5-year period set forth in the bill. Whether this is too optimistic remains to be seen, but without this Federal startup help, we know the farm credit situation will continue to suffer.

Mr. Speaker, I respectfully suggest that the probabilities of substantial benefit greatly outweigh the limited risk our government would be taking should H.R. 4984 be enacted. I urge

my colleagues to give this bill their careful consideration.

THE ADMINISTRATION HAS KEPT THE DRUG ISSUE ON THE FRONT BURNER AND OUR LATIN ALLIES ARE NOW JOINING US IN THE BATTLE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. BROOMFIELD. Mr. Speaker, I commend the President for his unflagging efforts to do something about the drug problem. Recently, Latin American nations have joined the United States in working together to fight narcotics trafficking in this region.

Last week, members of the Organization of American States [OAS] joined forces in the war on drug trafficking with the creation of an inter-American Drug Control Commission. Twenty-Two OAS members recently signed the Joint Drug-Fighting Agreement in Rio de Janeiro at the close of a conference on drug trafficking.

Since the early days of his administration, President Reagan focused his attention and U.S. Government resources on the war against drugs. While trying to reduce the demand for these illegal substances in the United States, our Government has done much to slow the shipment of narcotics from Latin America to this country.

In recent years, our Government has quietly helped our allies in this hemisphere confront the drug problem by providing resources and training to those involved in the fight against narcotics. More recently, United States military units were used in a joint United States-Bolivian antidrug effort in Bolivia.

While the United States has a serious drug problem of its own, our friends to the South are now experiencing the same problem with their youth. Latin American countries now recognize that their own children are in danger from the drug menace and that their societies are under political threat by the drug dealers.

Under the new accord, policies to reduce demand for drugs, prevent drug abuse and combat drug trafficking must be included in the social and economic development policies of the member states. The accord recommended increased exchange of information on illegal drug marketing and trafficking, eradication of illegal crops and the establishment of rigid controls for the manufacture, transport, importation, exportation, and marketing of chemicals and other materials used in the narcotics manufacturing process.

Thanks to the cooperation of our allies, our Government will now be getting greater cooperation from Latin American countries in United States efforts to go after the money, resources, and shipments of Latin American drug exporters.

I commend the administration for its determination to vigorously attack the drug problem. I also congratulate our Latin American allies for their recent decision to join us in our war on drugs.

With these thoughts in mind, I commend the following New York Times article to my colleagues in the Congress:

LATIN NATIONS JOIN UNITED STATES IN EFFORT TO COMBAT DRUGS

(By Alan Riding)

RIO DE JANEIRO. April 26.—Amid growing alarm at the impact of drugs on their own societies, Latin American nations have joined the United States in preparing a strategy to combat narcotics trafficking throughout the Americas.

The United States already works with several governments in the region to fight the drug trade, but a conference here this week under the auspices of the Organization of American States marked the first time the problem had been tackled at a hemispheric level.

The main instrument for action will be a new Inter-American Commission for Drug Control, modeled after the Inter-American Commission on Human Rights. It will coordinate various aspects of the war against narcotics, including enforcement, the judicial role, eradication and education.

But no less important, according to United States officials, the conference reflected a new recognition by Latin American nations that narcotics are no longer simply a problem for the United States, and that their own youth and institutions have also become targets of powerful trafficking rings.

Deputy Attorney General D. Lowell Jensen, who headed the United States delegation to the conference, said narcotics posed "an extraordinary dangerous threat" to the entire continent and added, "Just as no one nation is responsible for the scourge of narcotics, no one nation can face this tremendous problem alone."

Because drug traffickers "have no respect for national boundaries" and quickly relocate when they feel pressure in one country, only a multinational response can work, he said.

"Nations have begun to understand how important it is to band together and, in so doing, to share resources, intelligence and manpower," he said.

Until perhaps two years ago, many Latin American governments minimized the threat posed by narcotics, arguing that production of marijuana, cocaine and heroin in their territories was merely a response to uncontrolled demand for these products in the United States. In some cases, they also quietly welcomed the resulting foreign exchange that entered their economies.

But attitudes began to change after Colombia's Justice Minister, Ricardo Lara Bonilla, was killed on orders of narcotics bosses in April 1984. Suddenly, it seemed, the Colombian Government awoke to the economic and political power that drug rings had acquired and to the extent that the country's youth had become consumers of a toxic coca base product known as "besuco."

In close collaboration with the United States, Colombia began a fierce anti-narcotics offensive that in some cases prompted traffickers to move cocaine laboratories and transshipment points to nearby countries, including Ecuador, Peru, Bolivia, Paraguay and Brazil.

Since then, Mexico and Peru have also come to recognize the negative repercussion of narcotics trafficking on their own societies. Mexico is struggling to control a new surge in heroin production, and Peru is carrying out a purge of corrupt elements in its police force as part of a new campaign against cocaine traffickers.

Even before the conference this week, there were signs of closer cooperation among South American countries, with Colombia carrying out joint enforcement actions at different times with Peru, Ecuador and Brazil.

The impetus for agreeing on a regional strategy came from those countries most directly affected by narcotics, including the United States.

Colombia's Justice Minister, Enrique Parejo Gonnalez, said the new commission should be backed by "substantial resources" provided by a special fund.

The United States, however, argued that unnecessary bureaucracy could be avoided by tapping the existing United Nations Fund for Drug Abuse Control. Since the United States would be expected to provide most resources for a new fund, the conference agreed to postpone a final decision on the commission's financing mechanism.

CANCER VICTIMS FIGHT FOR RIGHTS IN THE U.S.S.R.

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. FLORIO. Mr. Speaker, my recent visit to the Soviet Union included a number of meetings with Soviet refuseniks that continue to fight for the right to leave the Soviet Union and join their families in circumstances where they can live in freedom. My meeting with a group of cancer victims and their families was one of the most moving experiences of the entire visit and I wanted to share with my colleagues my impressions of this meeting with a group of very courageous individuals.

Inna Kitrosskaya-Meiman, Tatjana Kheifetz-Bogomolnaya, and Benjamin Charny are not unique in their long-term efforts to obtain visas from the Soviet Government in order to emigrate and join families and friends living in Israel and the United States. Their tragedy, shared by thousands of Soviet Jews in similar straits, is further compounded by the fact that all three have been stricken with serious forms of cancer while waiting for visas that never come. All three have some hope of further treatment in the West where there has been significant progress in successfully treating some forms of cancer. All three have, by necessity, undergone operations and painful treatments that have not worked and have exacerbated other ailments. All three have repeatedly applied to the OVIR for visas to emigrate but have been repeatedly denied. Yet all three are continuing their efforts to leave the Soviet Union and show their courage and humanitarianism by serving as models for other refuseniks.

Inna Kitrosskaya-Meiman, a 53-year-old English teacher, is dying of cancer diagnosed in 1983. After four hazardous operations, Soviet doctors have informed her that they cannot do anything further for her and she has been abandoned to her fate. It is both tragic and ironic that Inna has been accepted by the Sloan-Kettering Experimental Program in New York and invited by other oncological clinics in Sweden, France, and Israel. She is being denied the right to treatment because

her husband, Prof. Nahum Meiman was involved in some work for the Soviet Academy of Sciences at the dawn of the atomic age. This work has since lost its importance and Professor Meiman's knowledge is no threat to the Soviet Government.

Tanya—Tatjana—Kheifetz-Bogomolnaya, a 47-year-old translator at the State University of Moscow, was diagnosed with breast cancer several months ago. She first applied for a visa 3 years ago and her husband, Benjamin Bogomolnaya, first applied 20 years ago. Several weeks ago, they were again refused despite Tanya's illness and despite the fact that the majority of their family members no longer live in the Soviet Union.

Benjamin Charny, a 48-year-old mathematician, was diagnosed as having melanoma in 1979. Since then, he has been operated on only to succumb to a number of heart ailments. His tumors are recurring but he cannot undergo further operations because of his cardiac problems. He has been refused over the last 7 years ostensibly because of his work with the Soviet Academy of Sciences and the Scientific Research Institute of Automation and Instrument-Making. Even his former employers acknowledge that his work was not considered secret.

All three of these refuseniks have demonstrated stoicism and bravery in their efforts to leave the Soviet Union. In an interesting development, they held a press conference in the Soviet Union several weeks before my trip. The fact that they were allowed to hold this press conference is encouraging. However, their actions were not covered by the Soviet press though some information was reported by the Western press. I wanted to share with my colleagues a copy of the press release issued by this group of courageous individuals. I also wanted to share with my colleagues letters written by Inna, Tanya, and Benjamin imploring Soviet authorities to allow them to leave and seek treatment. The permission given to Yelena Bonner to come to the United States and obtain treatment for her problems was encouraging. I hope my colleagues will join me in requesting the Soviet Government to allow these individuals to leave and extend their hope in finding cure for their ailments. The release and letters follow:

PRESS RELEASE

We, Inna Kitrosskaya-Meiman, Tatjana Kheifetz-Bogomolnaya, Benjamin Charny, and members of our families, have joined in a group to make people of the world aware of our grave situation and to plead with them for help.

We are refuseniks, who, while waiting for many years for permission to emigrate to Israel for reunification of our families, were striken with cancer.

All pain and suffering that we have to bear because of our disastrous illness is aggravated by multiple stresses of our life as refuseniks. After applying for emigration visas all of us lost our jobs; we are separated from our immediate relatives living now in Israel, USA and Canada. Some of us have gone through all kinds of harassment, such as searches, house arrests, shadowing, interrupted telephone and post communication.

Our health is in such a state that we have been officially recognized as invalids. Each of us has repeatedly appealed to the OVIR and other Soviet organizations, requesting them to take our dangerous illness into consideration when deciding our fate. Two of us have written to Mr. Gorbachev and earlier to his predecessors but to no avail. We know that several years ago refuseniks diagnosed as having cancer were granted the permission to leave together with their families in, conformity with letter and spirit of Helsinki Final Act about the humane approach to reunification of families with ailing family members. The fact that we are still denied exit visas is incompatible with the assertion by M.S. Gorbachev at the XXXII Congress of the CPSU that reunification of families should be approached in humane and positive spirit.

Two breakthroughs in cancer therapy have recently occurred in the United States. One involves a substance called tumor necrosing factor and the second, a complex procedure in which the white blood cells of the patient with cancer are removed, incubated with a cancer-killing substance, and reinfused into the patient. Both of these approaches are highly experimental but would offer Inna Kitrosskaya-Meiman some hope in curing this cancer.

We appeal for help to Heads of Governments who signed the Helinski Accord in 1975, to the Parliaments of these countries, to oncologists and physicians for whom the Hippocratic oath is not an empty phrase, to the international medical community, to cancer patients who are familiar with all pain and fear, to people of good will all over the world. Reunification of our families, elimination of stress, and peace of mind is a matter of life and death for us.

Inna Kitrosskaya-Meiman, Naum Meiman, Tatjana Kheifetz-Bogomolnaya, Veniamin Bogomolnaya, Benjamin Charny, Yadwiga Charny, Anna Charny.

An Open Letter to General Secretary M.S. Gorbachev

HONORABLE GENERAL SECRETARY GORBACHEV: On March 15 Pravda published your reply to a letter from the head of the International Life Institute, Prof. M. Marois. That letter was sent to both you and President Reagan.

You highly assessed the purpose of the Institute. To Prof. Marois' first question, "Do you consider it the primary task of our time, from the biological, philosophical, and political point of view, to assert that life, especially human life, is the highest value?" you replied, "Yes, certainly yes," and then developed your views on the question in detail.

Your eloquent response cannot fail to create a most favorable effect among many people the world over. But only your attitude to the fate of ordinary people, not the controversial finesses and complexity of international affairs, can serve as the litmus paper for assessing your reply.

I wrote you last October that the Soviet Visa Office (OVIR) and the authorities backing it had doomed my wife, a seriously sick 53-year-old woman, to a torturous, slow death. My wife's life was being sacrificed in the name of imaginary security for the Soviet Union, which would supposedly be threatened if this piteously sick woman were allowed to take advantage of invitations to go abroad for treatment.

It is in your power to prevent such a crime against humanity. This would only confirm your reply to Prof. Marois. If not, what is all your pathos worth?

My wife, Inna Kitrosskaya, is a teacher of English. She was stricken with sarcoma on the back of her neck in the fall of 1983. After an operation that October, it was obvious that my wife could not find adequate treatment in the Soviet Union. She was invited to go for treatment to oncological clinics in Sweden, the United States, France, and Israel. Former Minister of Health of France, Mme. Simone Veil, not only sent an invitation, she came to Moscow herself to call on my wife. Regrettably, OVIR categorically refused to grant an exit visa.

The only treatment given my wife was repeated surgery. In less than two years, she was subjected to four hazardous operations. In the fall of 1985, when the tumor regenerated, specialists feared risking another operation. Since then, my wife has been abandoned to her fate, with an increasing tumor and increasing intolerable pain.

Last December, a famous physician and scientist, Prof. Douglas P. Zipes, wrote you that there had just been two remarkable breakthroughs in cancer therapy in the United States, with some hope of curing my wife. Meanwhile, U.S. Senator Charles Grassley wrote Soviet Ambassador Dobrynin that my wife had been accepted for the Sloan-Kettering Experimental Program in New York. Last month Prof. Zipes again appealed to you by telex to allow my wife to go for treatment to the United States before it was too late.

For clarity's sake, I must say a bit about myself. I am a mathematician 75 years old. I had the misfortune at the dawn of the Atomic Age to do certain quite unrealistic calculations for the late Academician Landau at the Institute of Physical Problems (IPP) of the Soviet Academy of Sciences. My calculations have long since lost all sensitivity and interest to everyone everywhere. Academy President Alexandrov, who was the Director of the IPP when I worked there, certified back in 1976 that I possess no secret information. How can anyone talk seriously about scientific, and in my case, merely calculatory, secrets more than 30 years old? It is absolutely absurd.

Yet that absurd fabrication was enough not only to deny me any inalienable right to emigrate, to reunite with my only daughter abroad. It denies my wife her only chance of survival.

In January 1980, I was called in to a local Prosecutor's Chief of Investigation and told officially that because of my former classified work, it had been decided never to let me emigrate. I asked who had decided, and was told that no one had the right to tell me. It had been decided by a competent body. This echoes the nightmares of Kafka and Orwell. It appears from the cruel, senseless treatment of my wife that my secret life sentence covers her too. After all, she married me 26 years after I had completely ceased secret work.

Not long ago, my wife received an invitation from Mrs. Max Kampelman to visit her as a guest for three months. The invitation is endorsed by U.S. Senators Gore, Pell, Stevens, Wallop, Moynihan, Rudman, Warner, Hart, and Nunn, Ambassador Zimmerman, and Ambassador Kampelman himself.

The Soviet national Visa Chief Col. Kuznetsov refused to even read the invitation. He said my wife would be refused permission to visit abroad. He knew, he said, that the real reason for any trip would be to get medical treatment. He made that sadistic statement right after your reply to Prof. Marois appeared in the press.

My fight for the life of my wife, totally lawful and without violating a single Soviet law, has produced a certain peculiar result:

our phone was cut off on March 25. How despicable to deprive such a terribly sick woman, bedridden, requiring constant care and medical assistance, of her telephone. I myself, at the age of 75, have cardiac problems and several other ailments. The two of us live alone.

Whose point of view on the value of human life is prevalent—Col. Kuznetsov's, the official who ordered our phone cut off, or yours?

Respectfully,

Prof. NAHUM MEIMAN.

TANYA KHEIFETZ

Tanya Kheifetz, 47, translator, worked most of my life at the State University of Moscow. Translated scientific publications in biology, chemistry, medicine into English; worked as a simultaneous translator at numerous international meetings, including two Dr. Chasov's World Congresses of Cardiology. Have translated into Russian stories by American authors, e.g. James Gould Cozzens, Bernard Malamud, Truman Capote, John Updike, Roald Dall, Cyril Cornblood; recently (unpublished) Alice Walker, Tillie Olsen. Also parts from the books of prominent scientists Erwin Chrgaff and Albert Scent-Gyorgy. Lost my job 3 years ago after applying for exit visa to Israel. My father and sister with her family live now in San Francisco, USA. I have no family left here.

My husband, the legendary Benjamin Bogomolny, "the most patient refusenik" of the Guinness Book of Records, first applied for emigration in 1966, when he was twenty. He is forty now. He has been refused many times—for having been a private in the army 26 years ago. He has a family of 21 in Israel and Canada; parents, 3 sisters with 16 children. He has not seen his mother and father for 15 years. He works now as a physical therapist.

7 months ago I was diagnosed as having breast cancer, subjected to radical mastectomy and a 6-month course of chemotherapy. After I left the hospital we were decoyed into reapplying—to be refused by the Moscow OVIR for the n-th time in spite of the 20 years of waiting, 26 members of the family to be reunited with, the awful shock and pain of cancer and dozens of demanding and imploring letters from all over the world.

What about the "humane and positive" approach to the reunification of families promised by M.S. Gorbachev in his political report at the XXXII Congress of the CPSS?

BENJAMIN CHARNY

I, Benjamin Charny, 48, graduated from Moscow University, then worked for 20 years in the field of applied mathematics and in 1979 decided to emigrate to Israel. Since then a period of my life began that I want to tell about.

