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PROCEEDINGS AND DEBATES OF THE 100th CONGRESS, SECOND SESSION

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Senate

The Senate met at 12:15 p.m., and was called to order by the Honorable JOHN D. ROCKEFELLER IV, a Senator from the State of West Virginia.

PRAYER

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

Let us pray:

He hath showed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?—Micah 6:8.

Eternal God, ruler of history and the nations, strengthen the Senators for their tasks and grant them discernment in their responsibilities. Help them to maintain the delicate balance between representation and leadership. Deliver them from lowest-common-denominator consensus. Where else, O Lord, can the Nation look for leaders if not to its elected servants? Grant to Your servants the will to leadership that they will guide the people in what is needed rather than what is wanted—what is right when people demand what is inimical to the common good. Enable the Senators to prove their detractors wrong—to defuse cynicism—to be worthy of their high calling—to give the leadership our Nation so desperately needs in a time of moral anarchy and social decay. We pray in the name of Him who is righteousness incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 1, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN D. ROCKEFELLER IV, a Senator from the State of West Virginia, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. ROCKEFELLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

RESERVATION OF LEADERSHIP TIME

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the Democratic leader and the Republican leader be reserved for their use later in the day.

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

THE JOURNAL

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Is there objection? There being no objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond 12:45 p.m. with Senators permitted to speak therein for not to exceed 5 minutes.

WHY DOES THE GOVERNMENT LIVE BEYOND ITS MEANS? OMB THAT'S WHY

Mr. PROXMIRE. Mr. President, there is one fundamental weakness of our congressional war on the budget deficit. That weakness shatters the credibility of the whole Federal Government effort to follow a responsible fiscal policy. Here's the weakness: The Congress plans its budget directly on the estimates by the Office of Management and Budget and the Congressional Budget Office. Each year OBM estimates the revenues and expenditures of the Federal Government for the current and ensuing years. Those revenues and expenditure estimates tell us what the deficit is likely to be. Congress adjusts spending and taxes to meet the Gramm-Rudman goal. The estimates are absolutely crucial to achieving the deficit reduction purpose of Gramm-Rudman. And here is the crucial weakness of this law. The Gramm-Rudman law is failing. It is failing badly. Why? Here's why: The estimates of Federal spending and Federal revenues are consistently wrong.

Consider the dismal record. In every single year—without exception since 1980 the projected deficit from the first budget resolution has been wrong. Usually it has been painfully, in fact, ridiculously wrong. And in every one of these 8 years it has underestimated, I repeat, underestimated the deficit. Mr. President, this is an extraordinary consistency of underestimation. If anyone doesn't believe that this law as guided by OMB is stacked against deficit reduction just think about this record. The odds that in any one year the deficit will be underestimated in the first budget resolution are even. The odds that a fair and honest estimate will be too low in 2 successive years are 4-to-1 against. The chances of three underestimates in a row are 8-to-1 against. But this

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

failure has been consistent and consistently wrong for 8 years in a row. What are the odds against this if the estimates were honest, unbiased, and reasonable? The odds against this 8 straight years of underestimate of the deficit are 256 to 1 against.

If the budget estimates for 1988 and 1989 are also underestimates in the first resolution and every reasonable observer knows they will be, the odds against this deficit underestimation resulting from unbiased reasonably calculated estimates are better than 1,000 to 1 against.

What does this mean, Mr. President? This means that the Congress is going to continue to go through the motions of reducing the deficit. But we are going to fail. As a result the Federal deficit will continue out of control. The national debt will soar. Interest on the national debt will soon become the largest cost of operating our National Government. Here is a cost that has two terrible consequences. First, the huge expenditure for interest on the national debt provides no real benefit. It doesn't educate a single child. It doesn't build a home for a family. It doesn't provide even one soldier, sailor, or airman to protect our country. It does not protect the American people against environmental pollution. It is an absolutely useless waste of our country's resources. It is simply tribute paid for the Federal Government's past irresponsibility.

Second, that interest payment represents the one and only Federal expenditures that we cannot control. We must pay it in full, every nickel of it. We can cut spending on scientific research. We can cut spending on health. We can slash welfare. But we cannot reduce the interest our Government owes on its debt by a penny. Unlike other expenditures we cannot stretch it out. We cannot postpone it. We must pay it right on time.

And why is this interest cost sweeping on like a tidal wave? Because our deficits go on and on, out of control. The national debt increases. Certainly the combination of increased demand for credit and a reckless fiscal policy tend to drive up prices in the long run. As prices rise interest rates rise. This combination means a soaring climb in interest service on the national debt. One of the reasons the estimates are so far off is because OMB consistently predicts interest rates will fall. OMB continues its series of happy, rosy, and erroneous estimates year after year. In the OMB never-never land, unemployment falls. The GNP enjoys vigorous real growth. Meanwhile interest rates gracefully diminish. Our exports climb. Our imports diminish. All of this should speed up inflation. But not in the starry eyes of the OMB. For them the future always promises a declining rate of inflation. So, of course, they also foresee interest rates following a blissfully accommodating downward path.

Mr. President, all of this is fairy tale stuff. These are the kind of fantasies that fill the dreams of the suckers who spend their money to buy State lottery tickets. The odds of 256 to 1 against OMB doesn't discourage them from buying those dreamy deficit lottery tickets year after year. What a way to run the Government of the economic leader of the world.

SOUND OFF!—AMERICAN MILITARY WOMEN SPEAK OUT

Mr. PROXMIRE. Mr. President, an article in the New York Times highlights an important new book on women in the military.

The book is entitled "Sound Off!—American Military Women Speak Out" and was written by Carl and Dorothy Schneider, two retired professors from the University of Maryland.

Unlike other books concerning the military and military women, this books takes a refreshing first-person approach and provides the reader with the opinions and views of the people who presently make up 10 percent of the Nation's armed services.

Besides providing a firsthand view of women in the military, "Sound-Off" also addresses the critical issue of women in combat. The authors draw an important conclusion on the present combat-exclusion law saying:

A jumble of a few laws, multiple interpretations, and thousands of administrative decisions, it invites disagreement and frequent changes of practice.

In addition, the authors say:

The lack of a national policy endangers servicewomen and the national security. While the services report their conformity to the combat-exclusion law policy, the Department of Defense waffles, the Congress averts its eyes and the nation ignores the central problem of the dangers that service women will confront.

Anyone familiar with the current combat-exclusion laws and the present policies affecting military women will immediately recognize the obstacles the authors highlight. The DACOWITS report of last August and the GAO report of last November drew similar conclusions about the career obstacles and policy difficulties confronting military women.

The Schneiders have provided us with a valuable resource from which to base our discussion on the current laws affecting military women. They highlight the difficulties military women face in pursuing fulfilling and rewarding careers.

I urge my colleagues to take a close look at this informative book as we look for ways to bring coherence and consistency to the current laws so women can truly "be all that they can be" in the U.S. military.

Mr. President, I ask unanimous consent that the article from the New York Times entitled "A Few Good Women" be inserted in the RECORD at this time.

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

[From the New York Times, Feb. 28, 1988]

A FEW GOOD WOMEN

(By Richard Halloran)

Since the draft was ended and the nation resumed its reliance on volunteers for the armed forces 15 years ago, a once predominantly white, single and male institution has absorbed large numbers of black Americans, young married people and women.

It's widely agreed, within and without the services, that they have done well in assimilating blacks into the mainstream of military life. Not all is perfect, by any means, but the armed forces may have done more to provide equal opportunity to minorities than any other American institution.

Young married people now fill about a third of the junior enlisted ranks. That has compelled commanders to see that young families are cared for, especially when a husband and father is away at sea or in the field. Otherwise, he will not be attentive to duty and will not re-enlist.

The role of women in the armed forces, however, is unresolved. The armed forces, reflecting the society whence they come, have not yet reached a consensus on where women fit in. Even more than American society at large, the place of women in a still uniquely male subculture is undecided.

Among the main issues are sexual harassment, fraternization between men and women, duty assignments leading to promotion, medical care for women and the difficulties of handling a military career and a family at the same time.

At bottom, the main unanswered question is: What is the role of women in combat? Law and regulations preclude women from direct combat but definitions have been revised over the years to permit women to go more and more into harm's way. Even though earlier this month another step toward putting women closer to combat was taken when the Defense Department instructed the services to open more places for women to serve, including as marine guards at American embassies and in some long-range reconnaissance aircraft, the issue's resolution awaits a consensus among the American people and Congress, and that appears to be some years away.

Meanwhile, Dorothy and Carl J. Schneider have contributed a valuable book, "Sound Off!," on this issue. Now retired from academic life, they became interested in the problems of military women while teaching for the University of Maryland's Far Eastern Division at American bases in Asia.

Unlike many books by academics that are heavy on theory, analysis and turgid language, "Sound Off!" is an easy read and is filled with trenchant observations and with real people, mostly women, telling about their military experience in their own words. For instance, they quote an enlisted woman: "I know I'm making the same amount of money as a male in my rank. That's not to say that I won't be the first one picked to make coffee, but at least I know it's going to be equal pay."

An Army captain is forthright on dealing with the fears of the wives of the men she has been working alongside: "Who wants their husbands? I have to deal with them all day. I certainly don't want 'em at night!"

The authors observe: "The servicewoman's experience as a minority member in the military world depends partly on which service she enters, partly on her own personality and upbringing—whether she grew

up with brothers and how her father treated her."

On the critical issue of the military's policy on women and combat, the authors rightly assert: "A jumble of a few laws, multiple interpretations, and thousands of administrative decisions, it invites disagreement and frequent changes of practice."

They contend, again rightly, that the fault lies everywhere: "The lack of a national policy endangers servicewomen and the national security. While the services report their conformity to the combat-exclusion policy, the Department of Defense waffles, the Congress averts its eyes, and the nation ignores the central problem of the dangers that servicewomen will confront."

Even the Soviet Union and Israel, the authors say, "whose use of women in combat in time of war seized the popular imagination, don't enroll women in their peacetime military in anything like the numbers or the varieties of jobs that women have claimed in the United States military."

While criticizing the failure of the nation and the services to resolve this issue, however, the authors do not propose a solution of their own. Instead, they quote retired Army Brig. Gen. Mildred Hedberg: "We're going to have to educate the American public. Further change is going to have to be the will of the people."

Unhappily, there are other shortcomings that make this book not all it could have been, and the flaws as those a careful editor should have caught. The authors betray a lack of familiarity with military life; the book is sprinkled with mistakes that do not detract from its argument but erode the confidence of the reader. The authors often fail to explain the lingo military women use, and those unlettered in the language of the armed forces will be baffled. Too often, the writers fail to identify sufficiently the women who are quoted.

Perhaps most important, the book fails to distinguish between those things common to men and women in uniform and those that apply only to women. A female lieutenant complains that master sergeants repeatedly tested her authority. Any man who was ever a shavetail would say the same, and I speak from personal experience. Lastly, and this is clearly the publisher's fault, the book lacks an index.

Those shortcomings aside, "Sound Off!" has a solid ring of authenticity. The Schneiders quote a female parachute rigger who must jump to test the chutes. "Once you get out of that plane," she says, "it's you and God." To that, too, I can personally attest.

Mr. PROXMIRE. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PRESERVING THE DEFENSE INDUSTRIAL BASE OF THE UNITED STATES

Mr. DIXON. In November of last year, I introduced a bill, S. 1892, designed to preserve the U.S. defense industrial base. I will be sending a letter to my colleagues shortly to update everyone on the status of this effort. The problem of increasing use of foreign sources for critical components of U.S. military systems, I regret to say, continues, as does the diminishing capacity of U.S. firms to compete fairly in world markets. I would like to cite just a few examples of the problem we are facing.

A French defense contractor approached one of our leading aerospace manufacturers to propose a joint venture on the advanced tactical fighter [ATF]. However, when the United States company requested reciprocal arrangements on French military systems, they were turned down because they were reserved only for companies in the French industrial base.

Lukens steel has been a major provider of plate steel to the defense industry. Recently, the Department of Defense imported armor plate from Belgium and France through memorandums of understanding [MOU]. The market for armor plate in the United States is small. Since 1980, three major producers have closed, and only two major and one small producer remain. Lukens' attempts to be allowed to compete in both Belgium and French markets have been unsuccessful.

Gears are a small but critical component in defense weapon systems. Today, approximately 25 percent of all defense gearing products are from foreign sources. A major percentage of ship gearings are now coming from overseas producers. When the U.S.S. *Iowa* became inoperable in 1986, because of the loss of critical gears, a U.S. manufacturer was able to supply a replacement within 72 hours. Foreign producers cannot provide the ready and rapid response that is often necessary for repair and replacement. U.S. suppliers often can. U.S. gear manufacturers are continually being underbid by foreign companies subsidized by their governments, and not allowed, in turn, to compete in the foreign markets.

At this time, I also wish to address a serious issue directly related to maintaining the defense industrial base of this country. I will soon introduce companion legislation to S. 1892, intended to regulate and control the growing size and number of offset agreements that have become the normal, if unhealthy, condition of the foreign sale of our military systems.

Offsets are any arrangement where U.S. industry shares the production of a military system or purchases items from a foreign country to offset an established percentage of the cost of a foreign sale. I do not believe that offset deals are good for the economy or the national security of the United States. These arrangements have increased in the past decade from 50 percent of the value of a sale to 130 percent of the recent sale of Boeing's E-3 AWACS aircraft to France and Great Britain.

There are many types of offsets. Some proponents in Government and industry will argue that offsets are good for America. They can create jobs for our prime contractors and increase commonality and interoperability with our allies. I would agree that in some cases this is true. But I would say that we should not let short-term profits lead to long-term decline of the industrial base. The transfer of American technology has led to increased foreign competition, unfavorable balance of trade, taken jobs from U.S. workers and increased the cost of military systems and their subcomponents. One subcontractor, not from my State, has provided us with data showing that they were forced to give up over $130 million in sales as part of offset arrangements in just 1 year. That is just one subcontractor in just 1 year. Imagine what that means to American industry if you multiply that effect among all levels of industry. You reach an inescapable conclusion that offsets are hurting U.S. jobs, taking money out of our economy, and damaging our industrial base.

America no longer has the luxury of being far ahead of the rest of the world in manufacturing and production. It isn't that we have fallen behind, but that the industrialized world has caught up, often with our help. Americans are generous people. We have given freely of economic and military aid to help our allies since the Second World War. We have helped rebuild the industries of Western Europe and Japan. We have supported Third World countries like South Korea until they are our competitors. It is in our interest to have strong allies and we do not begrudge them their success. However, it must be understood that a number of our friends and allies are competing against us using technology that was developed in America. We have given it or traded it away as the price of doing business or for perceived defense or diplomatic reason. For example, the Japanese civilian aircraft industry has been developed as a direct result of a series of coproduction and licensing agreements with United States companies. The F-15 sale to Japan allowed them to use the advanced technology from the aircraft and engines to develop a commercial aircraft that now competes with U.S. companies. An Italian manufacturer is now producing a missile with technology they derived from a United States company and are now competing against that company in the world market.

According to reports of the General Accounting Office and internal Defense Department studies, there is no comprehensive national policy on defense offsets to guide government or industry. Furthermore, there is no single agency with the lead in dealing with offsets. My bill will designate the Department of Defense, in coordination with the Department of Commerce, with the responsibility for establishing an offset policy to monitor

and control offset arrangements that involve military systems.

I have been accused by the press, members of industry, and some of my colleagues of introducing protectionist legislation. To the contrary. I believe strongly in free trade. My bills are designed to build America, not buy America. I support the two-way street, but I oppose the one way or dead end street. My office has found many examples of U.S. companies having to compete on an unfair basis with foreign competitors, or not being allowed to compete at all for foreign procurements. The United States has opened its acquisitions to get the best product at the best price, either foreign or domestic. All we ask is that everyone compete on a fair and level playing field. Let us preserve, not protect, America's industrial capabilities. Every industrial country in the world and many Third World countries have an industrial base policy. It is time for America to join the ranks of her friends and allies, and plan for the future.

RECESS UNTIL 2 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 12:45 p.m. having arrived, the Senate will now stand in recess until the hour of 2 p.m.

There being no objection, the Senate, at 12:45 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BUMPERS].

CONCLUSION OF MORNING BUSINESS

Mr. HEINZ. Mr. President, it is my understanding that we are still in morning business?

The PRESIDING OFFICER. The time for morning business has expired.

Mr. HEINZ. Very well.

WORLD BANK MEXICAN STEEL LOAN

Mr. HEINZ. Mr. President, I join today with my colleague, the Senator from Ohio [Mr. METZENBAUM], in offering this resolution in opposition to the proposed World Bank loan of $400 million to Mexico for the restructuring of its steel industry. This proposal could not possibly have come at a worse time.

First, the global steel market is in disarray. Excess capacity abounds. In the United States, we have shed some 50 million tons of capacity since our peak in the mid-1970's. The European Community has undergone a similar reduction. That reduction has been exceeded in this country only by the reduction in jobs. Over 56 percent of the steel labor force has disappeared in the last 12 years, and steel industry employment is now at its lowest level since 1933 at the height of the Depression Anyone who has been to western Pennsylvania or eastern Ohio knows first hand the pain and misery that these layoffs have meant not just for individuals and families but for entire neighborhoods and communities.

The lack of a forward-looking steel revitalization policy in this country has debilitated the industry and squandered one of our most precious resources—our skilled workers. The President's Steel Program of voluntary restraints helped prevent a bad situation from getting worse and, more recently, has had some helpful impact in improving capacity utilization. Yet, nowhere in this process has there been an effort to look at the industry's longer term future and to develop a set of policies that help address the needs of this critical economic sector.

Senator METZENBAUM and I last year introduced major restructuring legislation designed to help the integrated companies cope with their ever-increasing pension burdens outside bankruptcy court. That bill would protect retirees, companies, and taxpayers alike by helping defuse what can only be called a financial time bomb. A few quarters of profits have given us the luxury of not thinking about the industry's problems, but they have not gone away by any means. Indeed, on a long term basis, they are more severe than ever.

In the midst of this continuing crisis, then, it is particularly distressing to see our Government going along with a World Bank bailout of the Mexican steel industry.

A $400 million bailout at that in the form of a so-called loan to the Mexican steel industry, which has an almost minuscule capacity, about 10 million tons, is the equivalent of a $4 billion loan to the United States steel industry—a level of direct financial support nobody has even come close to suggesting our producers ought to receive. Let me repeat that. The Mexican steel industry, which is getting a $400 million loan for 10 million tons of capacity, is getting the equivalent in this country of what would be a $4 billion Government bailout to our 100 million-ton capacity domestic steel industry.

Mr. President, I know those numbers are incredible, but they are accurate. Although this loan will not by itself create additional new capacity in Mexico, it will lead to very big production increases which will further clog international steel markets and it will make the Mexican industry, which now is not competitive, much more competitive, and at whose expense? The answer, Mr. President, is at the expense of other industries, other countries, and, in particular, our steel industry and our steelworkers, which are somehow expected to achieve the same results on their own with no Government help.

Although this loan will not by itself create new capacity, it will lead to production increases which will further clog international steel markets, and it will make the Mexican industry more competitive at the expense of other industries, like ours, which are being expected to achieve the same results on their own.

It is fair to say, Mr. President, that the Mexican Government appears to have made some useful promises in connection with the loan with respect to eliminating certain subsidies and price controls. But I have some questions as to whether the commitments are sufficient to provide for fair trade in steel, but I also object to what is essentially bribing a country to do what is in its own economic interest.

I would rather focus our Government's efforts on facilitating a more modern, more competitive U.S. industry, in supporting the pension legislation which Senator METZENBAUM and I have authored, which I earlier mentioned, and in developing a stronger worker adjustment and retraining program for laid off steelworkers and others.

On that point, Mr. President, it is something of a travesty that we only spend this year some $50 million for the entire Trade Readjustment Assistance Program, which is supposed to benefit all displaced American workers, no matter from what industry they are displaced. For the World Bank to spend eight times as much money, some of it our money, to put more American steelworkers out of work is both pernicious and grossly unfair.

This loan will be harmful to the global steel industry and to our producers and workers in particular. It should be opposed for that reason. What is also particularly distressing, about it, if I might add, is what it says about our own Government's willingness to focus on our needs when it is thinking about other people's requests for help.

Mr. President, we cannot afford the luxury of focusing on other people's needs before looking after our own first, and it is past the time, Mr. President, that we recognized that fact.

Mr. President, in due course Senator METZENBAUM will be offering this resolution for himself, myself, and others. I commend it to our colleagues. I urge our colleagues to join in cosponsoring Senator METZENBAUM'S resolution. I see the Senator from Ohio on the floor.

I take this occasion to commend the Senator from Ohio [Mr. METZENBAUM] for authoring the resolution that he will shortly introduce. Mr. President, I thank the Chair. I thank my colleagues.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I will be happy to yield to the distinguished Senator from Ohio if he wishes to make a statement. I plan to go to the polygraph bill shortly, but I am awaiting the arrival of Mr. SIMPSON, who is

presently detained temporarily in a conference.

Mr. METZENBAUM. I thank the leader.

The PRESIDING OFFICER [Mr. ADAMS]. The Senator from West Virginia has yielded to the Senator from Ohio.

WORLD BANK LOAN FOR MEXICO'S STEEL INDUSTRY

Mr. METZENBAUM. Mr. President, I send a sense-of-the-Senate resolution to the desk, on behalf of myself, Senator HEINZ and Senator DIXON regarding a World Bank loan for Mexico's steel industry.

Two days from now, the World Bank is scheduled to consider approving a $400 million loan to help Mexico restructure its ailing steel industry.

The administration thinks its a good idea.

They couldn't be more wrong.

How can the United States, as a prominent member of the World Bank help Mexico turn its steel industry around with subsidized financing when it will not lift a finger for the steel indusry here at home?

Why back an effort which could help a foreign country make more and better steel? There's already worldwide overcapacity.

Why back an effort which could wind up costing American workers their jobs?

It isn't fair.

It doesn't make sense.

Certainly I'm concerned about Mexico's financial woes. The stability of our friend and neighbor is critical to our own national interest.

But I'm just as concerned about the need to maintain a strong domestic steel industry. That's critical to our national interest too.

It makes no sense to provide subsidies to help Mexico restructure its steel industry while turning a deaf ear to domestic steel companies and workers.

But that is the present course of our Government.

Indeed, the administration has called it folly to pump Federal dollars into domestic steel companies.

This administration calls saving American jobs "folly."

I call their steel policy a three-ring circus.

The administration boasts that Mexico has agreed to change its own subsidy and pricing practices for steel as a concession for obtaining this loan. For instance, they say Mexico has expressed a willingness to raise its own low energy prices which have helped keep the cost of Mexican steel down.

This, the administration argues, will help make Mexican steel more competitive with U.S. steel.

It's outrageous for the administration to support a policy that would modernize our foreign competitors. It's nonsense for the administration to enable Mexico to produce more with less, all at the expense of the United States' industry.

If this is part of the administration's "competitiveness" strategy then it is the most absurd investment our Nation could make.

In fact, Mr. President, it is such a bad idea the administration has been too embarrassed to share it with us.

It was only yesterday that the administration informed some of our staffs about the proposed loan. They gave us less than 3 days' notice.

Mr. President, Mexico is facing an economic crisis. It needs our help, and we should do all we can to be a good friend to our neighbor. But I'm sure the U.S. Government, and the World Bank, can find more worthwhile projects to support than this one.

Our Government has the ability to block this loan. The U.S. Government provides the World Bank with 20 percent of its funding. It has a crucial voice in deciding which projects are funded. It is a voice that needs to be raised to just say no.

That is why I am offering this sense-of-the-Senate resolution today urging the U.S. Government to use its best efforts to prevent the approval of this loan.

Over the past decade, U.S. steel companies have lost billions of dollars. Bankruptcies have proliferated. Plants have shutdown and communities have been destroyed. Precious Federal resources should be aimed at helping American workers and industry, not revitalizing a foreign one.

I urge my colleagues to support this sense-of-the-Senate resolution.

Mr. President, I ask unanimous consent at this point that I include in the RECORD a letter from Bethlehem Steel Corp., and another letter from LTV Corp.

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

LTV STEEL CO.,
Cleveland, OH, March 1, 1988.

Hon. HOWARD METZENBAUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR METZENBAUM: Yesterday we were advised by representatives of the Department of Treasury that the World Bank intends to provide a $400 million loan to the Mexican steel industry for its restructuring and modernization. This loan is justified on the basis that Mexico intends to reduce its trade restrictions and some Mexican steel industry capacity will be eliminated.