In April, 1979 in order to get a reference for the OVIR I informed the administration of the office I worked at of my intention to leave the USSR. I was immediately fired. On April 26, 1979 our family applied for the exit visas, and in September, 1979 I was found to be ill with melanoma, an extremely serious form of cancer. The situation seemed hopeless. All members of the family had lost their jobs, which meant that we didn't have even social insurance against illness. For 1.5 month I couldn't find a place to be operated until my friends helped me and in November I was operated. However, the stress caused by loss of job and by the consequent desease cost something and 3 months later a painful myocardial infarction knocked me down. For a week I was in a reanimation department with a pacemaker attached to me. After a certain recovery period my health got poorer again. I have to visit oncologists and cardiologists regularly. Tumors have appeared on my neck and thyroid, which the doctors would operate but for my cardiac problems. In 1984 I spent 4 months in a hospital again. I have also got some other chronic deseases: hypertension, ishemia, stenocardia, autoimmunic thyroiditis, enderteritis obliterance. Officially, I have been acknowledged a second-group invalid.

In the course of these 7 years I have repeatedly received refusals from the OVIR on security grounds concerning my former work. Some words about it.

Before applying I had worked at two places—at the Scientific-Research Institue of Automation and Instrument-Making, since 1959 to 1971, and then, at the Institute of Control Sciences of the Academy of Sciences of the USSR, since 1971 to 1979. The nature of my personal work was always open. Its results were regularly published in "Earth Sputniks", "Space Research", "Automation and Remote Control", journals of the Academy of Sciences. First I assumed that my point of view on the nature of my work differed from that of the people deciding the matter of my departure. When, however, something contradicting this assumption happened: my former colleague Arnold Goltsin (living in New York now) who had worked for many years with me directly, at the Institute of Automation and Instrument-Making, and left that place even later than I did, received the exit visa, in 1981. By this time I had found out that the administration of the Institute of Control Sciences my second place of work, had no claims to me. It became quite clear that in 1981, already 5 years ago the people deciding the matter did not consider this work secret. Therefore, I am denied the exit visa for some other unknown reason, in spite of the fact that the OVIR is well aware that I have been seriously ill for all these 7 years and my health gradually becomes worse.

I attach this letter to common appeal of our group to explain my situation in more detail. Help us and convince the Soviet authorities to grant us and our families exit visas without further dangerous delay.

OFFICIAL DEMOCRATIC RESPONSE TO THE PRESIDENT'S SOUTH AFRICA ADDRESS

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. EDGAR. Mr. Speaker, last week the President addressed the Nation regarding U.S. policy toward the racist apartheid regime in South Africa. While I believe that the President is sincerely committed to ending the violence and discrimination in South Africa, his current policy in fact guarantees the perpetuation of apartheid.

The President suggested no new actions geared toward ending apartheid. In fact, his failure to announce significant new sanctions against the recalcitrant South African regime sends it the message that we approve of its actions, that we approve of the state of emergency, the curtailment of civil rights, the continuing deaths in the black South African community.

Congressman BILL GRAY, my friend and colleague from Philadelphia, delivered the Democratic response to the President. He stood up for the majority of Americans, to say that we do not approve of apartheid. That Americans support tough action against the South African Government. That sanctions are morally right and politically effective in this case.

His was the strong, forceful statement that I wish our President had made. Representative GRAY'S eloquent indictment of apartheid is one I hope every member of this body saw last week. For those who missed it, I insert Representatives GRAY'S response to the President into the RECORD at this point:

OFFICIAL DEMOCRATIC RESPONSE TO THE PRESIDENT'S SOUTH AFRICA ADDRESS

Today, President Reagan declared the United States and Great Britain co-guarantors of apartheid.

By joining Ms. Thatcher in opposing economic sanctions, the President protects Pretoria from the one weapons it fears most.

The President failed to recognize what the American public, the Congress and the world community have known for a long time—the Administration's policies in South Africa have failed.

In 1985, the Congress bipartisanly passed the Anti-Apartheid Act, changing our policy, and imposing sanctions.

The President, through executive order adopted weaker measures and asked Congress to wait nine months.

We have waited. But conditions have worsened.

That is why just one month ago the House of Representative passed the toughest possible economic sanctions—total disinvestment and a trade embargo—measures we already have imposed on Cuba, North Korea, Campuchea, and Libya.

However, the President tells us that sanctions will only cause blacks to suffer—the people we seek to help.

But blacks have suffered for years—not because of sanctions, but because of apartheid.

They suffer because by law, they cannot vote.

They suffer because they are 72 percent of the population squeezed onto 13 percent of South Africa's most barren land.

They suffer because they are arrested without charge or trial.

More than six thousand blacks have been detained in the past month alone. They are allowed no contact with lawyers or families. The government refuses to even identify the detainees. Under a sweeping state of emergency, they simply have disappeared.

Killings . . . detentions . . . people disappearing. A modern-day Holocaust is unfolding before our very eyes.

Against such a backdrop, how can sanctions hurt black South Africans—when apartheid is killing them.

Out of 28 million black South Africans, only 47,000—one tenth of one percent—hold jobs with American companies.

These numbers alone tell us that the issue in South Africa is not jobs—but the loss of life and denial of justice.

Archbishop Tutu, Rev. Boesak, Dr. Naude, Winnie Mandela—countless other South African leaders—have pleaded with us to impose sanctions and raise the cost of apartheid.

The Eminent Persons Group—representing 49 Commonwealth nations—urges economic sanctions as the only remaining nonviolent pressure for change.

The governments of six other nations surrounding South Africa have issued a joint statement supporting sanctions as the means to help end apartheid, even if it means some hardship for their own nations and economics.

They all recognize that without economic sanctions, without pressure, without increasing the cost of apartheid, there is no reason for South Africa to dismantle apartheid.

President Reagan tells us that sanctions don't work.

Why, then, have we imposed sanctions against Libya, Nicaragua, Poland, Cuba—some 20 nations around the world?

Those sanctions express our profound distaste for the policies and actions of those nations.

We imposed them not because we thought they would bring down those governments, but because they disassociate us from all that those governments stand for, while raising the cost of behavior we abhor.

Why not South Africa? Why the double standard?

That's the question the oppressed majority keeps asking the land of freedom and liberty.

The President says our strategic interests would be jeopardized if violent elements assume power in South Africa.

But the President's own policies put our strategic interests at risk.

He condemns apartheid, but he refuses to back it with meaningful action. In doing so, he gives black South Africans no choice but to accept support from other nations who offer it.

That does not serve our long-term strategic interests. That does not put us on the side of the future in South Africa.

The President's very fears might become a self-fulfilling prophesy. The President has always stressed a single message in foreign policy.

That message is strength.

Why does he refuse to show strength toward South Africa?

The President has preached that the Reagan doctrine is to fight for freedom wherever it is denied.

Where is the Reagan doctrine in Pretoria?

Where is the Reagan doctrine in Capetown . . . in Port Elizabeth . . . in the hellholes of Crossroads and Soweto?

Where is this doctrine of freedom when men of God such as Archbishop Tutu plead for action, and we give then only words.

What is needed is not simply a condemnation of apartheid while we provide economic support for South Africa's oppression.

What is needed is a new policy that clearly disassociates us from apartheid, and calls for the complete dismantlement of that system—not cosmetic reforms.

Our policy must demand the release of all political prisoners, and the start of negotiations between the black majority and the white minority to develop a timetable for full democracy—one person, one vote.

The policies of this Administration—known as constructive engagement—clearly have not achieved these bipartisanly endorsed objectives.

We are told that the policy is working—that progress is being made.

Where is the progress, and where is our influence.

when South African police are killing more blacks now than ever before.

when in the last two years, more than 2,000 black men, women, and children have been killed in apartheid-related violence—75 percent at the hands of South African police.

when South Africa bombs its neighbors—Zimbabwe, Botwana, Mozambique, Zambia and others, and continues to illegally occupy Namibia.

Have we any real influence when the regime has

Banned all public expression.

Closed opposition newspapers.

Censors all television coverage.

And South Africa's police continue their daily killing of black South Africans—while boldly arming and protecting vigilantes to kill other blacks on their behalf, attempting to justify his oppression by pointing to so-called black on black violence.

Where is our influence when the regime keeps behind bars, bans or banishes the leaders with the widest popular support, including Nelson Mandela?

Where is our influence when President Botha rejects President Reagan's request not to impose new emergency restrictions—harsh new measures of oppression.

I've been to South Africa, as recently as six months ago.

You walk through the streets of Johannesburg, as I did, and you see billboards advertising American movies.

Turn on the television set in South Africa, and you see our favorite programs.

Everywhere in the cities of South Africa you see the American presence—the commercial presence.

What you do not see is our moral presence. And that is the problem.

What good does it do if Rambo is playing in South African theatres, but the young people see America as the enemy?

What good does it do if Dynasty is shown on South African television, but American capitalism is seen not as the solution to economic injustice, but as the problem itself—helping to perpetuate their oppression?

One church worker asked us why we Americans focus so much on South Africa's mineral wealth as we continue to finance the oppression of apartheid.

In the eyes of that country's majority, our nation is firmly aligned with the most oppressive system on earth. That is not good for America.

It is time to stop thinking about South Africa's minerals and diamonds.

It is time to start practicing American values.

Today the President sent a message to South Africa, to the racist majority regime of Pretoria.

He said, "We are your friends. Don't cut our friendship off. We want your minerals and we want to work with you and continue our investments and loans."

Then the President said to the 28 million majority whose rights have been denied, whose lives are being lost, and to whom justice is being denied, "Maintain your hope. But we will do nothing to end your oppression."

Is that the message of America?

Have we not learned from Nuremberg what will happen in Johannesburg. Have we not learned that the western democracies must raise the cost and totally disassociate from apartheid if we are to accomplish our goals?

ARTHUR BURCK'S THOUGHTS ON TAX BILL

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. MICA. Mr. Speaker, I am pleased today to have the opportunity to share with this Congress an article written by a distinguished resident in my district. On June 30, 1986, the Palm Beach Post printed Mr. Arthur Burck's thoughts on the tax bill in an article entitled: "Tax Reform Bill Satiates Greed." This is not the first time Mr. Burck's views have been shared with the Congress, and his essays on the economy have been published in various newspapers many times. Mr. Burck here shares his view that the recent proposals to lower the highest tax bracket may have a negative impact on the growth of our economy and the very stability of our society.

The article follows:

[From the Palm Beach (FL) Post, June 30, 1986]

TAX REFORM BILL SATIATES GREED

(By Arthur Burck)

The nation has experienced a quite revolution in recent decades through the gradual lowering of the taxes exacted from people with big incomes. It is usually forgotten that until the early '60s the top brackets exceeded 90 percent, then were gradually lowered to a ceiling of 50 percent in 1981. At the same time estate taxes were substantially lowered. And now, with the Senate proposing a maximum of 27 percent, there is some prospect of an egalitarian tax system that will not discriminate excessively against the big earner and the wealthy.

As one who feels victimized by the savage inroads of high-bracket taxes throughout my working life, I naturally exult in the current lowered brackets and less onerous estate taxes. Nevertheless, I have misgivings about further reductions for the highly paid and the wealthy.

First of all, I have always viewed heavy taxes as the insurance policy that the fortunate pay to preserve democracy from threats of socialism or communism. Every since tax brackets were jacked up by World War II, communists and socialists have been as scarce as hen's teeth in America. Isn't our insulation from these viruses that affect most other countries due in large part to the realization among our poor and our workers that our privileged are saddled with high tax rates? How could there be any real pressure for any leftist "-ism" when our wealthy are subjected to high rates?

On the other hand, in countries where the wealthy avoided their share of taxes, especially in the Latin countries, there has been constant pressure from the left that has endangered the wealthy. For example, during most of the postwar period it has been nip and tuck in Italy to prevent the communists from taking over. During this period I have been in close touch with Italian business leaders and many of the wealthy and I observed that the wealthy by and large were escaping their fair share of taxes until reforms in recent years somewhat closed the avenues for escape.

In sum, in countries where the wealthy avoid or evade taxes and do not pay their fair share, it is likely that socialism or com-

munism will make inroads. On the other hand, our own nation's experience shows that when the wealthy pay taxes at high rates, agitation from the far left is almost nonexistent.

Another factor to be considered is that the national economy seemed to thrive when tax rates were higher; America's economic fortunes have been sliding in recent decades along lines that roughly parallel the decrease in bracket rates. America's economic "golden age" was in the '50s and '60s when tax brackets were at the highest. Was this just coincidence or is there a correlation?

Unquestionably our economy was indirectly fueled by high brackets. Why this paradoxical result? When brackets were high, ambitious and talented executives did not remain forever at their highpaying jobs with big companies. Instead they left to form or join new firms. These people, instead of paying near-confiscatory rates on ordinary income, built small companies into big ones and thereafter realized huge capital gains that were taxed at low rates. These new firms spawned more millionaires than in any period of history.

As a result, America in the '50s and '60s saw the greatest flourescence of entrepreneurial and technology companies the world has ever seen. From Lilliputian beginnings, there emerged not only technology giants such as Xerox, Polaroid, Control Data, Digital Equipment and Texas Instruments, but also innovative growth companies in mundane industries: McDonald's in hamburgers, Revlon and Estee Lauder in cosmetics, Block in accounting, Premier Industrial in industrial supplies, Beatrice in foods, Eckerd in drug stores, Occidental in oil and Hyatt in hotels are but a few examples.

But if ceilings as low as 27 percent are matched by capital gains taxes as high as 27 percent, who will want to leave high-salaried jobs to start up a new company where the risks are always great? Also, what investor will opt for risky new ventures when the tax is the same for securities of safe, mature companies?

During the '70s we saw the effects of what happens when capital gains taxes reach levels that discourage entrepreneurs. Capital gains taxes then gradually crept upward to a high of 49 percent until reduced to a maximum of 28 percent in 1979 and 20 percent in 1981. That is a principal reason why the decade of the '70s was a period of stagnation for our innovative small-business sector.

In view of the spreading decay of more and more of our great corporations, America's economic future increasingly depends on nimbler, small businesses. We must look to the innovative small-business sector if we are to restore our national vitality, our lagging productivity and our lackluster creativity.

Trickle-down alone will not suffice. We need mechanisms that will channel the flow of investment capital to the innovative small-business sector and low capital gains rates have been a proven vehicle. In addition we need incentives that induce our ablest managers to leave their well-paying jobs in stagnant sectors to seek new horizons and frontiers.

Finally, I have an eerie feeling about the timing of this move. At a time when government should be giving priority to reducing the immense budget deficit and repairing the myriad problems that are undermining the nation's economy, the administration and many in Congress are, not unlike Nero, fiddling around with measures to satiate the greed of the narrow segment of us who are in the upper brackets.

As we analyze the greed that today permeates every nook and cranny of Wall Street and our financial community, one can only wonder whether, like a communicable disease, greed isn't seeping into our top levels of government, many individuals of which are not only unhappy with their own tax brackets, present and future, but also seek to appease the wealthy and big business interests who fuel campaign contributions through PACs and otherwise. How else can one explain the sudden about-face of the Senate Finance Committee, which was hopelessly mired in tax reform until someone came up with the bright gimmick of the 27 percent ceiling and the committee immediately shifted to a unanimous vote in favor?

Again on the question of timing, I invite attention to the booming 1920s and the tragic aftermath of the Great Depression of the 1930s. It should not be forgotten that between 1921 and 1927, the administrations of Warren G. Harding and Calvin Coolidge had Congress slash the top tax bracket from 65 percent to 25 percent. Note the 1980s parallels.

Many of us concerned businessmen are convinced that in countless other ways on the economic front we are repeating the mistakes made in the 1920s.

W. 143D BATTLES AGAINST DRUG PLAGUE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. RANGEL. Mr. Speaker, the New York Daily News of Monday, July 14, 1986, contained a column by Earl Caldwell, which is both a story of hope and of despair. The article describes the efforts of two of my constituents, Rita Smith and Gertrude Russell to rid their block on West 143d Street from drug pushers.

Mr. Caldwell's article relates that in 1978, West 143d Street was among the worst drug blocks in New York. He describes the gallant efforts of these two women to revitalize their neighborhood. Drug dealers were driven from the street and incarcerated. However, now that many of the dealers have served their time, drug dealing is reappearing on West 143d Street.

I commend Ms. Smith and Ms. Russell for their efforts, however, their story does remind us that the battle against drug trafficking demands constant vigilance. Active citizen involvement can be a powerful deterrent to neighborhood drug use. I urge the citizens of West 143d Street to band together to drive drug pushers from their block. They have my total support in their efforts.

Mr. Speaker, I ask that the article by Mr. Caldwell entitled "Once again, W. 143d St. battles against drug plague" be inserted into the CONGRESSIONAL RECORD at this point.

The article follows:

ONCE AGAIN, W. 143D ST. BATTLES AGAINST DRUG PLAGUE

As soon as it started again, Rita Smith saw it. "I couldn't believe it," she said. "After all we've been through on this block, here we go again."

On W. 143d St. in Harlem, the drug crowd is back.

"And it's the very same people," Rita Smith said. "We got them sent away. They did time but now they're out and they're right back here. And they're using buildings that we've been trying to get sealed up for three years."

In 1978, W. 143d St. was among the worst drug blocks in New York. And all of it was wide open. A steady stream of cars moved through the block, many of them with New Jersey, Connecticut and Westchester license plates, and from the car windows the drug sales flourished.

"It was like a war zone up here," Rita Smith said.

Once her block was among the most populous in the city. The estimate was that it had more than 5,000 people. But then it went the other way and by 1978, instead of people, there were mostly abandoned buildings on 143d St. and the drug crowd took over.

"They tried to run us out but we wouldn't go; we didn't have any place else to go. Where would we go?"