We believe that loan should be opposed by the Treasury Department. Worldwide steel over capacity is recognized as a "root" problem to the world steel industry's current dilemma. This proposal, while eliminating some inefficient capacity, appears to, through its modernization program, have the effect of increasing the Mexican steel industry's net capacity, particularly in quality flat rolled steel products.

We believe it is fundamentally wrong to use U.S. taxpayer dollars to subsidize restructuring and modernization of the Mexican steel industry. The end result can only exacerbate the world over capacity problem, limit United States export opportunities and, absent VRA continuation, further threaten the domestic steel marketplace.

We urge to oppose this action.

Very truly yours,

DAVID L. CARROLL,
Vice President, Public Affairs.

BETHLEHEM STEEL CORP.,
Bethlehem, PA, March 1, 1988.

Hon. HOWARD M. METZENBAUM,
Senate Office Building,
Washington, DC.

DEAR HOWARD: I have just learned of the proposed World Bank loan of $400 million to assist the Mexican steel industry in its restructuring efforts. This initiative appears to be proceeding despite the continuing world steel crisis and despite the Mexican government's deplorable record in managing its state-owned Sidermex steel producing operations.

I strongly object to any such loan unless and until a clear case has been made before the Steel Caucus on its merits. I would greatly appreciate any efforts by you and your Senate colleagues to assure that the World Bank is working toward the common good before any such loan is made.

Yours truly,

WALTER F. WILLIAMS.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that additional Senators may be added as original cosponsors before the close of business this day.

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

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the resolution be held at the desk pending further action of this body.

Mr. BYRD. Reserving the right to object, Mr. President, may I say that there is a request for this to be referred to the committee, to the Foreign Relations Committee. There would be an objection to holding it at the desk. If the Senator would change his request to that of asking that it be held at the desk for the remainder of the day and then be referred to the committee, I do not think I would have to object to that.

I am in sympathy with the objective of the Senator because I have steel mills in my State, of course, and I am interested in this matter. But I do have an objection that I would have to make on behalf of another Senator. If the Senator will change his request as I have proposed, I believe that would be agreeable.

Mr. METZENBAUM. Under the circumstances, the Senator from Ohio would change his unanimous consent request that it be held at the desk for the balance of the business day, and then referred to committee unless further action is dictated by the body prior thereto.

The PRESIDING OFFICER. Without objection, the resolution will be held at the desk for the remainder of the day, and the resolution will be referred to the appropriate committee.

ORDER OF PROCEDURE

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I have been discussing with the distinguished acting Republican leader our going to the polygraph bill, Calendar Order No. 528, S. 1904. I understand from the distinguished acting Republican leader that there would be an objection. I shall move, and I also understand from the distinguished acting Republican leader, and Mr. HELMS, that there will be a request for the yeas and nays on the motion.

Mr. President, I would suggest that Senators be informed by our respective Cloakrooms that the vote will occur shortly. I will put in a brief quorum so the Cloakrooms may get out that message. Before I make the motion I would be happy to yield to the distinguished acting Republican leader for anything that he might wish to say at this point.

Mr. SIMPSON. Mr. President, indeed the majority leader has been very cooperative in sharing with those of us on this side of the aisle what his intention is today and even into the week. Because of the adjournment yesterday we are in the position of morning business where we are to receive a nondebatable motion to proceed to S. 1904, it is perfectly appropriate in every way, and we have those who have objected to any type of ordinary procedure to get to that, and under the rules here. I do appreciate the opportunity to vote on the motion to proceed. That will be expected within a very few minutes.

I assume, then, that I might pass on to those on this side of the aisle and to all of the Senators that additional votes could occur indeed during the remainder of the session today. I doubt seriously that this matter is going to be resolved today. I do not know in the totality of things that we will find out soon.

But we are here to make progress on that. Then if disposed of in timely fashion, we will go on to either the Price-Anderson legislation or the intelligence oversight legislation as the majority leader would direct. Is that the general understanding? I inquire of the majority leader.

Mr. BYRD. Mr. President, yes. It is the understanding. I hope that during this week the Senate would be able to proceed to the congressional oversight legislation, Calendar Order No. 521, S. 1721 that came out of the Select Committee on Intelligence, and also the Price-Anderson legislation. It would be my present inclination to try to take up the House bill, not necessarily in that order.

But those are the two other pieces of legislation that I hope we could deal with this week and it could be one or the other, and then the other before the one. But I hope that the Senate will not be unduly delayed in completing action on the polygraph bill. But in answer to the distinguished acting Republican leader those two bills to which he has referred are the two measures that I would hope the Senate could complete action on this week or at least take some action on one or both this week before we got out. I do anticipate the Senate being in a full week through Friday with votes.

Mr. SIMPSON. Mr. President, I thank the distinguished majority leader. Indeed, it is helpful to have this agenda because, as we do the ritual known as holds, those are not for purposes of total obstruction. They are essentially for the purpose of notifying the Members that they need to be prepared for this debate and get involved and ready themselves, and that is, therefore, very helpful, I think, on both sides of the aisle as we look at that kind of an agenda. I thank the majority leader.

Mr. BYRD. Yes. In many instances, those holds are for that purpose, as the assistant Republican leader has said, of informing Senators that the measure is about to be called up. They may have amendments they wish to debate, and so on.

POLYGRAPH PROTECTION ACT OF 1987

Mr. BYRD. Mr. President, I now move that the Senate proceed to consideration of Calendar Order No. 528, S. 1904.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

Mr. BYRD. Mr. President, I believe the Senator from North Carolina wishes to ask for the yeas and nays.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, this is not a debatable motion. I ask unanimous consent to proceed for 15 seconds.

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

Mr. BYRD. Mr. President, this motion is not debatable. I had said I would suggest the absence of a quorum.

I ask unanimous consent that the call for the regular order be automatic at the end of 15 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the motion to proceed to the consideration of S. 1904, Calendar Order No. 528, a bill to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE], the Senator from Oregon [Mr. PACKWOOD], and the Senator from New Hampshire [Mr. RUDMAN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 74, nays 19, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—74

Adams	Evans	Melcher
Armstrong	Exon	Metzenbaum
Baucus	Ford	Mikulski
Bentsen	Fowler	Mitchell
Bingaman	Glenn	Moynihan
Boren	Graham	Nunn
Boschwitz	Grassley	Pell
Bradley	Harkin	Proxmire
Breaux	Hatch	Pryor
Bumpers	Hatfield	Reid
Burdick	Heflin	Riegle
Byrd	Heinz	Rockefeller
Chafee	Hollings	Roth
Chiles	Humphrey	Sanford
Cohen	Inouye	Sarbanes
Conrad	Johnston	Sasser
Cranston	Kassebaum	Shelby
D'Amato	Kasten	Simpson
Danforth	Kennedy	Specter
Daschle	Kerry	Stafford
DeConcini	Lautenberg	Stennis
Dixon	Leahy	Weicker
Dodd	Levin	Wilson
Domenici	Lugar	Wirth
Durenberger	McCain	

NAYS—19

Bond	McClure	Symms
Cochran	McConnell	Thurmond
Garn	Murkowski	Trible
Gramm	Nickles	Wallop
Hecht	Pressler	Warner
Helms	Quayle	
Karnes	Stevens	

NOT VOTING—7

Biden	Matsunaga	Simon
Dole	Packwood	
Gore	Rudman	

So the motion was agreed to.

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 1904) to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Polygraph Protection Act of 1987".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) COMMERCE.—The term "commerce" has the meaning provided by section 3(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(b)).

(2) EMPLOYER.—The term "employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee or prospective employee.

(3) LIE DETECTOR TEST.—The term "lie detector test" includes—

(A) any examination involving the use of any polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device (whether mechanical, electrical, or chemical) that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual; and

(B) the testing phases described in paragraphs (1), (2), and (3) of section 8(c).

(4) POLYGRAPH.—The term "polygraph" means an instrument that records continuously, visually, permanently, and simultaneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards.

(5) RELEVANT QUESTION.—The term "relevant question" means any lie detector test question that pertains directly to the matter under investigation with respect to which the examinee is being tested.

(6) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(7) TECHNICAL QUESTION.—The term "technical question" means any control, symptomatic, or neutral question that, although not relevant, is designed to be used as a measure against which relevant responses may be measured.

SEC. 3. PROHIBITIONS ON LIE DETECTOR USE.

Except as provided in section 7, it shall be unlawful for any employer engaged in or affecting commerce or in the production of goods for commerce—

(1) directly or indirectly, to require, request, suggest, or cause any employee or prospective employee to take or submit to any lie detector test;

(2) to use, accept, refer to, or inquire concerning the results of any lie detector test of any employee or prospective employee;

(3) to discharge, dismiss, discipline in any manner, or deny employment or promotion to, or threaten to take any such action against—

(A) any employee or prospective employee who refuses, declines, or fails to take or submit to any lie detector test; or

(B) any employee or prospective employee on the basis of the results of any lie detector test; or

(4) to discharge, discipline, or in any manner discriminate against an employee or prospective employee because—

(A) such employee or prospective employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act;

(B) such employee or prospective employee has testified or is about to testify in any such proceeding; or

(C) of the exercise by such employee, on behalf of such employee or another person, of any right afforded by this Act.

SEC. 4. NOTICE OF PROTECTION.

The Secretary shall prepare, have printed, and distribute a notice setting forth excerpts from, or summaries of, the pertinent provisions of this Act. Each employer shall post and maintain such notice, in conspicuous places on its premises where notices to employees and applicants to employment are customarily posted.

SEC. 5. AUTHORITY OF THE SECRETARY.

(a) IN GENERAL.—The Secretary shall—

(1) issue such rules and regulations as may be necessary or appropriate to carry out this Act;

(2) cooperate with regional, State, local, and other agencies, and cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of this Act; and

(3) make investigations and inspections and require the keeping of records necessary or appropriate for the administration of this Act.

(b) SUBPOENA AUTHORITY.—For the purpose of any hearing or investigation under this Act, the Secretary shall have the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50).

SEC. 6. ENFORCEMENT PROVISIONS.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Subject to paragraph (2)—

(A) any employer who violates section 4 may be assessed a civil money penalty not to exceed $100 for each day of the violation; and

(B) any employer who violates any other provision of this Act may be assessed a civil penalty of not more than $10,000.

(2) DETERMINATION OF AMOUNT.—In determining the amount of any penalty under paragraph (1), the Secretary shall take into account the previous record of the person in terms of compliance with this Act and the gravity of the violation.

(3) COLLECTION.—Any civil penalty assessed under this subsection shall be collected in the same manner as is required by subsections (b) through (e) of section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853) with respect to civil penalties assessed under subsection (a) of such section.

(b) INJUNCTIVE ACTIONS BY THE SECRETARY.—The Secretary may bring an action to restrain violations of this Act. The district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with this Act.

(c) PRIVATE CIVIL ACTIONS.—

(1) LIABILITY.—An employer who violates this Act shall be liable to the employee or prospective employee affected by such violation. Such employer shall be liable for such legal or equitable relief as may be appropriate, including but not limited to employment, reinstatement, promotion, and the payment of lost wages and benefits.

(2) COURT.—An action to recover the liability prescribed in paragraph (1) may be maintained against the employer in any Federal or State court of competent jurisdiction by any one or more employees for or in behalf of himself or themselves and other employees similarly situated.

(3) COSTS.—The court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

(d) WAIVER OF RIGHTS PROHIBITED.—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement of a pending action or complaint, agreed to and signed by all the parties.

SEC. 7. EXEMPTIONS.

(a) NO APPLICATION TO GOVERNMENTAL EMPLOYERS.—The provisions of this Act shall not apply with respect to the United States Government, a State or local government, or any political subdivision of a State or local government.

(b) NATIONAL DEFENSE AND SECURITY EXEMPTION.—

(1) NATIONAL DEFENSE.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to—

(A) any expert or consultant under contract to the Department of Defense or any employee of any contractor of such Department; or

(B) any expert or consultant under contract with the Department of Energy in connection with the atomic energy defense activities of such Department or any employee of any contractor of such Department in connection with such activities.

(2) SECURITY.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any intelligence or counterintelligence function, of any lie detector test to—

(A)(i) any individual employed by, or assigned or detailed to, the National Security Agency or the Central Intelligence Agency, (ii) any expert or consultant under contract to the National Security Agency or the Central Intelligence Agency, (iii) any employee of a contractor of the National Security Agency or the Central Intelligence Agency, or (iv) any individual applying for a position in the National Security Agency or the Central Intelligence Agency; or

(B) any individual assigned to a space where sensitive cryptologic information is produced, processed, or stored for the National Security Agency or the Central Intelligence Agency.

(c) EXEMPTION FOR FBI CONTRACTORS.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to an employee of a contractor of the Federal Bureau of Investigation of the Department of Justice who is engaged in the performance of any work under the contract with such Bureau.

(d) LIMITED EXEMPTION FOR ONGOING INVESTIGATIONS.—Subject to section 8, this Act shall not prohibit an employer from requesting an employee to submit to a polygraph test if—

(1) the test is administered in connection with an ongoing investigation involving economic loss or injury to the employer's business, including theft, embezzlement, misappropriation, or an act of unlawful industrial espionage or sabotage;

(2) the employee had access to the property that is the subject of the investigation;

(3) the employer has a reasonable suspicion that the employee was involved in the incident or activity under investigation; and

(4) the employer—

(A) files a report of the incident or activity with the appropriate law enforcement agency;

(B) files a claim with respect to the incident or activity with the insurer of the employer, except that this subparagraph shall not apply to a self-insured employer;

(C) files a report of the incident or activity with the appropriate government regulatory agency; or

(D) executes a statement that—

(i) sets forth with particularity the specific incident or activity being investigated and the basis for testing particular employees;

(ii) is signed by a person (other than a polygraph examiner) authorized to legally bind the employer;

(iii) is provided to the employee on request;

(iv) is retained by the employer for at least 3 years; and

(v) contains at a minimum—

(I) an identification of the specific economic loss or injury to the business of the employer;

(II) a statement indicating that the employee had access to the property that is the subject of the investigation; and

(III) a statement describing the basis of the employer's reasonable suspicion that the employee was involved in the incident or activity under investigation.

SEC. 8. RESTRICTIONS ON USE OF EXEMPTIONS.

(a) OBLIGATION TO COMPLY WITH CERTAIN LAWS AND AGREEMENTS.—The limited exemption provided under section 7(d) shall not diminish an employer's obligation to comply with—

(1) applicable State and local law; and

(2) any negotiated collective bargaining agreement,

that limits or prohibits the use of lie detector tests on employees.

(b) TEST AS BASIS FOR ADVERSE EMPLOYMENT ACTION.—Such exemption shall not apply if an employee is discharged, dismissed, disciplined, or discriminated against in any manner on the basis of the analysis of one or more polygraph tests or the refusal to take a polygraph test, without additional supporting evidence. The evidence required by section 7(d) may serve as additional supporting evidence.

(c) RIGHTS OF EXAMINEE.—Such exemption shall not apply unless the requirements described in section 7 and paragraphs (1), (2), and (3) are met.

(1) PRETEST PHASE.—During the pretest phase, the prospective examinee—

(A) is provided with reasonable notice of the date, time, and location of the test, and of such examinee's right to obtain and consult with legal counsel or an employee representative before each phase of the test;

(B) is not subjected to harassing interrogation technique;

(C) is informed of the nature and characteristics of the tests and of the instruments involved;

(D) is informed—

(i) whether the testing area contains a two-way mirror, a camera, or any other device through which the test can be observed;

(ii) whether any other device, including any device for recording or monitoring the conversation will be used; or

(iii) that the employer and the examinee, may with mutual knowledge, make a recording of the entire proceeding;

(E) is read and signs a written notice informing such examinee—

(i) that the examinee cannot be required to take the test as a condition of employment;

(ii) that any statement made during the test may constitute additional supporting evidence for the purposes of an adverse employment action described in section 8(b);

(iii) of the limitations imposed under this section;

(iv) of the legal rights and remedies available to the examinee if the polygraph test is not conducted in accordance with this Act; and

(v) of the legal rights and remedies of the employer; and

(F) is provided an opportunity to review all questions (technical or relevant) to be asked during the test and is informed of the right to terminate the test at any time; and

(G) signs a notice informing such examinee of—

(i) the limitations imposed under this section;

(ii) the legal rights and remedies available to the examinee if the polygraph test is not conducted in accordance with this Act; and

(iii) the legal rights and remedies of the employer.

(2) ACTUAL TESTING PHASE.—During the actual testing phase—

(A) the examinee is not asked any questions by the examiner concerning—

(i) religious beliefs or affiliations;

(ii) beliefs or opinions regarding racial matters;

(iii) political beliefs or affiliations;

(iv) any matter relating to sexual behavior; and

(v) beliefs, affiliations, or opinions regarding unions or labor organizations;

(B) the examinee is permitted to terminate the test at any time;

(C) the examiner does not ask such examinee any question (technical or relevant) during the test that was not presented in writing for review to such examinee before the test;

(D) the examiner does not ask technical questions of the examinee in a manner that is designed to degrade, or needlessly intrude on, the examinee;

(E) the examiner does not conduct a test on an examinee when there is written evidence by a physician that the examinee is suffering from a medical or psychological condition or undergoing treatment that might cause abnormal responses during the test; and

(F) the examiner does not conduct and complete more than five polygraph tests on a calendar day on which the test is given, and does not conduct any such test for less than a 90-minute duration.

(3) POST-TEST PHASE.—Before any adverse employment action, the employer must—

(A) further interview the examinee on the basis of the results of the test; and

(B) provide the examinee with—

(i) a written copy of any opinion or conclusion rendered as a result of the test; and

(ii) a copy of the questions asked during the test along with the corresponding charted responses.

(d) QUALIFICATIONS OF EXAMINER.—Such exemptions shall not apply unless the individual who conducts the polygraph test—

(1) is at least 21 years of age;

(2) has complied with all required laws and regulations established by licensing and regulatory authorities in the State in which the test is to be conducted;

(3)(A) has successfully completed a formal training course regarding the use of polygraph tests that has been approved by the State in which the test is to be conducted or by the Secretary; and

(B) has completed a polygraph test internship of not less than 6 months duration under the direct supervision of an examiner who has met the requirements of this section;

(4) maintains a minimum of a $50,000 bond or an equivalent amount of professional liability coverage;

(5) uses an instrument that records continuously, visually, permanently, and simultaneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards;

(6) bases an opinion of deception indicated on evaluation of changes in physiological activity or reactivity in the cardiovascular, respiratory, and electrodermal patterns on the lie detector charts;

(7) renders any opinion or conclusion regarding the test—

(A) in writing and solely on the basis of an analysis of the polygraph charts;

(B) that does not contain information other than admissions, information, case facts, and interpretation of the charts relevant to the purpose and stated objectives of the test; and

(C) that does not include any recommendation concerning the employment of the examinee; and

(8) maintains all opinions, reports, charts, written questions, lists, and other records relating to the test for a minimum period of 3 years after administration of the test.

(e) PROMULGATION OF STANDARDS.—The Secretary shall establish standards governing individuals who, as of the date of the enactment of this Act, are qualified to conduct polygraph tests in accordance with applicable State law. Such standards shall not be satisfied merely because an individual has conducted a specific number of polygraph tests previously.

SEC. 9. DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—A person, other than the examinee, may not disclose information obtained during a polygraph test, except as provided in this section.

(b) PERMITTED DISCLOSURES.—A polygraph examiner, polygraph trainee, or employee of a polygraph examiner may disclose information acquired from a polygraph test only to—

(1) the examinee or any other person specifically designated in writing by the examinee;

(2) the employer that requested the test; or

(3) any person or governmental agency that requested the test as authorized under subsection (a), (b), or (c) of section 7 or any other person, as required by due process of law, who obtained a warrant to obtain such information in a court of competent jurisdiction.

(c) DISCLOSURE BY EMPLOYER.—An employer (other than an employer covered under subsection (a), (b), or (c) of section 7) for whom a polygraph test is conducted may disclose information from the test only to a person described in subsection (b).

SEC. 10. EFFECT ON OTHER LAW AND AGREEMENTS.

This Act shall not preempt any provision of any State or local law, or any negotiated collective bargaining agreement, that is more restrictive with respect to the administration of lie detector tests than this Act.

SEC. 11. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall become effective 6 months after the date of enactment of this Act.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue such rules and regulations as may be necessary or appropriate to carry out this Act.

Mr. KENNEDY. Mr. President, it is quite apparent from the vote that was just taken that the Senate is prepared to debate this issue and hopefully reach an early conclusion to its consideration. I have talked with both my colleague and principal cosponsor, the Senator from Utah, as well as the majority leader—I have not had that opportunity with the minority leader—to try and spell out at least some kind of program for the benefit of the Members so that we would know how we might proceed and that we may move in an orderly way, taking such time as is necessary for the consideration of various amendments, but, nonetheless, to move on through the various amendments in an orderly procedure.

I do not know the disposition of those that are in opposition to the legislation, whether they are prepared to enter into any time agreement or not at this time or at any time. I would inquire, if there would be such a disposition or if there would be objection to

such disposition because, if there was no objection, then I would seek out the majority leader and see if he would propose some kind of a time consideration.

I see the Senator from Mississippi on his feet. I think I know what his response might be, but I would be glad to yield to him for a question without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Mississippi has been yielded to for a question. The Senator from Massachusetts has the floor.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, just in response to the injuiry of the distinguished manager of the bill, I do know that there are serious objections to this bill on the part of several Senators. As a member of the committee, the chairman will remember, when we took it up, there were three votes in committee against the bill. I was one of those who voted against the bill when it was reported out. I do know there are amendments.

I do not imagine that it would be helpful at this time to put a unanimous consent request before the Senate. I think there would be an objection to limiting discussion or limiting amendments at this point.

So I would hope that we could go forward. There are amendments that will be offered. We can debate those and look at those. There is substantial opposition to the bill, I might say.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. I think the Senator has responded to the question. I hope, as one Member, that we can go ahead and proceed with the legislation and consider various amendments and try to do it in a timely fashion. I think, again, since there has been such an overwhelming vote in favor of considering it, I think that, since Members have indicated that the Senate should consider this resolution, we do not want to have an undue delay or undue debate and not have some kind of resolution of the various issues which might be raised. We are familiar with those that have been raised in the committee deliberations, and I imagine we will have a number of those again raised here this afternoon.

So I will make my statement, and the Senator from Utah will make his statement, and hopefully we will move ahead with the consideration of the various amendments and get on with the legislation.

Mr. President, today we begin consideration of S. 1904, the Polygraph Protection Act of 1987, introduced by myself and Senators HATCH, PELL, STAFFORD, MATSUNAGA, METZENBAUM, WEICKER, DODD, SIMON, HARKIN, ADAMS, and MIKULSKI on December 1 of last year.

On February 3, the Labor and Human Resources Committee reported the bill out favorably 13 to 3, with Senator HUMPHREY joining the 12 original sponsors.

The time has come to restrict the massive, unconscionable use of lie detectors in the workplace.

This legislation is a fundamental issue of workers' rights. Last year over 2 million workers were strapped to these inaccurate instruments of intimidation.

We know that in most applications, the devices cannot be trusted. It is time to put an end to their unacceptable misuse that unfairly places so many workers' jobs in jeopardy.

The abuse of polygraphs in the workplace has been a concern of Congress for almost 25 years. Scores of bills have been introduced and dozens of hearings held, but we have never taken final action. Meanwhile, the use of the machines has proliferated, especially in the workplace.

In 1964 a House Government Operations Subcommittee reported:

> There is no lie detector, neither machine nor human. People have been deceived by a myth that a metal box in the hands of an investigator can detect truth from deception.

A decade later, Senator Sam Ervin observed:

> A lie-detector test to innocent citizens simply wanting a job reverses our cherished presumption of innocence. If an employee refuses to submit to the test, he is automatically guilty. If he submits to the test, he is faced with the burden of proving his innocence.

All of these problems are compounded by the fact that science has increasingly found no scientific validity for polygraphs in the overwhelming majority of applications.

In hearings by the Senate Labor Committee in the last two Congresses, we received strong testimony supporting the conclusion reached by the Office of Technology Assessment in a technical memorandum published in 1983:

> While there is some evidence for the validity of polygraph testing as an adjunct to criminal investigations, there is very little research or scientific evidence to establish polygraph test validity in screening situations, whether they be preemployment, preclearance, periodic or aperiodic, random, or dragnet.

Beginning with Massachusetts in 1959, 21 States and the District of Columbia have restricted or prohibited the use of polygraphs in the workplace.

Similarly, the vast majority of courts refuse to admit polygraph tests as evidence of guilt or innocence, due to the documented unreliability of the tests.