And so, on W. 143d St., they fought. In front, there were the two women, Rita Smith and Gertrude Russell, and they fought and nothing scared them.

Once, Rita Smith's son was shot in the face in the doorway of her building. But that didn't stop her. At night, Gertrude Russell had phone calls with threats. But she just boiled a pot of lye and sat in her window with it and she dared the drug crowd to bring their business through the door of her building. The women not only fought, they also stayed on the police and made the cops do their job—and on W. 143d St., they won.

And once the block was cleared of drugs, that wasn't the end of it. They took the block association they had used as the nucleus for fighting drugs and they created a housing development unit. And by themselves, they got grants and they won contracts and they took almost all of the old buildings and had them reconstructed, and what they turned the block into was like a miracle.

On a hot day in August two years ago it was done and they gathered in the street and celebrated what they called Human Possibilities Day.

"We showed what it was possible to do when people band together," Rita Smith said. And on 143d St., the future began to look very bright. They even planned to redevelop a four-block area.

Then, it became like a cruel joke. The drug pushers they helped send to prison suddenly began to resurface.

"They come out and they have nothing, so they go back to what they know," Rita Smith guessed.

Don't the police keep an eye on the block?

"At that precinct (the 32d), they change captains all the time. Now, we've got new people and they don't know."

Have you gone to the police?

"Every time I go through the block and see the drug crowd, I go straight to the precinct. They said they're going to put a unit in here but if they don't do something now, we're going to have the same situation we had before."

Does the drug crowd know that you're on to them.

"I tell them to their faces. I'm not afraid because there is nothing they can do to me."

In all, they rehabilitated 14 of the old buildings on W. 143d St. Where there had been just 29 families in 1978, there are now 500 families. "We've got all nationalities now. They are not aware of what it was like but they are ready to stand up," Rita Smith said.

"But it's gotten bad; very bad," she said. "So here we go again."

EXPERTS COMMEND CONGRESS FOR ASAT MORATORIUM

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. BROWN of California. Mr. Speaker, since the beginning of the year I have heard from a number of the Nation's top arms control experts who feel that Congress took a bold and critical move last December when it enacted into law a mutual United States—Soviet test moratorium on antisatellite [Asat] weapons. With Congress about to debate this issue again, during consideration of the defense authorization bill for fiscal year 1987, I thought my colleagues might be interested in knowing why these experts feel the Asat test ban is of such great importance. Excerpts from a few of these letters are provided below:

Dr. Sidney Drell: Deputy Director, Stanford Linear Accelerator Center; Co-Director, Center for International Security and Arms Control, Stanford University.

"I applaud the moratorium legislation and endorse it wholeheartedly. I believe that with serious negotiations and prudent restraint we can still accomplish sensible goals in limiting the further development of ASAT weapons.

"If we accept the development and testing of such systems, it won't be long before we will be concerned about a threat to our high altitude satellites. Therefore, a joint moratorium on ASAT tests with the Soviets seems to me very sensible as a way of gaining time for the effort to resolve the difficult policy, as well as verification, issues."

Noel Gayler (Admiral, USN, Ret.): Former Commander in Chief, U.S. Forces in the Pacific; Former Director, National Security Agency; Former Assistant Chief of Naval Operations, Research and Development.

"I totally support the view that testing or further development of ASAT capabilities is not in the interest of the United States or of the world at large. We can assume that the development of ASAT capabilities, specifically designed for the job, by the United States, to top the rudimentary Soviet capability, will be followed by a Soviet effort to top us, and the scene will be set again for a competitive high-technology arms competition. But this competition will be peculiarly dangerous to the United States, for the reason that we are far more dependent on satellites for intelligence, communications and command and control than are the Soviets."

Dr. Richard Garwin: IBM Fellow, Thomas J. Watson Research Center; Former Member, President's Science Advisory Committee; Former Member, Defense Science Board.

"Among all the 'news,' real and contrived, the work of the U.S. Congress in furthering the national security should not go unnoticed. I refer here to the action of December 1985, in denying funds for the testing of antisatellite weapons against objects in space. This moratorium is no substitute for a real policy on ASAT, but at least it will give the U.S. and the world time to work out such a policy rather than have it made by default.

"We cannot be sure that even with the best thought and energy devoted to the early introduction of a ban on ASAT tests, we will be able to curtail Soviet ASAT capabilities. We can be sure, however, that if we pursue the testing of our own ASAT, the Soviets will not be very far behind. The key point is that a U.S. ASAT does not protect U.S. satellites—it only threatens satellites of other nations."

Dr. John Steinbruner: Director, Foreign Policy Studies, Brookings Institution.

"It is imperative that the mutal [ASAT] moratorium be sustained for the reason that public understanding of the issues is so poorly developed. The Department of Defense has offered a very narrow assessment dominated by the natural and appropriate desire of weapons designers to conduct tests of their products and justified by standard arguments about the effects of these activities on the Soviet Union. The U.S. ASAT tests, the Pentagon alleges, will give the Soviets an incentive to negotiate, will deter any use of the Soviet system, and at any rate confer a capability to prevent Soviet observation of U.S. naval operations. The possibility of less congenial results has been excluded from the Pentagon's analysis.

"The latter fact is imprudent in the extreme and should not be tolerated by Congress. In discharging its responsibilities to the overall security of the United States, Congress should insist that the importance of broader and more enduring interests in this matter be recognized. Given the technical and political context in which the ASAT tests would occur, there is a serious possibility that they would trigger systematic disruption of critical U.S. military support programs in space and that they would stimulate a regime of confrontation that could significantly diminish the constructive use of space for generations to come. There is ample reason to believe, moreover, that these dangers can be controlled by policies designed to do so. Despite flamboyant Pentagon rhetoric, Soviet ASAT activities remain very primitive—well below their technical potential. Restraint imposed at this point would have very significant benefits.

"Under these circumstances the moratorium is not a concession to the Soviet Union but rather necessary discipline imposed on those responsible for United States security policy. It allows time for our political process, whose openness we so rightly cherish, to reflect on the extended consequences of our actions and to weigh the balance of our interest. Rarely have we so needed that time for reflection; rarely has the discipline of public debate been so important. We are dealing with matters that can set enduring precedents and can affect the circumstances of security well into the next century.

"I hope that Congress will persist in the wisdom of its original action and will sustain the moratorium."

BOSTON HERALD WARNS OF EROSION IN SUPPORT FOR SDI

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. COURTER. Mr. Speaker, it is apparent to SDI supporters and opponents alike that the administration's vacillation over the program's goals and timetable is draining congressional and public support. As the following editorial from the Boston Herald warns, if the President does not take drastic action, "there may be nothing worth saving a year from now."

Clearly, the President must reassert control over the program that he established 3 years ago. The administration's official statements have emphasized the need to make the transition to a defense-dominated strategy. This strategy must be implemented through the establishment of an unambiguous, accelerated SDI program which will culminate in the phased deployment of SDI systems as they become available. The current program, organized around scientific experiments rather than military mission requirements, is doomed to eventual extinction. I urge all my concerned colleagues to read the following editorial.

REAGAN MUST ACT TO SAVE SDI PLAN

The idea of strategic defense against incoming Soviet nuclear missiles is dying in the halls of the U.S. Congress, and without drastic action by President Reagan, there may be nothing worth saving a year from now.

The Republican-controlled Senate Armed Services Committee voted the other day to chop more than $1 billion from President Reagan's Strategic Defense Initiative (SDI), or "Star Wars," missile defense plan request. We have backed the concept of SDI to the hilt since its inception, but a freeze and an eventual reduction in spending seems the inevitable result of the administration's inept handling of how best to turn the dream of making nuclear weapons "impotent and obsolete" into reality.

Sen. Sam Nunn, the ranking Democrat on the committee, said afer the vote that support for SDI is "eroding right before our eyes in the U.S. Congress." That erosion shows no sign of reversing on its own. The next six months will likely determine the fate of the entire project, and the need is for drastic action of Reagan's part if he intends to salvage a major part of his legacy to the country—indeed, to humanity.

While Mr. Reagan has articulated a vision of a nuclear defense shield over the U.S., he has not followed up on it by presenting concrete ideas as to how tht can best be achieved. Instead, SDI has taken on the identity of an amorphous research project, whose goals are unclear and results are perceived to be far off in the distant future. In a time of fiscal stringency, it is no wonder that normally stalwart conservatives such as Sen. Orrin Hatch, R-Utah, are abandoning ship.

Later this year, after tax reform has been safely passed into law, the president should not wait for a moment. He ought to go on television and announce the appointment of a panel of experts to report back to him within two months on the most feasible defensive system. Six months to a year after

receiving the report, deployment should begin.

While some of the more exotic, whiz-bang technology will indeed require years, perhaps decades, of development, much of SDI could be deployed right now using existing technology. A point-defense system for our ICBM silos on the Great Plains would do nicely.

It's time to get Star Wars off the drawing boards and onto the firing line. We fear that unless this happens soon, Star Wars may be only a memory by Jan. 21, 1989.

MEXICO—A NEIGHBOR IN CRISIS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. UDALL. Mr. Speaker, this is the 10th in a series of articles I have submitted over the course of the past several weeks to illustrate the current crisis in Mexico.

I feel it is critically important to remember that Mexico is not some distant trouble spot, but rather, our friend and valued neighbor to the south.

In today's article, Attorney General Edwin Meese III, observes that it is time for American officials to stop "pointing fingers" at Mexico. Recent criticisms have caused a rift in relations between the United States and Mexico. As seen in Mexico and the United States, the major corrupter between our two borders is drug trafficking and as Attorney General Meese commented, drug trafficking brings corruption wherever it goes and regardless of how Mexico and the United States criticize each other, our intention to solve this problem should be a joint effort, by all branches of both governments. As this article indicates, "pointing fingers" will not solve any problems.

The article follows:

[From the New York Times, July 4, 1986]

MEESE URGES CURB ON MEXICO CRITICS

(By Joel Brinkley)

WASHINGTON, July 3.—Attorney General Edwin Meese 3d, answering questions from Mexican journalists, said today that the time had come for American officials to stop "pointing fingers across the border" at Mexico.

His remarks come after nearly two months of open and sometimes bitter criticism of Mexico from a variety of United States officials over drug trafficking, illegal immigration, Mexican Government corruption and cooperation with American law enforcement.

The criticisms have caused a rift in United States-Mexican relations, and White House officials said last week that President Reagan hoped to meet with President Miguel de la Madrid of Mexico this summer, in part to soothe relations.

Interviewed in Washington by reporters in Mexico City over the United States Information Agency's WorldNet network, the questions and Mr. Meese's answers were broadcast live in Mexico City this afternoon.

All of the more than two dozen questions dealt with drug trafficking, illegal immigration, border problems, recent allegations from American officials of corruption in the Mexican Government and related issues. Some questions had a bitter tone, and many asked about the extent of similar problems in the United States.

Mr. Meese steadfastly refused to discuss any critical comments about Mexico made by other United States Government officials, and he agreed with the Mexicans that drug trafficking was a significant problem in this country, too. Asked if high United States officials were involved in drug trafficking, Mr. Meese said: "Yes, drug trafficking brings corruption wherever it goes."

He continued: "We have agents of the Drug Enforcement Administration who have been prosecuted. We recently had an assistant United States attorney who was prosecuted for being involved in drugs. And we have had a number of sheriffs and other police officials who have been involved in drug trafficking."

One Mexican reporter asked Mr. Meese whether he believed Senator Jesse Helms, the North Carolina Republican, should hold additional hearings on Mexico before his Foreign Relations Subcommittee on Western Hemisphere Affairs. Testimony on drug trafficking and Government corruption in Mexico during three previous hearings over the last six weeks caused the storm in relations.

Mr. Meese said he did not think he should comment on what the Senate should or should not do, but added: "Whatever information that has been attempted to be presented, I think we have reached a point where I doubt if there is any new information that might be helpful."

He said: "I think the attention ought to be devoted by all branches of Government now at solving the problem, not at pointing fingers."

On border problems, several Mexican journalists asked whether the Government's plan to enhance law enforcement on the border because of drug trafficking meant that illegal immigrants would face a tougher time as well. Mr. Meese declined to respond, saying plans were still being drafted.

DEAN SINGLETON ASSEMBLES A NEWSPAPER EMPIRE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. FLORIO. Mr. Speaker, in southern New Jersey, William Dean Singleton has been assembling a newspaper chain which has recently become one of the top 10 newspaper companies in the United States. Dean Singleton started his company, MediaNews Group, Inc., only 2 years ago. Today his firm has assets worth at least $500 million according to Wall Street analysts.

For the past 2 years MediaNews Group has had its headquarters in Woodbury, NJ. As the Representative from the First District of New Jersey, which includes Woodbury, I have been following Dean's successful career with great interest. I commend the following article, from the Philadelphia Business Journal, which describes Dean Singleton's career to my colleagues. It is a good example of how a young person with a dream and hard work can still make it as a success in today's world.

The article follows:

SINGLETON SLASHES INTO DALLAS—SOUTH JERSEY PUBLISHER TRIES A NEW TURNAROUND

(By Ed Rogan)

In just 2½ years, New Jersey publisher William Dean Singleton has put together an impressive newspaper empire of 37 small- and medium-sized daily and weekly newspapers in seven states.

Starting with a small group of investors and little else in January 1984, Singleton, 34, bought the Gloucester County Times in Woodbury, N.J. The company then bought an average of about one paper a month, most of them in the 9,000 to 58,000 circulation range.

Now Singleton, and his Woodbury-based company, MediaNews Group Inc., are entering the big leagues. This month the company purchased the Dallas Times Herald, one of the nation's largest newspapers, in a move analysts say puts the firm among the country's top 10 newspaper companies.

The move will also pull Singleton's corporate headquarters away from Woodbury to a new home in Dallas.

"That move definitely puts them over the threshold," said Victoria Butcher, media analyst with Eberstad-Fleming securities firm in New York.

"They've acquired their flagship and they're up among the leaders of newspaper owners. Obviously there is a big gap between them and the knight-Ridders, the Gannetts and the Times Mirrors. But they're up there now."

With the $110 million purchase of the 244,629-daily circulation Times Herald, MediaNews now has assets worth at least $500 million, analysts say.

The purchase not only puts MediaNews among the elite of print journalism but also puts it firmly in the middle of one of the country's most intense newspaper wars.

The Times Herald, owned by Times Mirror Co. from 1970 until this month, has slowly been losing ground to the Dallas Morning News, owned by the Texas-based media conglomerate, Belo Corp.

According to figures furnished by the Audit Bureau of Circulation for the six-month period ending March 31, the Morning News had an average daily circulation of 390,275, nearly 150,000 more than the rival Times Herald. Sunday circulation for the Morning News is 521,737 compared to the Times Herald's 348,047.

At the center of all of this is Singleton, a self-made millionaire who was running eight newspapers by age 25 and has a reputation as a "survival journalist."

"What he does is take a borderline operation and does whatever is necessary to keep it alive," said David Sachsman, chairman of the journalism department at Rutgers University and author of a book on New Jersey daily newspapers, "The Press and the Surburbs."

"He comes in and he makes business decisions," he said. "There are a considerable number of newspapers that he acquired that would have folded if he had not done what he did."

Singleton could not be reached for extensive comment. He agreed to an interview, but said he would not be able to do it for at least a week because he was busy with the sale. Attempts to reach him for a brief interview last week were unsuccessful. At one point last week, his secretary in Dallas said he had 125 phone messages on his desk.

A native of Graham, Texas, Singleton's first newspaper job was on his hometown weekly. He was 15 and a high school junior.

At one point he applied for a job on the Times Herald but was turned down. He went to work for The Morning News.

After graduating from college, he switched from the editorial to the entrepreneurial side, lined up some investors and began buying weekly newspapers. He was running eight by age 25 but eventually sold them.

In the mid-1970's, he got involved with a group that was trying to revive Scripps Howard's defunct Fort Worth Press. The venture failed after three months.

In 1976, when he was in Westfield, Mass., looking at the daily newspaper for possible acquisition, he made a fateful friendship. He met Houston banking and insurance tycoon Joseph Allbritton, who was also looking at the paper.

At the time, Allbritton owned the Washington Star and was considering buying the New York Daily News. He hired Singleton to run the Westfield paper. Singleton quickly rose through the ranks to become head of Allbritton Communications' newspaper division.

One of his jobs was to look at newspapers for possible acquisition. In 1981, he became president of the Trenton Times shortly after Allbritton bought it from the Washington Post.

It is said that Allbritton taught Singleton the belt-tightening, staff-cutting methods that he is expected to use in Dallas.

Within five months of buying the Times, Allbritton trimmed the employee roster from 373 to 259. Twenty-four of the paper's 86 reporters and editors were fired in the first week. In the next year there was very heavy turnover, according to former employees.

"He usually has to let go a considerable percentage of people," Sachsman said. "Frequently it is the people in the backshop as often as the people in editorial. He doesn't do it himself. What he does is bring in very good newspaper editors and gives them the onerous task of bringing the staff down."

Sachsman said Singleton only takes those measures at money-losing newspapers.

"I don't think he has had to do any of that kind of thing in Gloucester or Salem, any of the central New Jersey papers. Those were doing alright."

Singleton worked for Allbritton until late 1983. Months later, he launched his first venture by buying the 30,000-daily circulation Gloucester County Times and formed Gloucester County Times Co. His partners were John Buzzetta, publisher of the Herald News of Passaic, N.J., and Richard B. Scudder, former owner of the Newark Evening News.