Yet the use of these machines has climbed sharply in many jurisdictions in recent years. It is time for Congress to act to protect American employees from the massive misuse of this device, which columnist William Safire has called "the most blatant intrusion into personal freedom in this country today."

In the last Congress, the House of Representatives passed Congressman PAT WILLIAMS' private-sector ban on polygraphs, with five industry exemptions, by a vote of 236 to 173. The Senate Labor and Human Resources Committee reported out the Hatch-Kennedy bill, with no industry exemptions, by a margin of 11 to 5, with 4 Republicans and 7 Democrats voting to report it favorably. Congress adjourned, however, before full action by the Senate could take place.

In the current Congress, the House of Representatives has again passed the Williams bill, this time with only two industry exemptions, by an even wider margin of 254 to 158.

The bill before us today is an attempt to balance the interests of employers and employees, based on the known scientific evidence regarding polygraphs and their potential for abuse. It bans the use of preemployment and random testing, which make up 85 percent of the testing being conducted today and for which there is no demonstrable validity.

At the same time, the bill preserves the ability of employers to investigate specific losses under limited circumstances, with employee safeguards in place.

Under the bill, no employer can use a polygraph for preemployment testing of job applicants or random testing of employees. But employers can use the polygraph to investigate specific economic losses, by testing employees who had access to the property under investigation and who they have reasonable suspicion to believe were involved in the incident.

The employer must file a police report, an insurance claim, a report to a regulatory agency, or sign a written statement detailing the basis for the polygraph test, before requesting any employee to take the test.

No employee can be disciplined or dismissed for refusing to take the test or for failing the test without additional supporting evidence, and the test can only be conducted under carefully prescribed circumstances.

The bill does not apply to Federal, State, or local governments—because the Constitution does. Most public employees are constitutionally protected from polygraph tests, and the courts are increasingly affirming this protection.

On October 28, the Texas Supreme Court unanimously found that the State mental health agency's use of the polygraph "impermissably violates privacy rights" protected by the State constitution. The court went on to hold that this protection should yield only when the State can show that the intrusion is "reasonably warranted for the achievement of a compelling governmental objective that can only be achieved by no less intrusive, more reasonable means."

Constitutional protections for public employees, however, are not available

to private sector employees, and it is in the private sector that action by Congress is essential to safeguard workers' rights.

The principles of this legislation have widespread support from both business and labor. The bill before us is carefully balanced, and has received the support of many polygraph users.

A number of large employer organizations whose members currently use the test and who opposed the House bill, endorse and support our Senate measure.

The American Association of Railroads opposed the House bill, but endorses the Senate bill.

The American Bankers Association opposed the House bill, but endorses the Senate bill.

The National Association of Convenience Stores opposed the House bill, but endorses the Senate bill.

The National Grocer's Association opposed the House bill, but endorses the Senate bill.

The International Mass Retailers Association opposed the House bill, but endorses the Senate bill.

The National Retail Merchants' Association opposed the House bill, but endorses the Senate bill.

The National Restaurant Association opposed the House bill, but endorses the Senate bill.

The Securities Industry Association opposed the House bill, but endorses the Senate bill.

Some businesses oppose this balanced approach, and some employee advocates also oppose it. But it is a fair measure based on the scientific evidence available to us, and will offer millions of workers long overdue protection from an employment practice too frequently abused.

I urge my colleagues to reject amendments weakening this bill, to reject special interest exemptions, and to support this important step to safeguard the rights and the jobs of millions of American workers.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Utah.

Mr. HATCH. Mr. President, I am sure that few of my colleagues expected to see, during this Congress, the distinguished Senator from Massachusetts and myself standing side by side in support of a labor bill, but S. 1904, the Polygraph Protection Act of 1987, is a truly unique bill. It is a bipartisan measure that represents an equitable compromise of several important, but competing interests.

Applicants and employees have a right to be judged on the basis of their experience, their record, and their character. They should not be prejudged, stigmatized or condemned by the vagaries of a single test for which the accuracy in many instances is highly suspect. Conversely, in our country, it is a regrettable fact that employees steal. Workplace theft is not uncommon in the United States. But nevertheless, polygraphs, though important, are not always accurate, and even the courts of law reject them as an evidentiary tool in most jurisdictions of this country.

S. 1904, I think, addresses these two concerns by barring the use of polygraph examinations where they are the most likely to make a false identification, that is, in preemployment screening or random verification mechanism, but permitting the use of these tests where they are the most likely to be accurate, that is, when given in conjunction with an investigation of a specific incident.

During the last several years, the committee has been struggling with the problem of how best to remedy the problems caused by the widespread use of the polygraph in the private sector. It has been estimated that over 2 million Americans are given a polygraph examination every year, and for many, the exam is given in a manner which minimizes its chances for accuracy. Too often, the polygraph examination is given in an extremely short period of time. These are called 15-minute quickie polygraphs, and the possibility of false identification, especially of honest applicants, is extremely high.

The committee has established a rather extensive record of the abuse and misuse of lie detectors, a record that proves quite conclusively that the existing patchwork of State and local regulation simply does not work. Employers have been rather candid in their admission that the local prohibitions are easily circumvented. Unfortunately, it would appear that many companies hire in one jurisdiction intending to employ in another, their sole reason for this tactic being to avoid existing polygraph restrictions.

And perhaps, most importantly, there is no scientific evidence that demonstrates clearly that the preemployment polygraph actually works. Instead, a reading of the existing literature makes it quite clear that, while the polygraph has some validity when used in conjunction with an investigation, it cannot predict future performance.

On the other hand, Mr. President, it is also clear that we have a problem of theft in the workplace, and we do. Something has to be done about that. Although it is not pleasant to admit, it is a fact that many employees, for a variety of reasons, steal. While it is important that we protect the rights of all citizens, we cannot at the same time eliminate every effective mechanism that an employer has available today to combat crime in the workplace.

It was these facts and considerations, Mr. President, that led to the formulation of S. 1904. By structuring the bill as we have done, we have protected the rights of employees and applicants without jeopardizing the ability and rights of an employer to maintain a safe and crime-free workplace.

There are a few key provisions about the bill, Mr. President, that I would like to highlight. First, the bill does not attempt to regulate Federal, State, or local government use of the polygraph, thus avoiding conflicts with the traditional police powers of State and local governments.

Second, the bill makes clear that the results of a polygraph examination may not be the sole basis for taking an adverse employment action against an employee. Even the most passionate advocates of the polygraph have told the committee that an employer should base its decision on more than just the results of an exam.

Third, the bill resolves the difficulties which arise when an employee refuses to take a polygraph examination. Under this legislation, an employer may not give a polygraph test unless there is a sufficient evidentiary basis warranting the test. As the committee notes in its report on S. 1904, an employer must have a reasonable suspicion that the employee was involved in the incident or activity in question, and that the employee had access. The report goes on to define "reasonable suspicion" to include some observable, articulate basis in fact, such as demeanor of the employee, the totality of the circumstances surrounding his or her access to the property, and discrepancies of fact which arise during the investigaiton.

Once this evidentiary basis is established, an employer can request that an employee take a polygraph examination. If the employee does not pass the test, this failure, combined with the already established evidentiary basis, is sufficient justification at least with regard to this act for taking an adverse employment action against the employee.

Any employee refusing to take an examination is treated under this legislation the same as one who did not pass the polygraph examination. An employer is free to take any action deemed appropriate. Without this provision, an employer would be taking a serious legal risk when requesting a polygraph exam and, as a result, few would probably ever choose to make such a request.

Fourth, an employer is free to act upon statements or confessions made during the examination process. In my opinion, when such statements are made in the controlled forum envisoned by the bill, that is, in conjunction with an investigation of economic loss or injury, action upon such statements is warranted.

Finally, the bill sets forth several general standards concerning both how a test can be given and the qualifications of an examiner. While the American Polygraph Association does not endorse this legislation, their recommendations in this area were heavily relied upon, and most of the provisions in this section of the bill mirror suggestions that their representatives have made to the committee. Again, I do not want my colleagues to be

misled by these comments and presume that the association endorses the bill. They most certainly do not.

While these observations are by no means an exhaustive summary of the provisions of S. 1904, they highlight the care given to the construction of the bill and the utility of the provisions which permit use of a polygraph examination.

In sum, S. 1904 represents a careful balancing, after much consideration, of a variety of competing interests. I would like to say a word about the principal union advocating passage of this statute—the United Food and Commercial Workers International Union. In the past, I have earned, I think, a somewhat undeserved reputation for fighting labor-backed legislation, but I have fought labor-backed legislation which would throw undue power toward the union movement. At those times, I have repeatedly said that when the unions were right, when the legislation they advocated was both necessary and equitable, they would find an advocate in the Senator from Utah.

I supported their efforts to pass the Labor-Management Racketeering Act. I was happy to see that legislation enacted into law. I was glad to assist Senator MOYNIHAN with the Senate's ratification of ILO Conventions 144 and 147 earlier this year. Both efforts were endorsed by the labor movement, and it is no secret they are very pleased with both of those matters. I am happy to be the principal cosponsor of S. 1904, and of course I could list others.

We all know that this body will have an opportunity before the November elections to vote on several items on the labor agenda. Several of these bills, such as the so-called double-breasting bill, will be vigorously opposed, because they are little more than heavy-handed attempts to throw power to unions at the expense of employees, open shop workers, minorities and employers. Proposals such as this raise serious questions, in my mind, as to the quality of leadership of our union movement at times.

S. 1904, the Polygraph Protection Act of 1987, is not such a bill. William Wynn, the president of the United Food and Commercial Workers International Union, should be congratulated for his willingness and foresight to fashion a compromise that addresses not just the needs of his members but the needs of employers also. As one of the few Members of this august body to rise up through the ranks of a trade union, I am proud that the union movement has leaders like Bill Wynn. His willingness to approach this issue with an open mind, to work with both sides of the aisle, and with anyone interested in resolving this problem are some of the key reasons that, unlike other labor bills, S. 1904 has an excellent chance, to become law.

Finally, Mr. President, I congratulate the chairman of the Committee on Labor and Human Resources for his handling of S. 1904 and his efforts to move this bill on the floor. Federal treatment of polygraph examinations could have been an issue where both sides retreated to their respective camps and let action drown in a sea of polemic speeches. Instead, the Senator from Massachusetts has served as the catalyst for the compromise now before us.

I hope my colleagues will take notice of today's unusual alliance on a labor issue. S. 1904 is an effective, equitable solution to the problem of polygraph use in the private sector, and I ask that all of my colleagues join in supporting this important piece of legislation.

This bill is an effective and workable solution to a vexing problem—how do we address the problems arising from polygraph use in the private sector without jeopardizing an employer's ability to combat crime in the workplace.

The polygraph examination was originally developed to assist criminal investigations within the law enforcement community. It was intended to help police investigators determine whether the individual taking the test had actually committed a specific act. In describing this kind of test during his testimony before the Committee of Labor and Human Resources in 1986, Dr. David Raskin, a noted polygraph expert and professor of psychology at the University of Utah, made the following observations:

> The control question technique is the test most generally used in criminal investigations and other situations involving past events, such as theft from an employer or civil litigation. It incorporates questions specially designed to overcome many of the problems inherent in the relevant-irrelevant test. During an extensive and complicated pretest interview which usually lasts at least an hour, the relevant and control questions are reviewed with the subject prior to their presentation during the test phase. The control questions are designed to cause an innocent person more concern than the relevant question, and the innocent person is expected to show stronger reactions to them. In the theft example, a control question might be "During the first 23 years of your life, did you ever take something which did not belong to you?" That question is worded and explained by the examiner in such a way that the subject will answer "No" to that question. Even though innocent subjects are certain of the truthfulness of their answers to the relevant questions, they will be concerned about failing the test because of deception or uncertainty about being truthful in answering "No" to the control questions on the test. The control questions are deliberately vague, cover a long period in the subject's prior life, and include acts which almost everyone has committed but are embarrassed to admit in the context of a psychologically proper polygraph examination. On the other hand, guilty subjects are more concerned about failing the test because they know that they are being deceptive to the relevant questions.
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> The outcome of a control question tests is evaluated by a numerical scoring system which is highly reliable. If the reactions are stronger to the relevant questions, the subject is diagnosed as deceptive. However, stronger reactions to the control as compared to the relevant questions are indicative of truthfulness to the relevant questions. The control question procedure also takes into account the individual reactivity of the subject. Any factor which produces a generally high or low level of reactivity will result in little difference between the reactions to the relevant control questions, and the outcome will be inconclusive instead of wrong. The control question test is administered according to a standard format, and the examination usually takes at least two hours.
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> In most criminal investigations an incident has already occurred, and such methods are designed to assess the credibility of suspects who deny knowledge or involvement in criminal activity and informants who offer information about the incident, usually for some personal gain. Thus, applications in criminal investigation attempted to determine truth or deception with regard to a specific event which has already occurred. Furthermore, every person has a constitutional right to refuse to take such a test without prejudice. Polygraph techniques were originally developed for such situations, and the scientific evidence indicates that the control question test may attain accuracies in the range of 85 to 95 percent when assessing credibility regarding a past event.

Unfortunately, the most prominent use of polygraphs in the private sector is not in conjunction with an investigation of a specific incident. Instead, today many employers use polygraphs to screen applicants. The tests are used to judge whether an individual is likely to be an honest and hard working employee, to give the employer some sense of security about the people he is hiring.

The obvious problem with such use, however, is that the polygraph was not designed to predict future performance. Consequently, the chances for false identification are much higher. And, in the preemployment area, these mistakes tend to be false positives instead of false negatives. As Dr. Raskin observed:

> Whether we consider the laboratory or field results, many more errors are made by incorrectly labeling innocent subjects as deceptive than by labeling guilty subjects as truthful. Those findings are consistent throughout the scientific literature and emphasize the need for caution in the interpretation of deceptive outcomes on polygraph tests, especially when the results of such tests are used in the employment context where individuals may be required to take the tests and their employability may be determined entirely by the findings of the polygraph examiner.
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> The problem of false positive errors is magnified in those situations where the incidence of deception is relatively low. That is known as the problem of baserate. When the proportion of examinees practicing deception differs from 50 percent, the confidence in the outcome of a test is not the same as the average accuracy of the test. When most of the individuals tested are actually being truthful, many of the deceptive outcomes are errors in labeling truthful people as deceptive. Therefore, the confidence in a deceptive test outcome is much lower than we might expect with a highly accurate test.

When the proportion of guilty people among those who are tested is slight, which is the case in preemployment testing, the confidence that can be placed in a finding of deception is not high. For example, if we assume that one out of every five persons taking a preemployment polygraph test is, in fact, guilty, and we are assuming that the overall may be as high as 85 percent, which is rarely the case in preemployment screening, almost half of the individuals who fail the test are in fact innocent.

It is estimated that there are approximately 2 million people a year taking polygraph tests. Under the example above, with the extremely generous assumption of 85-percent accuracy, roughly 320,000 honest people each year would be labeled as deceptive because of false positive errors. Given the reality about polygraphs in the workplace today, some experts believe the number of false identifications exceeds half a million each year.

It is interesting to note that these figures are based upon the assumption that the polygraph is being given in an above board manner by competent examiners. Unfortunately, we also know this assumption is false.

Too often applicants are subjected to the 15 minute special, where the level of accuracy is impossible to determine. During his testimony before the committee, F. Lee Bailey, a staunch advocate of the polygraph, stated that such tests were not polygraph tests. He went on to say that the type of examination he was defending takes a minimum of 3 to 4 hours to complete. The record is quite clear, Mr. President, that few employers are giving 3 to 4 hour polygraph examinations.

In sum, the committee has a rather extensive record, on both a practical and scientific basis, indicating that preemployment polygraph examinations are not accurate. As the American Psychological Association has noted:

> Despite many years of development of the polygraph, the scientific evidence is still unsatisfactory for the validity of psychophysiological indicators to infer deceptive behavior. Such evidence is particularly poor concerning the polygraph use in employment screening.

The traditional response to these findings is to list examples of confessions that have been given by applicants terrified by the prospects of taking a polygraph examination. In fact, some assert that the real benefit of these tests is not the results of the examination but their inherent ability to terrify applicants into confession.

While no one can doubt the confessional aspect of these exams, this feature is obtained at significant cost. Is branding as liars over half a million honest people each year a cost my colleagues are willing to pay to obtain the occasional terrified confession? I think not.

Another typical complaint heard is that it is true that polygraphs have been abused and misused, but that it is an issue that is best left for the States. Stephen B. Markman, Assistant Attorney General for Legal Policy made the following observation:

> The Framers of the Constitution set up a structure that apportions power between the national and state governments. The values that underlie this structure of federalism are not anachronisitic; they are not the result of an historic accident; they are no less relevant to the United States in 1986 than they were to our Nation in 1789. In weighing whether a public function ought to be performed at the national or state level, we should consider the basic values that our federalist system seeks to ensure. Some of those principles include:
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> *Dispersal of Power.*—By apportioning and compartmentalizing power among the national and 50 state governments, the power of government generally is dispersed and thereby limited.
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> *Accountability.*—State governments, by being closer to the people, are better positioned as a general matter to act in a way that is responsive and accountable to the needs and desires of their citizens.
>
> *Participation.*—Because state governments are closer to the people, there is the potential for citizens to be more directly involved in setting the direction of their affairs. This ability is likely to result in a stronger sense of community and civic virtue as the people themselves are more deeply involved in defining the role of their government.
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> *Diversity.*—Ours is a large and desparate nation; the citizens of different states may well have different needs and concerns. Federalism permits a variegated system of government most responsive to their diverse array of sentiment. It does not require that public policies conform merely to a low common denominator; rather, it allows for the development of policies that more precisely respond to the felt needs of citizens within different geographical areas.
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> *Competition.*—Unlike the national government which is necessarily monopolistic in its assertion of public authority, the existence of the states introduces a sense of competition into the realm of public policy. If, ultimately, a citizen is unable to influence and affect the policies of his or her state, an available option always exists to move elsewhere. This option, however limited, enhances in a real way the responsiveness of state governments in a way unavailable to the national government.
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> *Experimentation.*—The states, by providing diverse responses to various issues which can be compared and contrasted, serve as laboratories of public policy experimentation. Such experimentation is ultimately likely to result in superior and in some instances naturally uniform policies, as states reassess their own and other states' experiences under particular regulatory approaches.
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> *Containment.*—Experimenting with varying forms of regulation on a smaller, state scale rather than on a uniform, national scale confines the harmful effects of regulatory actions that prove more costly or detrimental than expected. Thus, while the successful exercises in state regulation are likely to be emulated by other states, the unsuccessful exercises can be avoided.
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> While these values of federalism may often mitigate in favor of state rather than national action, other factors—including a demonstrated need for national policy uniformity or for a monolithic system of enforcement—mitigate in favor of action by the national government and must be balanced in this process. For example, the need for a uniform foriegn policy on the part of the United States clearly justifies national rather than state action in this area. Similarly, in the interstate commerce area, the need for a uniform competition policy argues strongly for national antitrust law; and the need for efficient flow of interstate transportation argues for national rather than state regulation of airplane and rail safety. In other words, by federalism, we are not referring to the idea expressed in the Constitution that certain governmental functions are more properly carried out at the level of the 50 states, while others are more properly carried out by the national government.
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> While reasonable individuals may well differ on the direction in which these and other factors of federalism point—and that may well be the case in the context of S. 1815—it is nevertheless critical that we not lose sight of the need to go through this analytic process.
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> When these factors are examined in the context of polygraph regulation, the balance in the Administration's judgment is clearly struck in favor of state, not national, regulation. Not only is there no need for national enforcement or uniformity with respect to private sector polygraph use, but the benefits of leaving regulation to the states are evident; polygraph regulation is a complex issue, subject to extensive ongoing debate, in which a sustantial number of reasonable responses are available to (and have indeed been adopted by) the states.
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> Whether or not polygraphs should be regulated by some level of government is not the issue here. Assuming that polygraphs are abused by private employers—and there is no question that such abuse is possible—the states are as capable as the national government of recognizing and remedying any such problem. In fact, they have the greater incentive to do so since the rights of their own citizens, to whom they are immediately accountable, are involved. As I indicated earlier, 70 percent of the states have already recognized a need for certain protections in this area and have provided them through various forms of state legislation.

The position of the Department is troubling for several reasons. First, it assumes incorrectly that Congress cannot preempt State law in the area of labor relations. In fact, most of the important aspects of labor relations have, over the last 50 years, become subject to Federal statutory law. The National Labor Relations Act of 1935, the Fair Labor Standards Act of 1938, the Labor-Management Reporting and Disclosure Act of 1959, the Civil Rights Act of 9164, the Age Discrimination in Employment Act of 1967, the Occupational Safety and Health Act of 1970, and the Rehabilitation Act of 1973 are just a few of the labor statutes enacted by Congress which have preempted State labor law.

Second, the test proffered by the Department of Justice is so stringent that it is doubtful whether any current Federal labor law or civil rights statute would satisfy its standards. If applied literally, it would appear to preclude congressional involvement, not only in the area of polygraph testing, but also in every employment practice currently regulated by the Federal Government. Congress, on the other hand, has consistently moved in the other direction, and it is difficult

to imagine an employment issue other than polygraph testing that is still beyond the purview of Federal control.

Since the 1940's, the U.S. Supreme Court has broadly defined interstate commerce, consistently ruling that Congress has virtually unlimited authority to enact legislation in the labor context. See *United States* v. *Darby*, 312 U.S. 100 (1941); *Wickard* v. *Filburn*, 317 U.S. 111 (1942). As Justice Stevens said in a recent decision:

> Today, there should be universal agreement on the proposition that Congress has ample power to regulate the terms and conditions of employment throughout the economy.

Concerning opinion, *EEOC* v. *Wyoming*, 460 U.S. 226, 248 (1983).

It is interesting to note that during the testimony presented on behalf of the U.S. Department of Justice, the Department's witness admitted that it's opposition to S. 1815 would be considerably diminished if it could be shown that private employers were crossing state lines to avoid complying with polygraph bans in the States where they were operating. In fact, employer use of this deplorable practice is well documented.

Finally, the Department's position would have us ignore the one fact on which there seems to be a consensus of opinion—existing state restrictions and regulations have neither stopped or curtailed polygraph abuse.

It should be clear that there is a demonstrated need for uniform, national enforcement. The experience of the last 10 years has shown most vividly that State statutes, such as they are, have provided little effective protection for working men and women against those who intentionally misuse the polygraph instrument. To argue that the States can, and are, providing the best solution to polygraph abuse its tantamount to arguing that Congress should continue to ignore this pervasive problem.

Even where States do provide some regulations, it has often proved ineffectual. Take the case of Mary Braxton, who testified before the committee. She was required to sign a consent form when she was hired indicating her willingness to take a polygraph whenever her employer required her to do so. She worked for 5 years without any problems. In fact, on several occasions, she received promotions.

One day, she went to work and to her surprise was asked to take a test. She did and passed. The next day, which was her day off, her manager called and said she had to take another exam. Her own words best describe what happened when she showed up for the second test.

The examiner asked me, "Did I test you yesterday?"

I told him, "Yes, but my manager told me to come in and be retested today."

He called the manager, and after that he went about testing me again. Before he hooked me up, he went over some questions, like my name, whether I worked for the employer, how long I had worked there, and what was my position. He also asked me question about whether I had ever stolen, or if I knew of anyone who had. He did not write anything down, and I am not sure now whether he asked me all these questions before he hooked me up or while I was on the machine.

After the test, he looked puzzled and said something like, "Are you sure this is it? or "Is this all?" I felt like he was not satisfied with the way the test had come out.

He asked me some questions about money at the pottery, and I told him that I sometimes found money when I swept the floor. We had a cup over the register, and when we found money on the floor, we would put it there for anyone who needed some extra change for Cokes or things.

He then wrote up a statement saying that I had stolen $5 or $10 from the pottery. I refused to sign it. He got mad and threw the papers across the desk and onto the floor. At that point I got very nervous and wondered what in the world was going on. I was still doing 100 shakes a minute—as I am doing now. He would not test me again if I would not sign the paper. I agreed to sign the paper if he would give me another test, and the test would clear me. He retested me—it lasted about 5 minutes or less, because he went through the questions real fast. I spent no more than 20 minutes with the examiner that day.

After that, he showed my confession to my employer. He did not show them the test results. I had reported back to my building and was informed later that I had no job.

One of the employees walked up to me and stated that he stole every day, and he had taken the test, too, but had not gotten caught.

I felt betrayed, because I had built myself up on the job and had worked hard for my employer, and all of a sudden everything was gone. I was branded as a thief. I could not face the world, my friends, and my kids. When I told my kids, they felt bad about me being fired, and they could not understand because they said, "Mama, you don't steal."