Shortly after that purchase, the company bought the 12,000-daily circulation Today's Sunbeam in Salem, N.J.

In April 1985, he formed Garden State Newspapers and acquired several other New Jersey properties: The Dispatch in Union City, circulation 30,878; The Journal, of Elizabeth, circulation 32,500; The Herald News of Passaic, circulation 58,055; The News of Patterson, circulation 41,299; and The Advance of Dover, circulation 9,296.

Garden State is a joint venture with the Richmond, VA., communications giant Media General, which is a stockholder.

In all, MediaNews Group, the holding company for the Garden State and the Gloucester County companies, owns papers in Ohio, Idaho, New Jersey, California, Washington, Michigan and Texas.

Most of the newspapers he takes over are non-union, Sachsman said. "When he takes them over they are either slightly profitable or marginal," he said.

The Dallas acquisition, however, is a horse of a totally different color.

Butcher said the paper could lose as much as $5 million this year. Times Mirror's first quarter 1986 earnings fell 22 percent this year, the first time they have fallen since it bought the Times Herald in 1970.

And since the Morning News, according to June figures, has a 57 percent market share of advertising, that losing trend could continue.

"If anybody can turn it around he can," Sachsman said. "That's his thing."

Butcher said if Singleton cuts some of the new news products that Times Mirror instituted and perhaps makes some staff cuts he could make up to $20 million in 1987.

"Times Mirror made a tremendous commitment of resources," she said. "If he just makes those cuts, then he'll make money."

Butcher said the paper could survive at least until 1997, by which time Singleton will have made his original investment twice.

But it is not clear what effect the news cutbacks would have on the quality of journalism at the Times Herald.

Buzzetta, publisher of the Herald-News in Passaic, said Singleton has a strong commitment to quality journalism. His philosophy, Buzzetta said, is to emphasize local news.

Some former staffers at the Trenton Times said Allbritton and Singleton tended to lean toward boosterism and favored many short stories on community news over regional or in-depth issue pieces.

"There are a lot of newspapers out there that don't operate out of journalism textbooks," Sachsman said. "He has papers that win awards, that turn out a good product. He also has places where they have to listen to what the business department says.

"The bottom line is that he keeps newspapers alive. That is a very fundamental question: Do you want a newspaper that's alive or one's that dead? Ask someone who used to work at The (Philadelphia) Bulletin."

DIPLOMATIC DECEITS—REAGAN, CONTADORA, AND THE CONTRAS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. EVANS of Illinois. Mr. Speaker, the Reagan administration has blocked the Contadora group's attempt to reach a regional peace agreement in Central America despite its protestations of support for Contadora. The following report from the Council on Hemispheric Affairs [COHA] summarizes the history of this effort. It is important that we bear these findings in mind and pressure the White House to make more sincere efforts to find a peaceful solution to Central America's strife. The report was written by COHA senior research fellow David MacMichael, who is a counterinsurgency specialist and former analyst for the Central Intelligence Agency, and COHA research associate Peter Brandriss.

DIPLOMATIC DECEITS—REAGAN, CONTADORA, AND THE CONTRAS

(By David MacMichael and Peter Brandriss, Council on Hemispheric Affairs)

For the last three years President Reagan's obsessive pursuit of contra funding, and the Contadora Group's obsessive pursuit of a regional peace agreement, have seemed to go on interminably. Yet while the Contadora process largely dragged on, and indeed owed much of its raison d'etre to the White House's success in keeping the contra war alive in Nicaragua, the relationship was not in the least symmetrical. On the contrary, were Contadora to succeed, contra funding, and the Reagan administration's entire regional strategy, would be left high and dry.

Consequently, with recent progress on Contadora apparently raising the dreaded spectre of peace, and contra funding fighting heavy weather in Congress, the White House decided to handle the bothersome Latin diplomats for good—and Contadora, may now, at last, be dead.

Along with Contadora went the last vestiges of the administration's pretense that it actually supports Contadora, and only backed the contras to "pressure" the Sandinistas into negotiations. That pretense had long since been exposed in the eyes of the rest of the world as mere hypocrisy and sham.

Only the most naive observer could have persisted in buying the administration's sincerity after the embarrassing events of September 1984, when Managua unexpectedly offered to sign the first Contadora draft treaty. The United States had publicly endorsed the treaty in the belief that Nicaragua would *not* sign, and in the face of Nicaragua's sudden readiness to accept the accord, reversed course and blatantly forced its Central American clients—Costa Rica, El Salvador, and Honduras—to withdraw their support of the Contadora treaty.

Not to be caught off-guard again, the White House stayed on top of the details of Contadora since then, making sure that nothing slipped by that would force Washington into such an embarrassingly obvious spoiler role again. When Nicaragua refused to sign the latest draft treaty in April, despite favorable signs by the other Central American countries, Washington finally felt it had put Nicaragua just where it wanted. Reagan crowed that Nicaragua had "torpedoed" Contadora, proving once and for all who really stood for peace in Central America. But then things became complicated.

Even as the Administration charged Nicaragua with killing Contadora, and was reactivating its stalled drive for contra aid in Congress, newly appointed Special Envoy to Central America Philip Habib wrote to Rep. Jim Slattery (D-Kans.) that the United States would not interfere with a "comprehensive and verifiable" treaty and, upon signature, would end military assistance to the contras. Almost simultaneously, Nicaragua said it would resume negotiations on the two disputed portions of the treaty. Further talks were scheduled for June, and the Contadora foreign ministers set a June 6 deadline for signing.

The White House suddenly realized that it had assumed victory too early, and in its panic, appeared to lose control of the situation. Trying to outsmart the Democratic House leadership, frustrated GOP congressman spurned the McCurdy compromise proposal and sought to force an all or nothing rematch through a risky discharge petition

procedure. This maneuver failed, leaving the issue in limbo.

Furious GOP rightwingers, led by Rep. Jack Kemp (R-NY), went into a frenzy over the hapless Habib and anyone, such as Secretary of State George Shultz, who stood behind him. Confusion reigned as every arm of the administration seemed to flail about independently. The Department of Defense issued a report on the apocalyptic consequences of signing an effective security agreement, while the White House and State Department scrambled to disavow the study. In the midst of mayhem even Reagan remained silent on Nicaragua.

Some observers saw the entire affair as a Shultz-Habib initiative recognizing the bankruptcy of the contra policy and indicating a willingness to co-exist with the Sandinistas. Others saw it as a Machiavellian maneuver to discredit, once and for all, the "accommodationists" who believed a negotiated settlement with Nicaragua was possible.

Despite confusion and suspicion, the possibilities apparently opened by the Habib letter raised new hopes for Contadora and encouraged opponents of contra aid. The Sandinista government indicated that, even without a prior U.S. commitment to end aid to the contras, it was prepared to meet the June 6 signing deadline. In addition, Nicaragua proposed not just arms reduction, but the total elimination of "offensive" arms from Central America, including all military aircraft, helicopters and tanks—precisely the items most cited by the Reagan Administration as evidence of Manaugua's aggressive intentions.

At the Esquipulas, Guatemala, summit meeting of Central American presidents, Daniel Ortega went out of his way to avoid confrontation with his counterparts that would endanger an accord, even turning the other cheek when accused of not being democratically elected. The meeting ended with a communique unanimously endorsing Contadora.

At this point, the Reagan administration finally shook off the blow delivered by the sudden reversal of its Central America strategy, and reentered the arena poised to give Contadora the knock-out punch. Abandoning all pretense, Elliott Abrams said the Habib letter had been "erroneous." The President lashed out at the Sandinistas and at congressional opponents of contra aid who were "so naive" as to believe a Contadora treaty would solve anything. Visiting President Jose Azcona Hoya of Honduras received $61 million in aid for saying all the right things about the demonic Sandinistas. On June 10, an apprehensive President Reagan offered to halve his contra aid request to $50 million if Congress would hurry and pass it.

The greatest triumph, though, was to finally force Washington's Central American allies to join the administration in discarding the pretense that regional security and disarmament were ever really the issue. The actual provisions of the Contadora treaty, excruciatingly worked out over the last three years, were suddenly irrelevant, as Nicaragua's neighbors backed Reagan in effectively asserting that no balanced Contadora treaty could ever be acceptable because the Sandinista's, being deceitful communists, would not comply with it in any case. Period.

On June 12, the foreign ministers of both El Salvador and Costa Rica issued a joint statement declaring the peace process at an end. Not enough, they said, had been demanded of Nicaragua in the way of democratization. They called for a meeting of their nations plus Guatemala and Honduras—pointedly excluding Nicaragua—to draft a new document which would subsequently be presented, almost as an ultimatum, to Managua.

Meanwhile, poor Habib was forced to eat political crow. In a speech to the San Francisco World Affairs Council on June 16, Habib denounced the Contadora Treaty that he had so recently endorsed, and savaged the Nicaraguan leaders (none of whom he has bothered to meet) as "Leninist adventurers who were able to steal a whole country."

It is hard to believe that the extraordinary crudity with which the Administration has murdered Contadora—the open manipulation of the Central American leaders and the pathetic performance of Habib under pressure—will win votes for contra aid. The overall impression has been one of botch and butchery beside which Nicaragua has looked both conciliatory and principled. However, the administration has at least blocked, for now, the awful prospect of a Central American settlement it has not dictated.

CHILDHOOD VACCINE PROTECTION ACT

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. YOUNG of Florida. Mr. Speaker, action is urgently needed by Congress to ensure the continued supply of reasonably priced childhood vaccines.

As a member of the House Appropriations Subcommittee on Health, this has been a matter of particular concern to me. The size and unpredictability of liability claims against pharmaceutical firms that manufacture vaccines have dramatically increased the cost of vaccines while threatening their supply. Producers are unwilling to assume the financial risks associated with producing these vaccines, and as a result we are dependent in many cases on just one firm to produce a given vaccine.

Legislation I have introduced, H.R. 5260, the Childhood Vaccine Protection Act, would provide some stability to the vaccine market by reducing the unpredictable liability burden on manufacturers while continuing to allow those who are injured by the administration of vaccines to be justly compensated.

Mr. Speaker, following my remarks, I would like to include testimony I presented on this matter July 25, during a hearing of the House Energy and Commerce Subcommittee on Health and the Environment. I urged the committee, as I urge my colleagues in the House, to expedite the consideration of this legislation so that we can take immediate steps to ensure the continued supply of reasonably priced childhood vaccines.

TESTIMONY OF UNITED STATES REPRESENTATIVE C.W. BILL YOUNG BEFORE THE HOUSE ENERGY AND COMMERCE SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT

Mr. Chairman, thank you for the opportunity to testify before your Committee today regarding the very serious problems that threaten the supply of childhood vaccines.

This is a matter I have been particularly concerned about as a member of the Appropriations Subcommittee on Health. During our hearings the past two years, I have discussed the troublesome shortages of vaccines and their rapidly rising cost with the Secretary and other Department witnesses.

In recognition of the threat any shortage in the supply of childhood vaccines would pose to the health of our nation's children, the Secretary convened in 1985 a special working group to study the issue of vaccine supply and liability. Based on the group's meetings and its report issued in April 1985, I have introduced H.R. 5260, the Childhood Vaccine Protection Act. This legislation incorporates many of the concerns and suggestions expressed by the working group and has been endorsed by the Secretary and the Administration.

The working group reported that vaccines have had a very significant impact on the improvement in the health of our nation's children. In fact, almost all children attending pubic schools are now required by law to receive a series of immunization vaccines.

A small number of children, however, have suffered side effects of varying magnitudes from these vaccines. The families of the children have rightfully sought damages from the pharmaceutical firms that produced the vaccines in compensation for any illness and expense caused from these unanticipated side effects.

The working group noted that the surge in liability and tort claims against virtually all businesses, industries, and services in our nation has had a tremendous impact in particular on the producers of vaccines. The size and the unpredictability of claims awarded for punitive and noneconomic damages, such as for pain and suffering, in vaccine-related cases has dramatically driven up the cost of liability insurance for manufacturers. For instance Lederle Laboratories, which produces the DPT vaccine to protect children against diptheria, pertussis, and tetanus, estimates that $8 of the $11.40 per dose of its vaccine goes to cover liability self-insurance for the company. This is the single biggest factor in the dramatic rise in the cost of immunization. The cost of a dose of DPT has increased more than six-fold in the last year, and almost tripled since the beginning of 1986.

The current liability situation, and the inability of some companies to find insurers willing to cover their products, serves as a strong disincentive to pharmaceutical firms to produce vaccines and to develop new and improved vaccine formulas.

The impact on the vaccine market is already apparent. There are currently only two firms producing the DPT vaccine, and in the case of several other immunization vaccines, there are only single distributors of the products. This has resulted in periodic shortages of some vaccines and raises the risk of widespread shortages if any of these remaining producers should find it economically unfeasible to continue production.

The increasing cost and potential shortages of vaccines have raised serious concerns among pediatricians in Florida with whom I've discussed this matter. They want to find an answer to this problem which threatens to compromise the health of our children. Despite the availability of the DPT vaccine, they cite statistics from the Centers for Disease Control that the number of pertussis, or whooping cough, cases reported in 1985 was almost double the number reported in 1982. If the supply of this vaccine should become threatened or

the cost becomes prohibitive, the number of whooping cough cases could dramatically increase. The same situation could one day develop for any of the vaccines which immunize our children against diseases such as measles, mumps, rubella, or polio.

My legislation would lend some stability to the vaccine market by making the insuring of manufacturers more predictible while continuing to allow those who are injured to be compensated.

First, H.R. 5260 places a $100,000 limit on any claim for non-economic losses related to the administration of a vaccine. Second, there would be no limit on the reimbursement a family could receive for economic loss associated with injuries related to the vaccine. And third, my legislation would eliminate the award of any punitive damages relating to the administration of a vaccine.

The legislation also seeks to address the long-term concerns about childhood vaccines by establishing an Advisory Commission on Childhood Vaccines. The Commission would be appointed by the Secretary and comprised of experts in the field of children's health including pediatricians, representatives of public health departments, experts in the field of vaccines, the families of children who have suffered injuries due to vaccines, insurance firms, and tort attorneys.

The Commission would be charged with reviewing; the compensation policies under current law for vaccine-related injuries, current systems for supplying safe and effective vaccines, the status of research into improving vaccines and developing new vaccines, vaccine programs in other countries, and the dissemination of vaccine information to health care professionals, recipients, their families, and the general public.

Mr. Chairman, the potential for severe shortages of childhood vaccines increases everyday as the rising costs of liability claims against the pharmaceutical industry challenges the manufacturers' willingness to assume the financial risk of producing vaccines that protect the health of our nation's children. Your Committee is to be commended for holding these hearings to develop a solution to the problems that face the producers of vaccines. It's my hope that you will favorably consider H.R. 5260, my legislation which the Administration has endorsed, so that we can take immediate steps to ensure the continued supply of reasonably priced childhood vaccines. Without some move to resolve this critical situation, Congress could be faced sometime in the near future with the need for emergency action to offset major shortages in the supply of childhood vaccines.

MEDICARE AND MEDICAID AND MATERNAL AND CHILD HEALTH BUDGET RECONCILIATION AMENDMENTS OF 1986, H.R. 5287

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. WAXMAN. Mr. Speaker, I am today introducing H.R. 5287, the Medicare and Medicaid and Maternal and Child Health Budget Reconciliation Amendments of 1986. These amendments were reported in the form of a committee print by the Energy and Commerce Committee on July 23, 1986, and ordered transmitted to the Budget Committee for inclusion in the Omnibus Budget Reconciliation Act of 1986. It is my hope that the availability of a separate bill reflecting our committee's actions will facilitate Member and public understanding of the measure.

These amendments were developed in response to the concurrent resolution for the budget for fiscal year 1987, Senate Concurrent Resolution 120, which provided for a reduction in Medicare expenditures of $550 million in fiscal year 1987 and $3.3 billion over the next 3 fiscal years. The provisions approved by the Energy and Commerce Committee are designed to make improvements in the Medicare Program, to protect elderly and disabled beneficiaries against increased costs or reductions in services, and to achieve sufficient net reductions in part B expenditures so that, when combined with the effect of the actions of the Ways and Means Committee, the reconciliation instructions for the Medicare Program are met.

The budget resolution also contained funds for specified improvements in the Medicaid Program and for increased services under the Maternal and Child Health Services block grant found in title V of the Social Security Act. The Medicaid initiatives assumed in the resolution, and contained in the committee's recommendations, would (1) allow poor pregnant women and infants up to age 1, and poor aged and disabled persons, with incomes up to the poverty line, to have access to Medicaid services at State option; (2) allow States to offer the low-income elderly and disabled protection against the burdens of Medicare cost-sharing requirements; and (3) hold certain States harmless in fiscal year 1987 against the loss of funds resulting from changes in the matching formula for Medicaid which were adopted as part of the Consolidated Omnibus Budget Reconciliation Act of 1986, Public Law 99-272.

I would urge my colleagues to support these amendments as part of the Budget Committee's Omnibus Reconciliation bill.

PUBLIC PENSION PARITY ACT OF 1986

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. VENTO. Mr. Speaker, today I am reintroducing a bill which I previously introduced in the 98th Congress to amend the Internal Revenue Code of 1954 to provide an exclusion from gross income for that portion of a governmental pension received by an individual which does not exceed the maximum benefits payable under title II of the Social Security Act which could have been excluded from income for the taxable year. In short, this bill attempts to treat the pension income of public employees in the same manner as the Social Security income of retirees from employment in the private sector.