They had a rough time in school, too, after that because other kids said that their mother had been fired because she stole.

My friends were supportive. They came by and told me I should fight the pottery on this. I did not talk to people other than my friends and family about it, because it was too painful. I cried many nights about it. I went to a doctor and got some pills to help me.

One day, about 2 weeks later, I just put it in my mind that I had to go look for a job. While I was applying for a job, I told the owner about what had happened to me, and he told me that he had heard about it. That made me feel bad, because I did not get the job, and because someone in the community knew about it, and I thought a lot of people must have been talking about it.

I applied for a number of jobs, but no one would hire me. I finally went to the unemployment office. I did not think I would get any benefits, but I did. The Pottery appealed the unemployment decision, and I went to legal aid. They helped me win again, and they told me that I might sue the Pottery and the Polygraph Examination Co. I won my case against the polygraph examiner and his company. And it took a number of years to live the story down. Now, if I have to look for a job, I tell the employer what happened to me and that I will not take a polygraph test. If the test is required, I do not want the job. So far that has worked well for me.

Ultimately, Mrs. Braxton won her law suit and a $21,000 judgment against the polygraph company, unfortunately, she never received a cent of her money, because the examiner packed up his bags and fled the State, free to practice his deplorable tactics in another jurisdiction.

Mr. President, the case for taking legislative action against the polygraph has been made. State regulation will not work, nor is there any scientific evidence that the polygraph can predict future performances. And, there seems to be little if any interest among private sector employers to conduct the type of exam, a 3- or 4-hour extensive polygraph test, that most polygraph experts believe is necessary to ensure some accuracy of result.

S. 1904 was drafted with these realities in mind. Its primary purpose is twofold. First, it prohibits preemployment and random polygraph tests, where the possibility of mistaken identifications are the highest, where the likelihood of identifying an honest person as a liar is prevalent. Second, it permits polygraph tests if given in conjunction with an investigation of economic loss or injury to the employer, where the likelihood of accuracy is highest.

The bill also requires that certain standards be met when giving such examinations and that examiners be sufficiently qualified, bonded, and controlled. S. 1904 also makes it clear that the polygraph, by itself, cannot be the sole basis for taking an adverse employment action. I might note, Mr. President, that this last point is one constantly stressed by every reputable polygrapher that I have talked with during the last 3 years.

In drafting such a bill, there are obviously a few key provisions. First, S. 1904 does not attempt to regulate Federal, State, or local government use of the polygraph. While the opponents of this legislation assert that this fact is one of the bill's most critical failings, I feel it is one of its real strengths.

I do not feel it is appropriate for the Committee on Labor and Human Resources to be interfering with the traditional police powers of State and local governments. Instead, S. 1904 carefully avoids such interference. As to the Federal Government, Congress has already established guidelines and regulations governing the limited instances in which it will use the polygraph. Again, I found little interest among private sector employers to engage in the kind of polygraph testing practiced by the Federal Government. Often these tests take 1 to 2 days and are followed by a detailed field investigation. I have yet to meet a private sector employer that utilizes similar procedures.

Second, S. 1904 does not apply to contractors for several agencies who are subject to intelligence and counterintelligence activities. Again, the regulations governing use of polygraphs by such employers are extremely stringent and, given the compelling governmental interest in national security, this limitation appears not only justified but highly appropriate.

Third, S. 1904 contains section 7(d) which provides that an employer may request an employee "* * * to submit to a polygraph test if the test is administered in connection with an ongoing investigation involving economic loss or injury to the employer's business, including theft, embezzlement, misappropriation or an act of unlawful industrial espionage or sabotage."

The committee's report makes it clear that the term economic loss or injury applies not only to instances where the employer can demonstrate a financial loss but also those instances, such as money laundering, which might actually result in a short-term gain to the employers.

Similarly, the report makes it clear that also included under this term would be instances such as theft from property managed by an employer. This language was added to address the fact that many crimes and situations may cause only indirect economic loss or injury. For example, a repairman at an apartment building might steal repeatedly from building tenants. An artful lawyer might argue that such theft would not cause direct economic loss or injury to the employer but to the tenant and thus would not be an event subject to the act. The committee report makes it clear that such theft would be covered, thus making it possible to avoid such an unintended anomaly.

Fourth, S. 1904 makes sure that the results of a polygraph examination are not the sole basis for an adverse employment action. As I noted before, I have yet to hear from any reputable polygraph expert that the results of a polygraph should be the only basis on which to decide an employee's fate. They all appear to agree that there should be some corroborating evidentiary basis before an action is taken. The legislation provides this requirement.

Fifth, S. 1904 addresses the issue of what happens when an employee refuses to take a polygraph requested by an employer in conjunction with section 7. According to section 8(b), an individual who refuses to take an exam is treated the same as one who did not pass. An employer may take an adverse employment action, including termination, if it has additional supporting evidence, the same evidentiary basis needed to give a polygraph. Consequently, an employer is not put in an adverse legal situation by requesting that an employee take a polygraph examination in accordance with the requirements of the bill and the employee refuses. Without this provision, the exemption would be a charade, of little or no use in the private sector.

Sixth, S. 1904 addresses the important issue of how to handle confessions or statements made during the examination. The bill makes it clear that an employer is free to act upon statements made before the examination or even during a test. The committee's review of the use of polygraph has provided numerous examples of individuals who have confessed to a variety of acts when confronted with the possibility or the reality of a polygraph examination. In my opinion, where such statements are made in the focused forum envisioned by the bill, that is in conjunction with an investigation of a specific economic loss or injury to an employer, action upon such statements is warranted. As a result, S. 1904 does not impinge upon such action by an employee.

Seventh, S. 1904 addresses the problem of lawyers to the degree that the problem of lawyers can be addressed under any one piece of legislation. The act makes it clear that while an employee has the right to obtain and consult with legal counsel before each phase of the test, his or attorney cannot be present in the room, during the actual examination. Some have argued that counsel should be present during the examination, but I do not understand how one could run a legitimate polygraph test with a lawyer in the room who is constantly disrupting the process. Again, S. 1904 strikes a reasonable and equitable balance between the competing interests involved.

Eighth, S. 1904 provides that, before a polygraph exam can be given, an employer must, among other things, do one of four things. It must file a report of the incident or activity with the appropriate law enforcement agency, the employer's insurer, the appropriate Government agency, or it must execute a statement. Under this fourth category, an employer must keep on file for three years a statement setting forth the evidentiary basis which justifies resorting to the use of a polygraph. This requirement is a protection not only for employees but for employers. They will now know what type of materials they need to retain to ensure compliance with the law.

I have been disturbed, Mr. President, because some opponents of the bill have been contacting members of this body asserting that the only way an employer can give a polygraph is, if it first contacts the police, a burden they find excessive. While such a burden may or may not be excessive, certainly drafting a memorandum cannot be called burdensome. As a lawyer familiar with existing Federal and State labor statutes, I worry about the wisdom of any employer who is not already retaining a written record of every adverse employment action.

Ninth, S. 1904 does establish several qualifications for examiners and guidelines for the giving of tests. In drafting these provisions, great reliance was placed upon the recommendations of the American Polygraph Association. While I recognize that this organization does not support S. 1904, they did provide the committee with several ideas on how to ensure competent examiners and accurate exams. As William Scheve, the president of the American Polygraph Association testified in 1985:

> We would suggest that if the Federal Government decides to regulate the administration of polygraph examinations, that it do so by establishing recommended standards and guidelines for the polygraph industry and by strongly encouraging the states to adopt them.
>
> A regulatory approach such as this would establish the training criteria that competent examiners consider to be essential for the proper administration of all polygraph examinations.
>
> Federal standards and guidelines could also address issues such as appropriate instrumentation, proper examination procedures, and the necessity for effective enforcement policies. The employers' use of polygraph examination results could also be addressed. We believe that by adopting these standards, coupled with our suggestions for continuing education and professional affiliation, citizens and employers alike would be assured that tests would be both fair and accurate.

The provisions found in section 8 (c) and (d) are based in larger part on the recommendations of the association.

Finally, S. 1904 requires that polygraph examiners be bonded. By doing so, the Mary Braxtons of this world will no longer be without recourse against the deplorable acts of incompetent polygraphers.

Looking over these comments, I hope my colleagues will agree that S. 1904 is a carefully crafted, effective solution to the use of polygraphs in the private sector. It deserves the support of this body, and I hope we will act on legislation in an expeditious manner.

I think this is important legislation. I hope we will have support for this bill on the floor and that we can pass this bill all the way through both Houses of Congress in its present form. This Senator will do everything he can to work toward that end.

Mr. COCHRAN. Mr. President, I rise to note for the record and to advise Senators that there were three of us in the committee who voted against reporting this bill to the Senate. Those reasons are stated in minority views that are included as a part of the committee report. This Senator did not actually write views that were included in the report, but I wish to express some concerns now to advise Senators that there are objections to this legislation.

As we were waiting on a quorum when we were taking up the bill and preparing to report it out, I made the mistake of reading the bill. That may be why I voted against it. I was attracted to one provision that just jumped out at me; it is on page 35 of the bill now on the desk of every Senator. It is entitled "Promulgation of Standards," and I will read it with the indulgence of the Senate:

> The Secretary shall establish standards governing individuals who, as of the date of the enactment of this act, are qualified to conduct polygraph tests in accordance with applicable State law. Such standards shall not be satisfied merely because an individual has conducted a specific number of polygraph tests previously.

It strikes me that we are creating, by passing this bill, an authority at the Federal level for a Cabinet-level Secretary to actually promulgate standards on which States will have to base their licensing of polygraph examiners. If there is a different meaning, for this language, I hope the Senate will be advised.

What concerns me about this provision is that it marks the first time ever the Federal Government has attempted to legislate standards for a profession or vocation it has never regulated before. And there are many other vocations and areas of activity for which the Federal Government does not purport to establish standards for licensing.

I think immediately of the medical profession, where the life, safety, and health of individuals is very directly affected by the competence and ability of those providing medical care. Under our system of government the States have the power to prescribe standards and qualifications that must be met by those who seek to be licensed as medical doctors. This is not the responsibility of the Federal Government. And there are many, many other illustrations of that. It may be that the Federal Government ought to be more involved in some areas, but I do not think the case has yet been made. Certainly, in this area where there has never been any licensing to permit the Secretary of Labor to establish standards for polygraph examiners would be a very sharp departure from past practice and from the division of power between the State and Federal governments.

So I rise that question. I may have an amendment that I will offer later to deal with this question, to try to define exactly what power we are conferring on the Federal Government in the area of licensing or standard setting, and to see whether or not the Senate agrees with a change in this section.

I sympathize with the views expressed by the managers of the bill that we certainly do not want to see in our country in abuse of the rights of individual workers or prospective employees in any way by employers in the administrating of polygraph examinations as a condition to employment. I do think, however, that in some industries there are legitimate concerns about the honesty, integrity, and physical condition of prospective employees. Employers have the right to inquire and to satisfy themselves that applicants for those jobs are fit and well-suited for employment in those industries.

I think for instance about the situation where employees may be called upon to handle large sums of currency. If in their background there are examples of behavior that show that a prospective employee is not trustworthy, that employer has a right to find that out. On the other hand, if a polygraph examiner is qualified for the job under licensing of the State, then in my judgment there should not be a Federal law to interfere.

I hope that we look very carefully at this legislation before we rush to passage or rush to vote. I know the distinguished Senator from Indiana, Senator QUAYLE, has expressed opposition in the committee to the bill and has amendments that he wants considered. There are other Senators who also contemplate offering amendments.

I appreciate very much having this opportunity to alert the Senate to the fact that there is opposition to this legislation, to state why there is opposition from this Senator at this point, and to express the hope that we will consider carefully suggestions for change before we enact the bill.

Mr. KENNEDY. Mr. President, just briefly I welcome the points that have been made by the Senator from Mississippi. He has made these comments during the course of our own consideration of the legislation.

We, over the course of our hearings, found that there were a number of instances where States did not have any kind of regulation or prohibition in terms or licensing of various of the polygraph personnel, and that many of those companies would actually use, in many instances, the kinds of abuses that would fall into the type of abuses that were described earlier, and then assigned those personnel to the various States where there were prohibitions against any kind of the intrusive aspects of polygraph that has been described.

So at the present time we find very substantial abuses in circumventing State regulations and we had impressive testimony along those lines.