Prior to the passage of the Social Security Act Amendments of 1983, Public Law 98-21, Social Security retirement benefits were completely excluded from Federal income taxation. In contrast, however, the pensions received by public employees who were not covered by the Social Security Act were fully taxable at prevailing tax rates. It is important to note that public pensions take the place of Social Security benefits for noncovered employees. Under Public Law 98-21, Social Security benefits are taxed for recipients whose taxable income—excluding Social Security—plus one-half of their Social Security benefits and any interest received on tax-exempt bonds exceeds an established base amount. The base amount for an individual is $25,000; the base amount for a married couple filing a joint return is $32,000. For a married couple filing separately, the base amount is zero. These base amounts will remain fixed and will not be indexed to inflation. The new base amounts also apply to "Tier I"—the so-called Social Security portion—of railroad retirement benefits.

Under this legislation, a public employee would be able to deduct that portion of their Government pension up to the maximum allowable Social Security retirement benefit for an individual from their gross income.

It is fundamentally unfair to continue to tax the retirement benefits of public employees differently than the Social Security retirement benefits of private sector employees, especially in light of the fact that public employees had no choice as to whether their employers—a Federal, State, or local unit of government—participated in the Social Security System or established a public employees pension plan.

I hope that my colleagues will join me in sponsoring this legislation in the interest of fairness for public employees.

THE CASE OF THE ZOMBIE S&L'S

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. GRADISON. Mr. Speaker, as we prepare to debate and vote on H.R. 4907—FSLIC recapitalization—I would like to note a characterization by Prof. Edward Kane of the Ohio State University, the Nation's foremost authority on the savings and loan crisis. Dr. Kane defines a zombie S&L as an "institutional corpse capable of locomotion and various forms of malefic behavior." Zombie S&L's can report neither positive capital nor positive income, even if enormous accounting freedom is exercised. Kane puts the number of zombie S&L's at between 250 to 500—or one-twelfth to one-sixth of the 3,250 S&L's total—GAO, last year, put the number at 459. Last week, the Federal Home Loan Bank Board verified this number to me, while noting that it is now higher.

The incentives facing a zombie or near-zombie lead it to operate in a go-for-broke mode, characterized by too short investment horizons and high risk investments.

On the regulatory side, H.R. 4907 recognizes that FSLIC's own financial condition prevents it from doing its intended job. Without

question, FSLIC needs to be recapitalized. Equally, FSLIC needs a new mode of operation. Regrettably, H.R. 4907 ignores the latter and inadequately addresses the former. At the same time, it makes a sham of budget accounting and thereby establishes a terrible precedent.

The statement on this subject by the Shadow Financial Regulatory Committee follows:

RECAPITALIZING FSLIC AND ZOMBIE S&L'S

According to estimates reported by the U.S. General Accounting Office, as of mid-1985 461 S&Ls with $113 billion of assets were operating with negative net worth, as defined by generally accepted accounting principles (GAAP). For the industry as a whole, the deficit aggregated $3½ billion. The number of economically or market-value insolvent S&L associations is underestimated by GAAP, since GAAP includes as assets goodwill and other intangibles carried at "book" values. In essence, economically insolvent S&Ls are de facto nationalized; in practice, they are appropriately described as "zombies."

The zombie development has reached its present stage for several reasons. Supervisory monitoring and information development systems for S&Ls have been inadequate. The Federal Home Loan Bank System chose to defer oversight problems; operating and valuation losses were concealed by novel and irregular regulatory accounting principles (RAP) and the use of a liquidity criterion to differentiate between the viable and zombie institutions. The availability to insolvent institutions of FSLIC guarantees of deposits has enabled most of these institutions to pass the liquidity test and continue in operation.

The presence of S&L zombies raises three issues of public policy. First, S&L zombies must be kept from absorbing additional FSLIC resources by the contamination of healthy institutions and through future operating losses. This suggests the need for expeditious recapitalization, public conservatorship, interindustry takeover, or closure of these entities, since existing regulations have been ineffective in curbing the zombie practice of bidding up deposit rates. Healthy institutions are also weakened by agency-imposed, across-the-board increases in deposit insurance premiums.

The second problem is to distribute the economic losses already imposed on FSLIC. A 1982 resolution expressed the sense of Congress that the full faith and credit of the U.S. might be available to potential claimants against FSLIC reserves. If these potential claims were now to come due, FSLIC would be unable to meet them from its present resources. An injection of substantial new capital into FSLIC would be required. Although the largest possible part of this capital injection should come in some way from the thrift industry, recent proposals for new infusions to FSLIC from advances by the Federal Home Loan Banks do not fully resolve the problem.

The third policy requirement is to prevent a repetition of this development in the future. A central element of reform must be an early elimination of well-known weaknesses. This applies to banks as well as to S&Ls. A threshold for the "wind-up" of an institution's position should be established at some level of net worth above zero. Ideally, such net worth should be defined in market terms—that is, balance sheet and off-balance sheet positions should be marked to market at frequent intervals to provide an estimate of economic net worth. Recent proposals by the Federal Home Loan Bank Board to increase capital and liquidity requirements, to move away from RAP accounting, and to strengthen oversight of credit quality represent steps in the right direction.

THE SANDINISTA REGIME IN NICARAGUA: A SAD SEVENTH ANNIVERSARY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. BROOMFIELD. Mr. Speaker, the Sandinistas recently celebrated the seventh anniversary of their coming to power in Nicaragua. While they marked their regime's birthday in grand style, the masses in that country had little to celebrate.

Thanks to failed socialist policies, the economy of the country is in shambles. The store shelves are bare.

Nicaragua is an armed camp with Soviet and Cuban advisers, and billions in Soviet-made equipment. In spite of massive economic problems, the comandantes persist in exporting their failed revolution to neighboring countries.

"Divine mobs" attack the homes of those who criticize the Sandinistas. Ask the Miskito Indians to talk about human rights under the junta.

The church and its priests are under attack. What happened to the last free newspaper in that country?

There was clearly little to celebrate in Managua in recent days as the comandantes cheered on their so-called revolutionary triumph. I agree with the Contras. It's time for a change.

EDWARD A. GARMATZ

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Ms. MIKULSKI. Mr. Speaker, on July 22, the people of Baltimore lost a good friend and the House of Representatives lost a distinguished former Member. Congressman Edward A. Garmatz died on July 22 at his home in Baltimore. He was 83. He lived a long and useful life.

Here in Congress, Congressman Garmatz will be best remembered for his distinguished service as chairman of the Merchant Marine and Fisheries Committee. It was during his watch on that important committee that the House passed the Merchant Marine Act of 1970.

This act provided a vital boost to our Nation's shipping industry. It also provided a much-needed boost to the economy of Baltimore through the creation of new jobs in our shipbuilding and ship repair yards.

Eddie Garmatz is gone, but he will long be remembered. His career and his contributions are best summarized in two editorials which appeared recently in the Baltimore Sun and the Baltimore Evening Sun.

Mr. Speaker, I am including these editorials into the CONGRESSIONAL RECORD so that they too can become part of our Nation's history, just like the man I'll always remember as "Mr. Garmatz."

The editorials follow:

[From the Baltimore Sun, July 23, 1986]

GARMATZ IS DEAD AT 83; WAS CITY CONGRESSMAN

(By David Michael Ettlin)

Edward A. Garmatz, who maneuvered his way through Baltimore's old ward-and-precinct political system to become a feisty and powerful 13-term congressman, died at his Lake Avenue home last night of lung cancer. He was 83.

Mr. Garmatz, for whom the federal courthouse in Baltimore is named, served in the House of Representatives from 1947 through 1972 and was chairman of the Merchant Marine and Fisheries Committee when he chose not to run for a 14th term.

A native of East Baltimore and product of the city's public schools, Eddie Garmatz was an electrician by trade and worked, among other places, for the American Brewery here before getting his first reward for an increasingly active role as a soldier in precinct and ward politics—a clerkship with the Maryland Racing Commission.

Mr. Garmatz recalled, in a 1972 interview, asking Democratic Party bosses to name him as the replacement for a police magistrate who had entered military service in World War II.

"It was a better-paying job, $4,000 a year," he said. "Now they get $25,000 a year and you can't get near them with a 10-foot pole."

And he recalled how another magistrate—in a thinly veiled reference to petty bribes—advised him, "Eddie, don't be one of those $15 judges."

"I never took a nickel," he said.

He had no legal experience, but then, he said, legal experience was not necessary: "All you need is a little 2 plus 2 equals 4 common sense."

But Mr. Garmatz had more than common sense—he had political savvy. He allied himself with one of Baltimore's most powerful politicians, Thomas J. D'Alesandro Jr., managing his successful campaigns for Congress and then, in 1947, for mayor.

"I used to put a quarter-barrel of beer in the back of my car and drive around and find somebody having a birthday party or something, and we'd set it up and 15 to 25 people would come in," Mr. Garmatz recalled. "Then Tommy would just drop by accidentally, you know, and say 'Hi' all around and then we'd leave and go set up another one."

Tommy D'Alesandro returned the favor, orchestrating the nomination of Mr. Garmatz by the Democratic Central Committee for the vacant 3rd Congressional District seat—a seat he won in the 1947 special election and would keep for the next quarter-century.

A staunch friend of shipping and labor—Mr. Garmatz proudly retained his membership in the International Brotherhood of Electrical Workers (AFL-CIO)—he fought in the House and in the Merchant Marine Committee on behalf of that constituency and these ideals: Maryland shipbuilding first, American shipbuilding second, and foreign shipbuilding never.

He was the driving force behind the Merchant Marine Act of 1970, which was aimed at reviving the American fleet.

In 1965, Mr. Garmatz saw his political power threatened. The Supreme Court's "one man, one vote" ruling, which the General Assembly failed to resolve in its regular session, would have cut away a sizable chunk of his bailiwick, which cut across East and Southeast Baltimore and the heart of the central city.

He would have wound up with a portion of Anne Arundel County. He said he would be happier if the Dundalk area of Baltimore County were added to his district instead: "They are more my type of people. They are maritime people."

And the "maritime people" regarded him as one of their type, too.

In the 1964 campaign, in which he defeated City Councilman John A. Pica in the primary (he was unopposed in the general election), Thomas W. Gleason, in a personal letter sent to each longshoreman, cited Mr. Garmatz as "one of the best friends the longshoremen have ever had.

"Eddie Garmatz not only is a friend of the longshoremen and the International Longshoremen's Association, but he is one of the best friends labor has ever had in Congress . . . a card-carrying union man."

All the praise did not come from labor. After hearings regarding the Federal Maritime Commission, Rear Adm. John Harlee said the "entire commission feels that the state of Maryland is fortunate in having a congressman who is so deeply interested in our maritime affairs and in our nation's world trade and commerce."

In 1963, he opposed a contract for "Jumbo-izing" (extending the length of a vessel) two Navy ships because the midsections were to be built in Japan. He wanted work to be done in private American yards, keeping those yards available in case of a national emergency.

He felt so strongly about American-first shipbuilding that in 1962 he criticized President Eisenhower for voyaging to Europe on the British liner Queen Elizabeth instead of the "queen of the Atlantic"—the United States.

Mr. Garmatz cited health reasons for his decision in 1972 not to seek re-election, reversing the announcement a year earlier that he would run again.

Had he run again, Mr. Garmatz would have faced—because of redistricting—a contest against then-freshman Representative Paul S. Sarbanes in the 3rd District or could have decided to run in Anne Arundel County's then new 4th District.

"I feared no opponent then, nor do I fear any now," Mr. Garmatz said in announcing his retirement. "I have always been known to fight hard and clean campaigns down to their very end, and to stand up to any opposition. In this respect I have not changed."

Mr. Garmatz found himself faced with a new opponent in 1977 in the form of federal prosecutors.

Out of office more than four years, he was indicted on a charge of conspiring to accept $15,000 in bribes from two shipping companies in return for promoting legislation favorable to those firms.

The indictment was returned, after a six-month investigation, by a grand jury panel meeting in the federal courthouse that had just been named for him.

The dedication of an abstract sculpture commissioned for the outside of the Garmatz courthouse was postponed until resolution of the case—dismissal in January 1978, at the request of the prosecutors, who acknowledged that their key witness, the president of United States Lines, had fabricated evidence.

Mr. Garmatz, leaving the courthouse, told a reporter he knew that "the name Garmatz is going to remain on the building."

On learning of Mr. Garmatz's death last night, the aging Mr. D'Alesandro declared, "Maryland and the city of Baltimore have lost a fine public servant. His capacity as chairman of the Merchant Marine and Fisheries Committee did much for the port of Baltimore and the state of Maryland. I've always found him humane, kind, sincere, and he's a very good friend of mine. I mourn his loss."

Mr. Garmatz, who lived on East Lake Avenue, is survived by his wife of 49 years, the former Ruth Thelma Burchard, and a sister, who had been his top aide, Elizabeth Garmatz of Washington.

Funeral arrangements were incomplete last night.

[From the Baltimore Sun, July 24, 1986]

EDWARD A. GARMATZ

The Port of Baltimore lost a long-time friend when Edward A. Garmatz died Tuesday night at age 83. He served in the House of Representatives from 1947 to 1972, a time when the national maritime industry grew and prospered. Nowhere was this truer than in Baltimore, which flourished in large measure because of Mr. Garmatz' efforts on behalf of his city and state as chairman of the House Merchant Marine and Fisheries Committee during his latter years in office.

As a powerful chairman, Mr. Garmatz laid the foundation for enactment of the Merchant Marine Act of 1970, a vital boost to American shipping everywhere. Maryland Rep. Helen Delich Bentley, then head of the Federal Maritime Commission, remembers how helpful the legislation was in expanding local shipbuilding and repair yards and providing local jobs.

For Ed Garmatz, port expansion and maritime trade were always at the top of his agenda. It was primary to the interests of constituents in his 3rd Congressional District and explained why they sent him to Washington and why Mr. Garmatz chose assignment to a committee dealing in merchant marine affairs. Constituents in the old 3rd district lived, worked and raised their children in neighborhoods surrounding the city's docks.

The people of this district gave their loyalties to politicians who shared their deep concern and appreciation for port affairs, and the jobs that new port business generated. Given the frequency with which voters kept returning Mr. Garmatz to office, they were not disappointed in his efforts.

Only one setback marred his successful career. Five years after leaving office, Mr. Garmatz was accused of bribery by a federal grand jury and indicted in the same Baltimore courthouse that bears his name. But embarrassed federal prosecutors later acknowledged they had been hoodwinked by falsified evidence, and the charges were dropped. Mr. Garmatz resumed his role as an elder statesman of the local Democratic Party he worked for and loved for nearly half a century. It was a role he had earned.

[From the Baltimore Evening Sun, July 24, 1986]

EDDIE GARMATZ

Back in the 1960s three major committees of Congress were dominated by Baltimoreans. Samuel N. Friedel of the Seventh District chaired the Administration Committee, George H. Fallon of the Fourth ran Public Works and Edward A. Garmatz of the Third headed Merchant Marine and Fisheries. The triumvirate rolled up a total of 70 years of service on Capitol Hill. Garmatz, the last survivor, died Tuesday at 83.

These old timers achieved their power in a politically simpler era; not with college degrees and legal eminence, but from the training ground of ward and precinct politics. Garmatz, an electrician and a union man, was the textbook example. He drummed up votes for Thomas D'Alesandro Jr.'s congressional campaigns, and when "Old Tommy" became mayor of Baltimore, Garmatz inherited the right to succeed him in Congress.

Representing a maritime-oriented district, he mixed a zeal to get work for U.S.—and especially Baltimore—shipyards with an inexhaustible devotion to his East Baltimore constituents. They loved him for it. In many of his primary and general elections over 26 years, the tall, genial and courtly congressman run unopposed.

One constitutent tells this story: When he put in a call for Garmatz to discuss some minor issue, he mentioned only in passing that his wife was sick with the flu. An hour or so later the doorbell rang. It was a florist, delivering a lavish bouquet for his wife. The gesture was typical of Eddie Garmatz.

FAIRNESS FOR PUBLIC EMPLOYEES RECEIVING SOCIAL SECURITY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. VENTO. Mr. Speaker, today I am introducing legislation which I previously introduced in the 98th Congress which would repeal the provisions of section 113 of Public Law 98-21, the Social Security Act Amendments of 1983.

In our rush to pass the Social Security Act Amendments of 1983, we approved a provision in H.R. 1900 which drastically and unfairly reduces Social Security benefits for workers who are eligible for both Social Security benefits and pensions from noncovered employment. Thousands of public employees—teachers, police and fire personnel, and many others—are potentially affected by this provision.

Under the pre-1985 formula, benefits were 90 percent of the first $254 of average lifetime monthly earnings indexed for inflation, 32 percent of earnings from $254 to $1,538, and 15 percent of earnings above $1,538. The new formula which become effective in 1985 substitutes 40 percent for 90 percent in the first category of this formula resulting in a 50-percent cut in Social Security benefits for persons who also receive pensions from noncovered employment. This translates into an incredible reduction of $127 per month or $1,524 per year in the first category for those who are fully affected by this new benefit computation formula.

Federal and State public employees who have paid into their pension plans and have paid the full Social Security payroll tax in good faith have already seen their benefits cut.

While the new law guarantees that no individual will see their Social Security benefits

cut by more than 50 percent as a result of the change in the benefit computation formula, nevertheless, a public employee who receives a $3,048 public pension could have their Social Security benefits reduced by up to one half, or $1,524 a year. The impact of the new benefit computation formula upon those public employees who are affected is disproportionate and unfair.

I hope that my colleagues will join me in supporting this legislation to restore fairness for public employees who receive pensions from noncovered employment as well as Social Security benefits.

STARVATION: TRIED AND TRUE TOOL OF MARXIST REPRESSION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. SOLOMON. Mr. Speaker, the American people and all those who have answered the cries of those starving in Ethiopia deserve our most sincere commendations. We were all proud to see this shining example of man's humanity to man.

However, we must not look away from the shameful and outrageous aspect of this continuing famine in Ethiopia—the fact that it has been and continues to be prolonged and exploited by certain ideologues in order to further their political goal in Ethiopia—the consolidation of marxism in that country.

The following editorial from the Albany, New York "Times-Union" brings home this point once again. We in the Free World cannot simply ignore the ideological causes of this famine. We cannot refuse to believe that such things are being purposely done in the name of Marxist "humanity." Should we continue to refuse to understand the direct connection between marxism and the millions of dead in the Ukraine of the 1930's, the Cambodia of the 1970's, the Afghanistan and the Ethiopia of today, we will continue to witness the use of starvation and mass murder as tools of Marxist repression.

[From the Albany (N.Y.) Times-Union, July 15, 1986]

MASS DEATH IN ETHOIPIA

People in the West contributed close to $1 billion for the starving masses in Ethiopia. Most of that money was raised during the Live Aid international concert.

As reports are making ever more clear, however, very little of that money has been used to help feed the starving. In fact, some of it is even being used by the barbaric government of Lt. Col. Mengistu Haile Mariam to forcibly relocate hundreds of thousands of people in the colonel's "death march" mass resettlement program. Some of the grain purchased by the Live Aid money is being used to feed the colonel's troops and purchase Soviet trucks.

In the meantime, the Ethiopians continue to starve. One report by French doctors states that as many as 100,000 of the 600,000 people who have been forced to relocate died during the marches, most from starvation. The resettlement program is part of Col. Mengistu's campaign against the rebels fighting his Marxist regime.

Those in America who opened their pocketbooks during the Live Aid crusade may be dismayed by these events. But they were naive to think that the proceeds from a one-day rock 'n' roll festival, no matter how large, were going to much relieve the plight of the starving, much less remedy the underlying causes.

The serious problems on this globe—problems like starvation in backward and corrupt regimes, apartheid, torture and genocide—cannot, unfortunately, be remedied by an international orgy of good feelings and an outpouring of pious sentiments. These are deep-rooted problems that spring from deep-rooted forces. They require not transient attention and a spasmodic infusion of cash, but an informed understanding of the underlying causes—which are largely political in nature—and a long-range determination to change them through the political process.

In the case of Ethiopia, the underlying problem is not drought. It's the brutal Marxist regime that is eager to sacrifice much of its own population in order to refashion society according to the Leninist model. We can send Ethiopia money and grain for the starving, but that will not change the government's goal there. It might even help facilitate it.

On balance, such events as Live Aid and Farm Aid and Hands Across America might prove more irresponsible than not. They titillate and excite America—some of its more youthful, sentimental members anyway—and provide an excuse for feeling good about oneself. They convince some that something has actually accomplished and consequently make it easy to turn our backs on the problem the next day.

The Hands Across America campaign spent most of the $28 million it raised on administration costs. What was left was not enough to house the homeless in America for a single night.

And yet most everyone acts as if that's one problem that's been solved. Just like the problem of starvation in Ethiopia has been solved.

FLAG DAY CEREMONY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. HORTON. Mr. Speaker, on June 14 I had the honor of attending the Webster-Fairport NY Annual Flag Day Ceremony. The ceremony was conducted by the Webster-Fairport Elks, with Ralph Fawcett presiding as the exalted ruler. He and his organization have been leaders in charities and other community service matters for a number of years, and each year they sponsor this patriotic event. The Flag Day ceremony was a very special occasion, and I was moved by the program the Elks coordinated. They always do an excellent job in paying tribute to our flag, and I applaud them for this effort.

Included in the ceremonies was the presentation of winning essays written by three young people in a contest under the subject of "What the American Flag and My Country Mean to Me." The three finalists, Jennifer Amirante, Jennifer Pardo, and John Keuzer, have done a wonderful job in expressing how they feel about our flag, everything it symbolizes and America itself. Their essays follow these comments.

As part of my participation in the day's events, I presented a flag to Post 333 of the explorer scouts. John McConnell, explorer advisor, leads this very special group of young people with learning disabilities. It was an honor to present a flag flown over the Capitol to this group. I congratulate all the members on their activities with Post 333.

Following are the essays on "What the American Flag and My Country Mean to Me:"

WHAT THE AMERICAN FLAG AND MY COUNTRY MEAN TO ME

Everytime I see the flag I think of how loyal I am to our beautiful country, and how lucky I am to be here.

The colors on the flag go together so beautifully. They stand for liberty and justice.

The flag itself, so broad and bright, holds a promise no one can break, that we shall live on, free and fair to always be.

My country is so long and beautiful. I think of peace and helping hands, which reach across America to help other needy lands.

American, I love you.

America, my home sweetest home.

JENNIFER AMIRANTE.

WHAT THE AMERICAN FLAG AND MY COUNTRY MEANS TO ME

Most people think of the flag as just another object, but I think of it as a symbol for justice and freedom in the country I live in. When I look at the American Flag, I know what each part of it stands for. The stars represent the fifty states. The stripes stand for the original thirteen colonies. It tells a history of our country.

When I say the Pledge of Allegiance," and "Liberty and Justice For All," I am very thankful I live in America. I am thankful I am free to be me and that I live in a country where I have the chance to be the best person I can, and make my own choices.

JENNIFER PARDO.

WHAT THE AMERICAN FLAG AND MY COUNTRY MEANS TO ME

I think our country's flag stands as a sign of liberty for all people. It lets us recall our ancestors and elders as they struggled to give us peace for the future. It represents all fifty states working together to form one nation. Our country is one where freedom rings like a bell, where every day our nation grows stronger. Most of all, our country has freedom, which is as precious as life itself. When our country is in trouble, all the people unite to help. Our flag that symbolizes our freedom in our nation makes us one.

JOHN KEUZER.

THE FIRING OF MR. LAWRENCE KORB

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. DENNY SMITH. Mr. Speaker, a few days ago, Mr. Lawrence Korb—a former Assistant Secretary of Defense for President Reagan—was forced to leave the Raytheon Corp. because of pressure from the U.S.

Navy. The reason the Navy sought Mr. Korb's removal was due to his questioning of our Nation's defense policy.

Mr. Speaker this is a most serious issue. The principles of freedom of speech that are the cornerstone of this democracy could be undermined if Congress allows the Navy, or any part of the Government, to act against a private citizen because he or she speaks out against a government policy.

I've entered in the RECORD, for my colleagues interest, two letters I have written to the Department of Defense on this matter.

[The letters follow:]

HOUSE OF REPRESENTATIVES,
Washington, DC, July 17, 1986.

JOSEPH SHERICK,
Inspector General, Department of Defense, The Pentagon, Washington, DC.

DEAR INSPECTOR GENERAL SHERICK: This letter is to formally request that you undertake an investigation into the recent episode regarding actions by certain Defense Department officials and Mr. Lawrence Korb.

The fact that two deputies to Navy Secretary Lehman would seek the punishment of a civilian businessman because he legitimately questioned public policy—and that Secretary Lehman would endorse their actions—is an outrage. These actions show a blatant and cavalier disregard and contempt of freedom of speech, and I believe they also may be illegal.

Hopefully, your investigation will result in conclusions on the legality or illegality of the actions of Pentagon officials; and conclusions as to whether or not the civil rights of Mr. Korb were violated.

I look forward to hearing from you on this matter. Thank you for your prompt attention and assistance.

Best regards,

DENNY SMITH,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 17, 1986.

Hon. CASPAR WEINBERGER,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: I was shocked and saddened by the recent episode involving the Navy and Larry Korb, the former Raytheon Company executive and former Assistant Secretary of Defense.

The fact that two deputies to Navy Secretary Lehman would seek the punishment of a civilian businessman because he legitimately questioned public policy—and that Navy Secretary Lehman would endorse their actions—is an outrage. Not only do these actions show a blatant and cavalier disregard and contempt of the freedom of speech, but they also may be illegal.

I have requested the Inspector General of the Defense Department to investigate this entire episode, and to report his conclusion as to the legality or illegality of the actions of Pentagon officials.

Further, I am deeply disturbed by the "bunker mentality" which has been evident in the actions of the Department of Defense. Just last year, a Pentagon official accused me of "not acting in the best interests of the nation" when I urged you to cancel further production of the DIVAD. Now, Navy bureaucrats can apparently bring about the dismissal of a private citizen because that citizen does not agree with the Pentagon point-of-view.

I would urge you, Mr. Secretary, to clearly state that the actions and statements of Mr. Lehman and his deputies are not acceptable behavior. Further tactics of this sort will only continue to alienate Congress and the American public.

Best personal regards,

DENNY SMITH,
Member of Congress.

CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. EVANS of Illinois. Mr. Speaker, I welcome this opportunity to again bring light on the issue of Soviet Jewry. To some, such repetive appeals to the Soviet Government may seem useless. However, the gradual release of refuseniks and prisoners of conscience is proof that political pressure and public outcry can be effective in pressuring the Soviet Union to live up to its obligations under the Helsinki human rights accord.

There are two very special families in Leningrad whom I have been corresponding with. The Rokhlins and the Vassermans have both been seeking the simple freedom to fulfill their dreams of living in Israel.

Leonid Rokhlin was employed by the Technological Institute of Leningrad as a chemical engineer from 1979 to 1981. He worked at a pharmaceutical plant, but resigned for fear of being involved in one of the frequent accidents which occurred due to the heavy drinking by many of the workers. Since that time, he has been unable to secure any type of professional work and has been a watchman since January 1984.

In March 1984, Leonid married Golda Akhiezer, a young chemical engineer from the city of Tbilisi. In December 1984, his former wife and his only child received permisson to emigrate to Israel in order to be reunited with his former in-laws.

Since July 1982 Leonid has been refused an exit visa because it was "not in the interest of the state."

Grigory Vasserman was professionally trained as an engineer, but has been unable to obatin any type of professional employment since August 1985. From August 1985 until June of this year Grigory worked as a watchman. Last month he was fired from this job for no apparent reason. In November 1976 he was refused an exit visa to Israel because he held "secrets." Grigory has been beaten, harassed, humiliated, and threatened. In November 1984, he was featured in an anti-Semitic film, "Hirelings and Traitors," shown on Leningrad television. He was shown and named, and he and other refuseniks were branded as "Zionist agents" and "black-marketeers," betraying their country for gain. Since Grigory was fired from his job the Vasserman family is facing an even more serious situation.

Mr. Speaker, the world will be a better place for all when tensions between the superpowers are reduced, and when every nation subscribes to basic principles of human rights. The Soviet Union must realize that whether we express our concerns in terms of appeals to their sense of humanity or in concrete diplomatic, political, and economic policies, their harsh treatment of Soviet Jews will continue to color our perceptions of every activity that they undertake.

A BILL TO PROHIBIT DISCRIMINATION BY AIR CARRIERS AGAINST THE HANDICAPPED

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. HAMMERSCHMIDT. Mr. Speaker, on June 27, 1986, the Supreme Court handed down its decision in Paralyzed Veterans of America versus Department of Transportation. The Court decided that section 504 of the Rehabilitation Act did not apply to the major U.S. airlines. Section 504 forbids discrimination against the handicapped.

This decision cast into doubt the obligation of airlines to provide air service to disabled travelers without discrimination.

It is clearly wrong for handicapped individuals, many of whom are veterans who were injured while serving their country, to suffer any discrimination by airlines. Indeed, when we passed the Civil Aeronautics Board Sunset Act 2 years ago, we did so, in part, to ensure that the CAB's rule—14 CFR part 382—prohibiting discrimination against the handicapped would transfer to and be administered by the Department of Transportation [DOT]. But several problems remain.

For one, the CAB/DOT rule is divided into three subparts and only the first subpart, containing very general language, applies to the major airlines. The other two subparts, which contain more specific requirements and procedures, apply only to very small airlines that receive essential air service subsidy payments. This creates confusion about the rights of handicapped air travelers on nonsubsidized airlines.

In addition, we continue to hear about incidents of discrimination against the handicapped despite the CAB/DOT rule. While most airlines no doubt do their best to accommodate the handicapped, it is clear that some questions do remain that call for legislative clarification of the obligation of the airlines toward disabled air travelers.

Therefore, I am pleased to join with Congressman MINETA, chairman of the Aviation Subcommittee, in introducing a bill to prohibit airlines from discriminating against the handicapped. This bill would not require airlines to make expensive structural modifications or otherwise disrupt their operations. It would simply prohibit them from discriminating against otherwise qualified handicapped air travelers.

The bill amends section 404 of the Federal Aviation Act to state that no otherwise qualified handicapped person, as defined by the Secretary of Transportation, shall, solely by reason of that handicap, be subjected to discrimination in air transportation by any air carrier. This is patterned after the statutory language in section 504 of the Rehabilitation Act. By amending the Federal Aviation Act, however, the obligation of all airlines with respect to

qualified handicapped persons will be made clear. The Secretary already has a definition of "qualified handicapped person" in the regulations.

To implement this general prohibition against discrimination, the bill directs the Secretary to change the regulations at 14 CFR part 392 so that all subparts of that rule apply to all airlines. This is a simple change to bring the DOT regulation into conformity with the new law and should be accomplished within 90 days of the date of enactment.

The bill also directs the Secretary to review existing airline policies with respect to the disabled. Currently, airlines submit these policies to the Federal Aviation Administration [FAA] which reviews them only from the safety standpoint. The bill would require DOT to also review them from the nondiscrimination standpoint. This will help to bring some consistency to airline policies. The lack of consistency is one of the main complaints we have heard from groups representing the handicapped.

In sum, this bill will help to ensure that all airlines are subject to Federal antidiscrimination rules. No longer will there be any excuse for treating handicapped Americans as second-class citizens when it comes to air travel. I urge my colleagues to support this legislation.

A HALF-HEARTED ATTEMPT TO SOLVE THE AFGHANISTAN PROBLEM

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. BROOMFIELD. Mr. Speaker, Mr. Gorbachev has made a faint-hearted attempt to resolve the Afghanistan problem. Withdrawing 6,000 illegal troops is barely a step on the long road to peace in that long-suffering country.

His decision is full of sound and fury signifying very little. At this point, a meaningful effort is needed, not a symbolic one. It's time to get all of the illegal Soviet troops out of that country.

If the Soviets were really sincere, they would set a fixed withdrawal timetable. They would pull out more than a handful of soldiers and not just 6 percent of them. They would send home critical combat units rather than antiaircraft units. How important are antiaircraft units to the Soviets? Will they be used to silence the Afghani freedom fighters' air force? There are still over 100,000 Soviet occupation troops in that country.

The withdrawal of a handful of illegal Soviet occupation troops is a drop in the bucket. It is a meaningless gesture and a half-step toward resolving the real problem.

Come on, Mr. Gorbachev, you can do better than that. Let's be sincere and get all of the troops out.

DR. HARRIS NAMED WOMAN OF THE YEAR

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. FLORIO. Mr. Speaker, I would like to honor Dr. Dolores Harris, director of continuing education at Glassboro State College who has recently been named "Woman of the Year" by the Business and Professional Women's Club of Gloucester County, NJ.

Dr. Harris was the first vice president of the National Association of Colored Women's Clubs, vice chairperson of the Gloucester County Commission on Women, president of the United Way and president of the Association for Adult Education of New Jersey.

In addition to her most recent honor, Dr. Harris has also been nominated to the executive board of the National Council of the Women of the United States.

Since 1974, Dr. Harris has been helping women develop careers through the continuing education office and is, in large measure, responsible for the development of a displaced homemakers program at Glassboro State College. This program assists women who, through separation, divorce or death, must assume the responsibility of financially supporting their household.

Dr. Harris recently observed that much more must be done to develop better day care facilities as we are far behind other countries in this regard.

"Indeed," said Dr. Harris, "business, industry, and government are going to have to recognize their responsibility in providing better day care facilities if we are going to provide women with an equal opportunity to be successful in today's marketplace."

Mr. Speaker, I am sure my colleagues would be pleased to join me in honoring Dr. Harris for her outstanding achievement, as well as for her dedication and commitment to the community she serves.

THE ADMINISTRATION'S TEXTILE TRADE AGREEMENT WITH SOUTH AFRICA

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Ms. MIKULSKI. Mr. Speaker, I rise with anger to protest the recent administration decision to grant South Africa a 4-percent increase in textile exports to the United States. This effort by the President at "constructive engagement," is an outrage.

This administration continues to disregard the relationship between human rights and trade. Apartheid enslaves South Africans. And its consequences undermine our own economic security and prosperity. The competitive trade advantage enjoyed by authoritarian regimes is a direct result of repression. Workers are not paid a living wage. They are denied the right to organize against political and economic exploitation.

The availability of cheap apartheid labor leads American corporations to export jobs rather than invest in jobs here at home. Exports from South Africa then unfairly undercut American goods in the world market. It costs us U.S.A. jobs. It cost us U.S.A. honor.

American citizens are doubly penalized by this administration's human rights and trade policies. First, our textile industry will be subject to an even greater flood of imports. More jobs that once formed part of the backbone of our economy will be lost. Second, our trade policy, by turning a blind eye to human rights violations, leaves America too often identified with regimes whose policies contradict American values, traditions, and morality.

The administration's timing is especially thoughtless. This week the Senate Foreign Relations Committee is debating economic sanctions against South Africa. And in less than 10 days, we will vote to override the President's veto of the Textile and Apparel Enforcement Act of 1985 that both the House and Senate passed last year.

Mr. Speaker, this recent decision to allow more South African textile exports into this country is a dig to every freedom-loving, hard-working American. I strongly urge the Senate to follow the House's lead and vote for complete United States divestment from South Africa, and I strongly urge my colleagues in the House to override the President's veto of the Textile and Apparel Enforcement Act of 1985.

NEED FOR INTERNATIONAL ASSESSMENT OF HEALTH CONSEQUENCES OF CHERNOBYL NUCLEAR DISASTER

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. WAXMAN. Mr. Speaker, today I am introducing House Concurrent Resolution 373, expressing the sense of the Congress that an international cooperative effort should be undertaken to monitor and evaluate the short and long term health impacts resulting from the nuclear accident last April at Chernobyl in the Soviet Union.

The Chernobyl accident last April 26 was one of the worst in history. More than 100,000 people who live in the Chernobyl region of the Soviet Union were potentially exposed to radiation levels in the range of 1,500 times normal background levels. In the worker's community of Pripyat, only 2 miles from the plant, up to 20,000 people may have been exposed to radiation up to 150,000 times normal levels.

About 30 of the most severely exposed individuals have died to date, and hundreds more are now hospitalized. But the true toll of the accident will not be known for decades. Many exposed individuals are expected to die or become ill in the years to come from cancers or other ailments directly attributable to radiation exposure.

Sadly, there is little that we can do to lessen the suffering of those in pain, or whose health is likely to be affected. But we can do all that we can to make this tragedy a learning

experience to help mankind come to better understand radiation-induced illnesses, and to make even clearer the importance of avoiding future radiation exposures from nuclear accidents or nuclear warfare.

Most of what we know today about the health effects of ionizing radiation is the result of thorough reviews of the extensive immediate and long term followup care of residents of Hiroshima and Nagasaki who were present when atom bombs were dropped on those cities. This information added a great deal to medical understanding of how radiation effects the human body, but there is much that we still do now know. Forty one years later, we are much better equipped to conduct research in this area.

Dr. Robert Peter Gale, the eminent bone marrow transplant specialist from the University of California at Los Angeles who has been assisting the Soviets in caring for the Chernobyl victims, has proposed a long term study and extensive followup treatment of the thousands of people affected by the Chernobyl accident. I know that I join with others the world over in applauding Dr. Gale, and his colleagues Dr. Champlin and Dr. Terasaki of UCLA and Dr. Reisner of Israel, for their humanitarian efforts, and in supporting their proposal for extensive followup care and scientific review.

Preliminary efforts to conduct the large scale medical and biological followup study envisioned by Dr. Gale and others have already begun. Early plans for the Chernobyl study include collection of exposure data from up to 130,000 potentially exposed persons and provision of periodic, documented medical examinations over a 30 year period. Several U.S. Government agencies, including the National Academy of Sciences, the National Institutes of Health and the Department of Energy, have expressed a desire to participate in the effort.

I urge my colleagues to support me in this proposal to see that the research effort is an international one that is neither Soviet nor U.S. based. This is an international issue. Many nations, including Poland, Sweden, Austria, East Germany, West Germany, Holland, Greece, Yugoslavia and Luxemburg, were sufficiently threatened by the accident at Chernobyl to institute special public health safety measures. Elevated radiation levels have been detected over a much broader geographic scale, including nations as far away as the United States, although the levels here were, fortunately, not high enough to constitute a health concern.

Chernobyl has come to symbolize the international nature of nuclear safety concerns. All nations are at risk from the possibility of nuclear catastrophe. All can learn from the lessons of Chernobyl.

I urge my colleagues to join with me as cosponsors of this resolution. It expresses the sense of the Congress that there is a unique opportunity for an international team of scientists to conduct cooperative research of the human health impacts of the Chernobyl tragedy, and calls on the President to continue joint United States, Soviet efforts at the next summit meeting between the heads of State of the United States and the Soviet Union with a specific view toward the development of an international followup health assessment.

AGRICULTURAL TRADE DEFICIT

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. STANGELAND. Mr. Speaker, recently the U.S. posted its first agricultural trade deficit in almost 30 years. As a result, stocks of wheat and feed grains are beginning to pile up in many areas of our country as sales of these gains to countries such as the Soviet Union continue to decline. Furthermore, China and India, two countries that previously imported grains, are now turning into exporters.

The facts are astounding, a $26.6 billion agricultural trade surplus in 1981 shrank to $11.4 billion 4 years later. And the Commerce Department recently reported that farm imports in May outdistanced exports resulting in a $348.7 million deficit.

There is something basically wrong when the greatest food producer in the world is buying more agricultural commodities than it is selling. Epecially when we have the tools at hand to increase our agricultural exports and thereby bring our Nation back into a favorable trade position. For example, the 1985 farm bill provides for an Export Enhancement Program. This program allows the use of surplus agricultural commodities as export bonus payments to U.S. trading partners when they buy U.S. agricultural products. The purpose of this program is to expand markets and meet unfair foreign competition. These bonus payments reduce the price of our commodities to our trade partners and enable the American farmer to become competitive in an area where the competition is highly subsidized.

We need to make the export enhancement program workable and effective. This can be done by allowing all traditional foreign purchasers to become eligible for the bonus program. By doing this we treat each trading partner fairly and equally. We also add consistancy and reliability to the bonus program and thereby insure its future success.

BAYOU SAUVAGE URBAN NATIONAL WILDLIFE REFUGE

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mrs. BOGGS. Mr. Speaker, I am pleased to join with my colleague from Louisiana, JOHN BREAUX, in sponsoring H.R. 5262, legislation to authorize the establishment of the Bayou Sauvage Urban National Wildlife Refuge in Orleans Parish, LA. The refuge, which would consist of approximately 19,000 acres of land in the eastern part of the city of New Orleans, offers a unique opportunity to preserve a large segment of coastal marshlands within a large and growing urban area by making it a part of the national wildlife refuge system that is administered by the U.S. Fish and Wildlife Service.

By way of background, the proposed refuge is part of a 23,456 acre tract of land currently owned by South Point, Inc. Much of the land in question is enclosed within existing levees that provide hurricane protection to the city of New Orleans. The nature of the land inside of the hurricane protection levees tends to be fastlands and freshwater marsh. The land outside of the levees is typical of the unique and highly productive marshes found along the Louisiana coast.

Over the years there have been ongoing discussions of future use of a large portion of the land within the levee. Last year the current owner of the property, South Point, Inc., submitted an application to the U.S. Army Corps of Engineers to drain and prepare some 13,000 acres of its land holdings within the levee systems. The area outside of the levees, such as the Bayou Chevee marsh would be dedicated as a wetlands park and other areas outside of the levee would be placed in a wetlands management area for water dependent uses. In addition, the Blind Lagoon area, which is within the hurricane protection levees, would be dedicated as a city park. This area contains Little Oak Island, an important archeological site because of its early Indian settlements.

After extensive discussions with individuals from the civic, environmental and business communities, the owners of South Point, Inc., have indicated their willingness to convey up to 19,000 acres of its holdings in eastern New Orleans to the U.S. Fish and Wildlife Service for the establishment of a national wildlife refuge. The area in quesiton contains a wide diversity of wildlife and wildlife habitat and is the best remaining waterfowl habitat in southeast Louisiana. Tens of thousands of birds and other waterfowl inhabit the area or use it during their seasonal migrations. The tidal marsh outside of the existing levees is a valuable estaurine nursery for the fin fish and shell fish produced in the Lake Pontchartrain basin.

In addition to this opportunity to preserve a vast stretch of coastal wetlands, this refuge concept holds the promise of providing new recreation, tourist and educational opportunties for the residents and visitors to the New Orleans area. The setting for this refuge is particularly unique because it is immediately adjacent to a highly urbanized area that draws visitors from throughout the country and the world, and because it is easily accessible to those residents and visitors because of existing highways and roadways.

A portion of the South Point, Inc., holdings are not suitable for incorporation into the national wildlife refuge system. Because of the importance of these particular tracts to the future of the city of New Orleans, I fully expect all parties involved to cooperate in planning for appropriate development that will be in harmony with the Bayou Sauvage Urban Wildlife Refuge.

Unfortunately, there is not much time remaining in this session of Congress. I urge the Merchant Marine Committee to give H.R. 5262 the high priority it deserves. We have before us a once-in-a-lifetime opportunity to preserve and protect an essential part of our coastal environment. We must not let this opportunity

to establish the Bayou Sauvage Urban National Wildlife Refuge slip through our fingers.

Finally, I would like to thank my friend from Louisiana for introducing H.R. 5262. As usual, he is in the forefront of efforts to protect the wetlands of Louisiana and to preserve the Nation's environmental jewels for posterity.

GRANT HIGH SCHOOL TEAM WINS KNOWLEDGE BOWL

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. FAZIO. Mr. Speaker, when most people think of Grant High School in Sacramento, CA, they automatically think of sports. Grant has long been recognized as the home of extremely talented athletic teams. Yet a closer look at the students of Grant High reveals that they possess many more and varied skills. Last spring Grant's team won the Knowledge Bowl. A districtwide competition based on TV's College Bowl, the Knowledge Bowl pits students from separate schools against each other on a variety of subjects.

Grant's victory in the Knowledge Bowl is noteworthy for several reasons. Primarily because it is a small example of the overall academic achievement and success emerging at Grant. A new program entitled mathematics, engineering, and science achievement [MESA] has greatly increased the number of minority students setting their sights on college and beyond.

Prior to MESA, many of these students were directed toward vocational classes. MESA coordinator James Arnold, who has done much to improve the academic standards at Grant, points out that many of these students are now qualified to enter the University of California system. I applaud Grant High for this dramatic turnaround.

A second example of Grant's remarkable success is the rise in scores on the California Assessment Program [CAP]. Through the inspiration and leadership of district supervisor Hazel Mahone, Grant principal Lawrence Brown, and countless others, student scores on CAP have risen for the first time in many years. Both Mahone and Brown have not only led efforts to improve the test scores of Grant students, but have also served as excellent role models doing much to boost students' self images and esteem.

In conclusion, I again offer my congratulations to Grant High School with its superb faculty and students. All too often schools and the individuals which comprise them make great strides without notice. It is time now for Grant High School to be noticed.

TRIBUTE TO DR. OWEN L. KNOX

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. DIXON. Mr. Speaker, today I would like to bring to the attention of my colleagues the attributes and achievements of my longtime friend, Dr. Owen L. Knox, on the occasion of his retirement from the Los Angeles Unified School District.

Dr. Knox's work over the past 34 years as a teacher, administrator, and civil rights activist has touched innumerable lives, and especially the lives of young people. In the classroom, Dr. Knox was known as a sensitive and insightful teacher, inspiring his students to hard work and excellent achievement. As an administrator, he not only managed the day-to-day activities of schools; he insisted that education adapt itself to serve the needs of a diverse student body, and produced innovations in school curriculums, staff development, and educational structures to meet those needs. His thoughtfulness and creativity in this pursuit are evident, in his design and direction of the Reading Task Force, which created a plan to teach reading from kindergarten through high school; in his study of school administration, which created a plan to evaluate and develop the skills of administrators; and in his design and oversight of the Jordan Educational Complex, an educational subsystem that provides people with the educational resources for a lifetime of learning, a model of community involvement in schools and a model of urban school decentralization.

As an active participant in civil rights work, Dr. Knox helped organize marches on the board of education to demonstrate the need for equal educational opportunity for black students. In the 20 years since that time, Dr. knox's work has brought that goal closer to being a reality. At the request of the California Board of Education, Dr. Knox helped the State formulate and implement its guidelines on multicultural education and proficiency in standard English for black students. His work has made him a national resource in the field, serving this year, for example, as cochair of the National Conference on Educating Black Children.

This gentleman's good work has been felt by many, and I must count myself among those whose lives have been changed by him. Years ago, when he and the late Milton Wood were stewards of the New Frontier Democratic Club and I was a new and young member, the three of us walked precincts together. Their inspiration and wise counsel are largely responsible for my presence in the world of politics. To this day I rely on Owen's sound judgment and sage advice.

Dr. Knox's achievements are many, and binding them all together is a vision that education can affect the lives of children, combined with a commitment to make education work in the service of all children. These achievements have been noted by the mayor of Los Angeles and the California State Legislature; today I commend him before the Congress of the United States. Though Dr. Knox is retiring, the impact of his work will long be felt. Here is a man who has made his mark, and left his imprint, and the lives of the children of Los Angeles and the Nation are better for it.

W. AVERELL HARRIMAN

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Ms. MIKULSKI. Mr. Speaker, I rise today to mourn the passing of W. Averell Harriman. The son of a railroad entrepreneur, Averell Harriman dedicated himself to a public career that spanned five decades and the administrations of five Democratic Presidents. In that time, he played a vital role in shaping the world we live in today.

Mr. Harriman first emerged as a national public figure under the administration of President Franklin D. Roosevelt during the Great Depression. During World War II, Mr. Harriman ran the Lend-Lease Program and served as Ambassador to the Soviet Union. Nearly 40 years later, he advised President Carter before the Salt II talks. In the years between, he served President Truman, first as the administrator of the Marshall Plan which rebuilt Europe after the war, and then as Truman's Secretary of Commerce. For President Kennedy, he was Ambassador-at-large and negotiated the 1963 Nuclear Test Ban Treaty. He also served one term as Governor of New York.

Averell Harriman brought to each of the varied tasks he faced a talent and drive which enabled him to be a shaper of events, not merely a participant in them. As Ambassador, Cabinet member, and Governor, his commitment to the service of his country never faltered. That dedication made him one of the greatest Americans of this century. I mourn his loss.

A TRIBUTE TO HASTINGS, MI

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. HENRY. Mr. Speaker, on July 26, 1836, the community of Hastings, MI, was established; 150 years later on August 16, 1986, more than 6,000 residents will begin celebrating the first of many activities planned to commemorate this momentous occasion.

Hastings became a community on July 26, 1836, when the land upon which the city now stands was sold by Eurotas P. Hastings, a Detroit banker, to a firm known as the Hastings Town Site Co. Under company sponsorship, water-powered grist and saw mills were constructed along Fall Creek. The land was plotted and inducements made to attract settlers to this newly opened wilderness area.

The new community's isolation partially ended in 1848 when a stagecoach service connected Hastings with Battle Creek and Grand Rapids. On February 13, 1855, Hastings was incorporated as a village. Railroad service was established in 1869, and 2 years later, Hastings became a city.

Located in picturesque southwest lower Michigan, Hastings is the center of a lovely resort area surrounded by thousands of acres of recreational land, rolling hills, spring-fed

lakes, excellent hunting, fishing, swimming, boating and camp facilities. The Thornapple River which runs through the city proper, was once the main traveled route for Indian tribes to and from their hunting grounds.

Although a rural community, Hastings is located within close proximity to four Michigan metropolitan cities—Grand Rapids, Lansing, Battle Creek and Kalamazoo making it possible for many of its citizens to enjoy the benefits of living in a small town while still living close enough to work or enjoy the cultural life of a metropolitan city.

A busy, active community, the citizens of Hastings take great pride in their city and actively participate in numerous service and volunteer organizations. Many community sponsored activities have become annual events. The annual SummerFest Festival and the Barry County Fair attract thousands of visitors while each year the popular Santa Claus Parade brings participants from all over southwestern Michigan.

A number of locally owned and operated industries are spinoffs of some of the first major industries established in the 1800's, most of whom distribute their products nationally and worldwide. These diversified industries, along with the agriculture and recreation industries provide approximately 3,000 jobs in Hastings alone, creating a strong economic base for this fast growing community.

Boasting of its fine educational system, Hastings serves a population of approximately 20,000 who live within the boundaries of the 180 square-mile district. With an outstanding K–12 program, the system offers a comprehensive community education program, vocational training and sponsors programs for the mentally and physically handicapped. Eleven institutions of higher learning are located within 60 minutes of Hastings including Michigan State University and Western Michigan University.

A warm friendly community, many people find Hastings highly desirable as the place to live and raise a family. Its peaceful rural setting also attracts a large number of retirees who have returned to live in the community where they were raised. With its tree-lined streets, church steeples, county courthouse, and quaint downtown Hastings, the county seat of rural Barry County, is truly the essence of small town America. Please join with me, Mr. Speaker and colleagues, in offering congratulations and best wishes to the citizens of Hastings, MI, on the occasion of the city's sesquicentennial celebration.

CONGRATULATIONS TO THE AVALON INN OF WARREN, OH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. TRAFICANT. Mr. Speaker, on August 8 this year, I will have the distinct pleasure of attending the grand opening ceremonies for the completion of a new 54-room addition to the Avalon Inn of Warren, OH. At this time, I would like to extend my warm congratulations to the dedicated people at Avalon Inn Services for this noteworthy accomplishment and for their continued commitment to the people of Trumbull County.

The Avalon Inn is a major conference and convention center/resort that is nationally recognized for its amenities—including the Avalon Lakes Golf Course, which is rated in the top 50 of all public golf courses in America. The newly completed 54-room addition will bring the total number of rooms at the Avalon Inn to 144. This excellent facility serves local, regional, and national guests.

At a total cost of $2.2 million in construction, land, buildings, and amenities, this new addition to the Avalon Inn will create approximately 24 new jobs in Trumbull County and will attract thousands of new guests to Trumbull County each year as a result of this expansion.

So many good, hardworking people deserve credit for the success of this ambitious project. I would like to single out the following five individuals for their exceptional work, vision, and commitment to their community. They are: Robert Heath, president of Avalon Inn Services; Robert O'Malley, vice president of Avalon Inn Services; Tom Keegan, vice president in charge of property acquisitions; Dan Seitz, general manager; and Marsha Seitz, head chef and food and beverage manager.

Mr. Speaker, I am confident that the talented professionals at the Avalon Inn will continue to make the Avalon Inn one of the finest facilities of its kind in the country and will continue to serve my constituents in the Mahoning Valley. I am both pleased and honored to have this opportunity to offer my congratulations and pay tribute to a great group of people.

BIRMINGHAM NATIVE RECIPIENT OF KOOL ACHIEVER AWARD

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. ERDREICH. Mr. Speaker, for the first time this year, the Brown and Williamson Tobacco Corp. established the KOOL Achiever Awards to recognize those who are working to create a better way of life for inner-city communities. Five people were selected to receive this outstanding honor, and each award recipient will receive $10,000 to be presented to the nonprofit community service of his or her choice. The awards were made in five different areas, including the arts, business, civics, communications, and education.

I am pleased to tell my colleagues in the House that this year's Education Award recipient is from my district. Jacquelyn S. Donald, a native of Birmingham, is a financial planning manager with IBM who is currently on loan to Lawson State College where she is working to promote education as an avenue toward success and self-esteem. Through her work at the college, she is helping obtain scholarship grants for disadvantaged students. She has also devised, implemented, and marketed a highly-effective student motivation program that is now used as a model by other institutions in the State.

The $10,000 KOOL Achiever Award contribution Ms. Donald will receive will be donated in her name to the United Negro College Fund. The donation will be used to establish special scholarships for disadvantaged students from the Birmingham area.

Our continued prosperity and security rests with the young people of our Nation. Ms. Donald is showing our youth, by example, the vital link between a strong, solid education and future personal and economic success. Her actions in our community are helping open economic opportunities for young adults, vital to continued growth in Jefferson County and across America. I am certain my colleagues in the House join me in congratulating Ms. Donald on being selected to receive this outstanding honor, and commend her for her efforts on behalf of our young people.

TRIBUTE TO THURSTON "BUD" MERRELL, JR.

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. McEWEN. Mr. Speaker, I rise today in honor of Thurston "Bud" Merrell, Jr., a well known community and business leader in Cincinnati, OH. On August 1, 1986, many of Bud's friends and associates will gather at the Grand Ballroom of the Hyatt Hotel to pay special thanks to him on the occasion of his retirement from Merrell Dow Pharmaceuticals. I want to extend my warmest congratulations to Bud and his wife, Ginny, on this special occasion.

Bud Merrell is the last of the founding Merrell family to be associated with this company. Through his kindly manner and generous spirit, Bud has distinguished himself within Merrell Dow and in his community. He has endeared himself to literally all of the employees of his company, not because it was his job, but because he genuinely cares for other people.

Mr. Speaker, Bud's service to the Cincinnati community has also been outstanding. As chairman of the Presidents Club of the Cincinnati Chamber of Commerce, he brought recognition to that group on the local, State and national level. For his tireless effort, the mayor of Cincinnati proclaimed December 14, 1984, as "Bud Merrell Day in Cincinnati." He has also served on the Cabinet for Fine Arts, the United Appeal Community Solicitation and Board of Trustees, and the Cincinnati Adolescent Clinic Board of Trustees at Childrens Hospital Medical Center. Bud was on the Advisory Board and Solicitations Committee for Kids Helping Kids. He also was the company spokesman for the television presentation of the film "Second Chance" which sought to help people understand the need for organ donation and transplantation. These are only a few of the many examples of Mr. Merrell's tireless service to his community.

Bud Merrell: husband, father, educator, businessman, and friend, we salute you. For your lifetime of unselfish dedication to the im-

provement of the quality of life for your community and for all your achievements in your personal and professional life, we salute you.

Mr. Speaker, Bud Merrell is truly a man for all seasons. It is a pleasure to share his accomplishments with my colleagues in the Congress. I ask that they join me in extending our warmest congratulations and best wishes for continued success in their endeavors.

LIFE AND HEALTH INSURANCE BENEFITS OF RETIREES MUST BE MAINTAINED

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. KEMP. Mr. Speaker, today I am introducing legislation to require LTV Corp. to continue to provide its retirees with the life and health insurance benefits they have earned and so desperately need. This bill is a companion to legislation introduced in the other body by Senators BYRD, GLENN, HEINZ, METZENBAUM, SPECTER, and DURENBERGER and cosponsored in the House by my friend and colleague from Buffalo HENRY NOWAK and others.

As many of my colleagues know, LTV Corp., the second largest steel producer in the United States, filed a chapter 11 bankruptcy petition on July 17, 1986. I know that many of us in Congress are deeply concerned about the plight of our domestic steel industry; we must work to enact policies that will bring about the robust economic growth that will allow steel and all our heavy industries to rebound. I understand the severe financial hardships LTV faces and I support its efforts to reorganize its debt in order to stay in business and provide jobs for its current and future employees—many of whom are in the Buffalo area, working for Sierra Research Corp. I also understand that LTV is working to provide its retirees and their surviving spouses with retiree-paid group medical insurance, and I commend them for these efforts. However, this decision places an enormous and unexpected financial burden on the more than 125,000 retirees who are now left without the life and health insurance policies they have earned and on which they rely. I have talked with Louis Thomas of the Buffalo-area United Steelworkers about the hardship this poses for western New York families; I don't believe this added burden is one these men and women can easily assume.

The legislation I am introducing will require LTV to continue to maintain its life and health insurance coverage for its retirees and their surviving spouses until such time as the court suspends such payments. The result would be to provide retirees with much-needed life and health insurance coverage unless the court rules that LTV cannot shoulder this obligation and still meet the other requirements the bankruptcy proceedings impose. More importantly, I believe this legislation will spur a fair and equitable solution to this very urgent national problem—one that will take into account the needs of LTV's retirees and their spouses, as well as those of LTV's current and future employees.

FOR AN INDEPENDENT CONRAIL

HON. FRED J. ECKERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. ECKERT of New York. Mr. Speaker, I stand up today to urge the Department of Transportation to move ahead with a proposal for a private offering for the sale of Conrail. As a member of the Energy and Commerce Committee who has opposed the efforts to sell Conrail to the Norfolk Southern Corp., I call upon the Transportation Department to work with the members of the committee in fashioning an offering that will sell Conrail through a public offering. Time is running out, it is time to move forward and resolve this issue. I am including as part of my remarks an editorial from the July 7, 1986 issue of Business Week magazine which also urges that the Transportation Department get moving on the proposal.

GET THE CONRAIL SALE ON TRACK NOW

Back in August, 1981, Congress told the Transportation Dept. to sell Consolidated Rail Corp. to a private owner. Yet almost five years later, Conrail is still in government hands. And an impasse has developed. Transportation Secretary Elizabeth H. Dole wants to sell the railroad to Norfolk Southern Corp., and she has persuaded the Senate to approve the plan.

It was—and is—a good idea. NS is a well-managed railroad with plenty of resources. It could provide reliable service through good times and bad, minimizing the chance that the government might have to bail out Conrail again. The hitch is that there seems to be no chance the full Congress will go along. Representative John D. Dingell, the powerful chairman of the House Energy & Commerce Committee, believes firmly that Conrail should be sold only through a public offering of stock. That option suits White House Chief of Staff Donald T. Regan, since a straight sale to NS is not in the cards.

Dole is understandably disappointed that her plan is being blocked. But to remain inflexible in the face of the current situation is untenable. A public offering has the advantage of leaving in place Conrail's management, which has made the railroad profitable. There is no reason to question its ability to compete with the rest of the industry.

If it takes a public offering to return Conrail to private ownership, then Transportation should get to work structuring the best deal possible. and it should move swiftly while the stock market is strong.

NAVY TO LOSE OUTSTANDING PHYSICIAN

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. SUNDQUIST. Mr. Speaker, this week the U.S. Navy is losing the services of an outstanding physician, colleague, and patriot as well as an understanding and caring person. Capt. Douglas W. Peterson, presently commanding officer of the Naval Hospital in Millington, TN, and his family will be moving to Kingsport, TN, where Captain Peterson will enter the private practice of otolaryngology.

Though Captain Peterson has been stationed in Millington only a couple of years, his tenure has been distinguished and productive. He has played a leading role in improving the readiness of the hospital to respond to potential disasters. He has placed tremendous emphasis on a quality assurance program and increased training for all hospital employees. He has enhanced a patient contract program to identify problems and increase sensitivity to patient concerns. He has reorganized and increased the hospital's emergency medical services. He presided over the creation of a new after-hours pediatric clinic. He has improved the physical appearance of the 14-year-old hospital. The list goes on and on.

In addition to serving as the hospital's chief administrator, Captain Peterson amazingly has remained a practicing member of the clinical staff of the hospital. Most importantly, he is warmly appreciated by the staff and Millington community as a leader and friend.

After earning his doctor of medicine degree at the University of Nebraska and completing an internship, he entered the Navy and served with great distinction in Vietnam. His military awards include the Navy Commendation Medal, Air Force Commendation Medal, National Defense Medal, Air Force Outstanding Unit Award, Vietnam Service Medal, Vietnam Civic Action Unit Citation, Vietnam Gallantry Cross with Palm Unit Citation, and the Navy Expert Pistol Shot Medal.

Captain Peterson has had a distinguished career both in the military and within the field of medicine. The medical community of the Memphis area will miss him greatly.

His success, of course, can be attributed in large part to his wonderful wife Fran. In addition to her support, Fran has demonstrated her own commitment to the Navy as a Reserve Commander in the Navy Nurse Corps. They have two children, Erika Kari, 9; and Bjorn Kristian, 4.

As a friend and former schoolmate of Captain Peterson, I regret seeing he and his family move from the Memphis area. But I know they will be successful and warmly received in Kingsport. I wish them well in their new endeavors.

DR. BENJAMIN E. MAYS HONORED BY FIRST AFRICAN AMERICAN MUSEUM IN ATLANTA

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. FOWLER. Mr. Speaker, I would like to take this opportunity to announce an upcoming exhibit in Atlanta's first African American Museum entitled "Dr. Benjamin E. Mays: A Legend Unveiled," the exhibit will honor the achievements and contributions of the late Dr. Benjamin Mays, who gave so much to Georgia and to the Nation. The Collections of Life & Heritage Museum is presenting the exhibit

in commemoration of what would have been his 92d birthday.

A distinguished scholar, orator, and civil rights activist, Dr. Mays exhibited a rare kind of leadership and spirit of community service. The child of former slaves, he rose to become president of Morehouse College in Atlanta and helped this pioneer black institution gain the national reputation for excellence it now enjoys. Dr. Mays was elected as the first black president of the Atlanta School Board during the height of the desegregation controversy, and helped forge the Atlanta plan for integration saying: "We must be neither male nor female, black nor white, district nor citywide, for we are all united at the feet of 90,000 children whom we are elected to serve."

Dr. Mays worked tirelessly for equality in all areas of society as a leading activist during the civil rights movement. He espoused a nonviolent approach to social change and inspired countless numbers of civil rights leaders, including Dr. Martin Luther King, Jr., who called Dr. Mays his spiritual mentor. Dr. Mays' life is testimony of his personal philosophy that: Whatever you do, strive to do it so well that no man living and no man dead and no man yet born could do it any better."

I am honored to represent the district that benefited so greatly from the many contributions of this remarkable leader. I am proud to serve on the board of directors of the Collections of Life & Heritage Museum, of which Dr. Mays was an honorary member until his death. "Dr. Benjamin E. Mays: A Legend Unveiled" will be exhibited from August 2–September 30, 1986, in honor of a man whose life continues to be an inspiration. I urge my colleagues to take advantage of the opportunity to see this fascinating exhibit and to pay tribute to this outstanding American.

"MISTER FOURTH OF JULY"

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. IRELAND. Mr. Speaker, I would like to bring to the attention of my colleagues the enthusiasm and patriotism of one of my constituents, Mr. Frank Rouse, of Bartow, FL. Frank, a native of Caltagirone, Sicily, is a naturalized American citizen who was recently named "Mister Fourth of July" by the city of Bartow.

Not only has Frank recently worked with the Committee for the Restoration of the Statue of Liberty, but for several years he has been the chief organizer of the Bartow annual Fourth of July celebration. The spirit which permeates this yearly event has attracted the attention of Floridians from all over the State. What began as a local celebration is now attended by thousands every year.

I think Frank's immigrant beginnings, devotion to the ideals represented by the Statue of Liberty, and continuing desire to give his allegiance and faithfulness to the United States demonstrates the new sense of pride and patriotism we all feel.

Frank Rouse's life since coming to this country has been based on a basic premise, one which embodies the spirit of our country today: From freedom comes opportunity; from opportunity comes growth; and, from growth comes progress. This is not a abstract formula. It is the vibrant, beating heart of the American experience.

Private initiative, as demonstrated so often by Frank Rouse, is fundamental to our American way of life. It is inseparable from the social, religious, political, and judicial institutions which form the bedrock of a Nation dedicated to individual freedom and human rights.

Mr. Speaker, in this the year of Lady Liberty's 100th birthday, I wish to commend Frank Rouse as one who has taken advantage of the opportunities provided by our great country, and who, at the same time, has committed himself to preserving the freedoms necessary for us to make a bright future for ourselves, our children, and grandchildren.

CRIME DECREASES SHARPLY IN WEST VIRGINIA

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. RAHALL. Mr. Speaker, the Federal Bureau of Investigation uniform crime reports released this past Sunday indicate that after 3 years of decline, serious crime in the United States rose 4.6 percent, to 12,430,026.

However, in my home State of West Virginia, the FBI reported that we had the largest decrease of any State in the Nation, a drop of 3.6 percent in crimes per 100,000 residents. West Virginia also had large decreases in the number of murders and property crimes per 100,000 residents.

The FBI report did not speculate on the cause of the increase nationwide. However, it is very heartening to me to see that we in West Virginia, while suffering under high unemployment and tough times, particularly in the coalfields, have not resorted to crime and violence as a result of our lagging economy. West Virginians have always prided themselves on being able to weather tough times and the latest FBI crime figures indicate that, once again, West Virginians are trying to bounce back through hard work and dedication, not crime. In tough times, the tough get tougher.

DIOCESE OF ALLENTOWN SILVER JUBILEE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. RITTER. Mr. Speaker, I wish to express my deep admiration for the Diocese of Allentown during this silver jubilee year marking its foundation in February 1961. This year's Seniorfest is planned for August 4, 1986, at Holy Family Manor in Bethlehem, PA, in conjunction with the yearlong diocesan celebrations. All diocesan senior citizens are invited to partcipate in a picnic, exhibits, and musical entertainment.

This lively involvement by the Allentown Diocese—comprised of Berks, Carbon, Lehigh, Northampton, and Schuylkill Counties—with the senior citizens is just one example of total commitment to youth, families, students, the ill, and every member of the entire community within its boundaries.

Under the 22-year leadership of its founding bishop and chief shepherd, Bishop Joseph McShea, the Diocese of Allentown has grown at a deliberate pace through consultation of priests and lay persons, attention to the regulation of new practices in worship, and to the extension of the work and mission of pastoral care.

Other nations and ethnic groups, both in this country and abroad, have been touched and helped by the Allentown Diocese through Operation Rice Bowl, local soup kitchens and organizations which focus on Spanish-speaking peoples and new immigrants. The Allentown Diocese can be proud of producing Msgr. Robert Coll, who originated Operation Rice Bowl with Mother Theresa of Calcutta. Monsignor Coll was called to work in the international community and is now employed by Catholic Relief Services.

The groundwork of pastoral care and education laid so well by Bishop McShea has been thoroughly and energetically continued by his successor, Bishop Thomas J. Welch, D.D., J.C.D. In 1983 Pope John Paul II appointed Bishop Welsh the new bishop of the Allentown Diocese. Bishop Welsh has developed the seeds of education, structures for pastoral care, and emphasis of family life and value. He has fostered openness to the entire community living in his diocese, including vibrant ethnic organizations such as the Slovak Catholic Federation, and he has promoted the regional encounter of the Tercer Encuentro, a conference on the Hispanic culture.

The Allentown Diocese, with its leadership past and present, deserves congratulations and high praise. In this diocese, we see a microcosm of local, regional, national, and international cooperation, care, and respect for life.

EXPLANATION OF MFN VOTE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1986

Mr. LIPINSKI. Mr. Speaker, I voted to table the discharge motion because I do not agree with the philosophy behind discharge petitions—not because I agree with granting most-favored-nation status to Romania. In my view, MFN has done little to change the oppresive nature of the Ceaucescu regime.

Human rights abuses continue to increase despite MFN. Amnesty International has reported that Romania has the terrible distinction of committing the highest number of human rights abuses per capita of any other country in the world. Along with this, the Ceaucescu regime has done nothing to curb its policy of cooption of churches and persecution of religious believers. National minorities, especially the Hungarians of Transylva-

nia, must still contend with regime-sponsored discrimination and extremely limited cultural freedom.

Granting MFN to a Communist country only makes sense if some movement toward individual liberty is made on the part of that country. Many Central and Eastern European ethnic organizations join me in feeling that this still remains to be seen.