Given the dramatic growth of the use of polygraph across the country and the abuses which have been so evident, it seemed like the type of actions that we have recommended would be legitimate and be worthwhile.

I want to point out that we do not preempt those States that have effective laws. We respect those. But I would mention to the Senator from Mississippi that it was only about a year ago in the omnibus drug bill that Congress voted overwhelmingly to grant the Secretary of Transportation power to review the States' licensing of truckdrivers, not that that necessarily should as one instance be used as a blank predicate for the support of this legislation. But recognized were the dangers that were presented, particularly in many States that did not have the kind of review in terms of the safety and the training various truckdrivers—in fact, they were using the interstate system—and that these matters were in effect a matter of interstate commerce; that providing that kind of limited review by the Department of Secretary of Transportation was warranted. We have a number of other areas as well.

I respect the arguments that have been made by the Senator from Mississippi, but I do think in light of the overwhelming evidence during the course of our hearings, talking about the circumvention of various State laws and the growth of the various uses of the polygraphs, that this activity is warranted.

Mr. President, as I say, we are prepared to deal with any of the various amendments. I am hopeful we will be able to address those because we are prepared to deal with those now.

● Mr. SIMON. Mr. President, I am pleased today to be counted among those in support of the Polygraph Protection Act of 1987.

Twenty-one States have either banned or restricted the use of lie detectors in the workplace, but the number of Americans who must submit to these tests continues to grow. Working men and women in the private sector are subjected to more than 2 million lie detector tests every year—4 times the number given 10 years ago. State lie detector prohibitions have proven inherently inadequate.

The truth is that polygraph tests cannot accurately distinguish truthful statements from lies. The Congressional Office of Technology Assessment has reviewed field studies of polygraph validity and has found that honest people are more likely to fail polygraph tests than dishonest people. The tragedy is that at least 200,000 Americans are wrongfully denied employment opportunities every year—not because of their work records, but rather because employers rely on inaccurate lie detector tests. Honest workers would be better off if their employ-

ers made these personnel decisions by simply flipping a coin.

Certainly American workers must be afforded the same protection from polygraph tests which is routinely granted to indicted suspects in criminal proceedings. These people cannot be forced to take polygraph tests, and even the Justice Department opposes the use of polygraph examination results in criminal trials as evidence of guilt or innocence. Yet many employees and job applicants can be forced to take lie detector tests for any reason whatsoever.

Mr. President, this bill will prohibit the use of preemployment polygraph tests—the area of greatest abuse of applicants' rights by potential employers. It does not, however, prohibit the use of polygraph tests completely. If a loss report has been filed with a Federal agency or an insurance company, a detailed written statement has been made of the loss by an employer, or the police and a complete investigation has been made leading to certain, specified suspects, the polygraph may be used under certain restrictive circumstances. This, Mr. President, is certainly an equitable procedure for dealing with polygraph testing. We must address the problem of abuse here, and I would hope that many of my colleagues will agree with me and vote for this bill. ●

Mr. THURMOND. Mr. President, I rise today to offer an amendment to this bill to require rotating health warning labels for all alcoholic beverage containers. This is the same legislation I introduced earlier this year along with my distinguished colleagues Senator METZENBAUM, Senator HARKIN, and Senator EVANS.

Last year, I took the opportunity to inform my colleagues of the continuing lack of responsibility on the part of the alcohol beverage industry regarding their advertising practices. Such irresponsibility demands congressional action to counter the adverse effect these practices are having on the Nation.

Mr. President, the Public Health Service recently completed a study on the potential educational effects of health warning labels and concluded that labels can be effective in increasing consumer knowledge and can have an impact on consumer behavior, particularly in combination with other educational initiatives.

Mr. President, health warning labels are an important step to educate the consumer on the potential hazards of alcohol consumption.

The warnings in this measure, which would be placed conspicuously on the beverage containers, would read as follows:

WARNING: The Surgeon General has determined that the consumption of this product, which contains alcohol, during pregnancy can cause mental retardation and other birth defects.

WARNING: Drinking this product, which contains alcohol, impairs your ability to drive a car or operate machinery.

WARNING: This product contains alcohol and is particularly hazardous in combination with some drugs.

WARNING: The consumption of this product, which contains alcohol, can increase the risk of developing hypertension, liver disease and cancer.

WARNING: Alcohol is a drug and may be addictive.

Mr. President, alcoholism and alcohol abuse are recognized as one of our Nation's most serious problems.

To illustrate the extent of alcohol abuse, here are a few relevant examples:

First. The National Institute on Alcohol Abuse and Alcoholism [NIAAA] says that alcohol costs the American economy nearly $120 billion per year in increased medical expenses and decreased productivity.

Second. The NIAAA estimated that 18.3 million Americans are "heavy drinkers" which is defined as consuming more than 14 drinks per week.

Third. In 1985, over 12 million American adults had one or more symptoms of alcoholism. This represents an increase of 8.2 percent from 1980.

Fourth. Since 1981, the Surgeon General has officially advised women to abstain from drinking during pregnancy. Despite this warning, fetal alcohol syndrome is the third leading cause of birth defects with accompanying mental retardation. It is the only preventable birth defect among the top three. However, a 1985 government survey revealed that only 57 percent of Americans had even heard of fetal alcohol syndrome.

Fifth. A 1987 HHS report to Congress entitled "Alcohol and Health" cites that nearly one-half of all accidental deaths, I repeat, one-half of all accidental deaths—suicides and homicides are alcohol related. Nearly half of the convicted jail inmates were under the influence of alcohol when they committed the crime.

Sixth. Alcohol related traffic accidents claim over 23,987 lives each year in the United States.

Seventh. Among teenagers, alcohol abuse has reached epidemic proportions. According to the 1987 HHS report, an estimated 30 percent or 4.6 million adolescents experience negative consequences of alcohol use, such as poor school performance, trouble with parents, or trouble with the law.

Eighth. According to recent statistics, alcohol remains the most widely used drug among American youth.

For many years I have firmly believed in the need for warning labels on alcoholic beverages, and I have introduced this type of legislation before. In fact, I cannot imagine any argument against this legislation which I have not previously heard. More importantly, what I said in support of such legislation in 1979 and in 1981 is just as true today:

If such a warning label deters a potential abuser of alcohol from taking a drink, or prevents a casual drinker from climbing behind the wheel of a car when he has had "one too many", or prevents a pregnant woman from potentially causing harm to her unborn child, then this legislation will be effective and worthwhile.

Mr. President, I will never forget the letter I received from Mr. Ben Robinson of Alexandria, VA, regarding alcohol labeling legislation. I want to read you a portion of that letter because it briefly, and very persuasively, explains the importance of this bill.

Such a law is very much needed! It probably would not deter veteran drinkers, but for the young still unaddicted it would cause them to think twice before drinking. I speak from sad experience. Just a little over a year ago, August 12, 1984, our family was shocked with the news that our 22 year old son was dead. From information that we received later in bits and pieces we learned that while camping with two other boys near a fishing pond in West Virginia, they all drank heavily of hard alcohol. Bruce, our son, passed out and never awakened.

The Certificate of Death reads for the cause "acute ethyl alcohol intoxication, and extensive aspiration of stomach contents into tracheobronchial tree." Bruce was a novice to whiskey drinking. He did drink beer in moderation, but I had never known him to drink whiskey—and he and I were close.

I cannot help but think that warning labels carefully written as to consequences would prevent alcohol abuse and deaths among young people.

Within a few weeks after Bruce's death, Paul Harvey in his newscast said alcoholic deaths among the young are not uncommon. He mentioned a young girl who had drunk to excess and gone into a coma. He said that youth are very susceptible to alcohol poisoning and this is especially true when body temperature is low . . . I wish you success and if there is something I can do to help, let me know.

Mr. President, this legislation will serve to provide individuals with the knowledge necessary to make an informed decision on whether or not to consume alcoholic beverages. Similar to cigarette warning labels, these labels do not create any legal restriction or penalty to those who do not heed the warnings. They merely provide cautionary notice that consumption of the product may entail serious consequences in certain situations.

Mr. President, I have received several letters from organizations endorsing health warning labels on alcoholic beverages. These organizations include: the American Medical Association; the American Academy of Pediatrics; the National Council of Alcoholism; the Center for the Science in the Public Interest; the General Association of General Baptists; Mothers Against Drunk Driving; the American Council on Alcohol Problems; the National Rainbow Coalition; the National PTA; the Christian Life Commission; the Association for Rretarded Citizens; the National Women's Christian Temperance Union; and the American Medical Society on Alcoholism & Other Drug Dependencies.

Mr. President, the Senate passed alcohol warning labels legislation in 1979. I repeat, this Senate passed alcohol warning labels legislation in 1979. I urge my colleagues to support the

passage of this vitally important legislation and reaffirm the commitment of this body to protecting the health of the American people.

AMENDMENT NO. 1472

(Purpose: To require a health warning on containers of alcoholic beverages)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 1472.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a) Congress finds that—

(1) the most abused drug in America is alcohol;

(2) alcohol use costs the American economy nearly $120,000,000,000 per year, including increased medical expenses and decreased productivity;

(3) alcohol related traffic accidents claim over 23,000 lives each year in the United States;

(4) over 12,000,000 American adults have one or more symptoms of alcoholism, representing an 8.2 percent increase in problem drinking since 1980;

(5) since 1981, the Surgeon General has officially advised women to abstain from drinking during pregnancy, and despite this warning, fetal alcohol syndrome is the third leading cause of birth defects with accompanying mental retardation;

(6) fetal alcohol syndrome is the only preventable birth defect among the top three types of birth defects in the United States, nevertheless, recent surveys reveal that only 57 percent of Americans have heard of fetal alcohol syndrome;

(7) nearly one-half of all accidental deaths, suicides, and homicides are alcohol related, and nearly half of the convicted jail inmates were under the influence of alcohol when they committed the crime;

(8) among teenagers, alcohol abuse has reached epidemic proportions and an estimated 30 percent or 4,600,000 adolescents experience the negative consequences of alcohol use (such as poor school performance, trouble with parents, or trouble with the law);

(9) in 1986, alcohol remained the most widely used drug among American youth;

(10) the Public Health Service has recently completed a study on the potential educational effects of health warning labels on alcoholic beverages and concluded that such labels can be effective in increasing consumer knowledge and can have an impact on consumer behavior, particularly in combination with other educational initiatives;

(11) the statistics cited in the preceding paragraphs indicate that many Americans are not aware of the adverse effects that the consumption of alcoholic beverages may have on health;

(12) it is necessary to undertake a serious national effort to educate the American people concerning the serious consequences of the consumption of alcoholic beverages; and

(13) warning labels on the containers of alcoholic beverages concerning the effects on the health of individuals resulting from the consumption of such beverages would assist in providing such education.

(b) Title V of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART D—PUBLIC AWARENESS CONCERNING THE HEALTH EFFECTS OF ALCOHOLIC BEVERAGE CONSUMPTION

"SEC. 550. PUBLIC AWARENESS.

"(a) DEFINITIONS.—For purposes of this section—

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' includes distilled spirits, wine, any drink in liquid form containing wine to which is added concentrated juice or flavoring material and intended for human consumption, and malt beverages.

"(2) COMMERCE.—The term 'commerce' has the same meaning as in section 3(2) of the Federal Cigarette Labeling and Advertising Act.

"(3) CONTAINER.—The term 'container' means any container, irrespective of the material from which made, used in the sale of any alcoholic beverage.

"(4) DISTILLED SPIRITS.—The term 'distilled spirits' means any ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.

"(5) MALT BEVERAGE.—The term 'malt beverage' means a beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

"(6) PERSON.—The term 'person' has the same meaning as in section 3(5) of such Act.

"(7) SALE AND DISTRIBUTION.—The terms 'sale' and 'distribution' include sampling or any other distribution not for sale.

"(8) UNITED STATES.—The term 'United States' has the same meaning as in section 3(3) of such Act.

"(9) WINE.—The term 'wine' has the same meaning as in section 17(a)(6) of the Federal Alcohol Administration Act (27 U.S.C. 211(a)(6)).

"(b) GENERAL RULE.—It shall be unlawful for any person to manufacture, import, distribute, sell, ship, package or deliver for sale, distribution, or shipment, or otherwise introduce in commerce, in the United States, any alcoholic beverage during a calendar year unless the container of such beverage has a label bearing one of the following statements:

"(1) 'WARNING: THE SURGEON GENERAL HAS DETERMINED THAT THE CONSUMPTION OF THIS PRODUCT, WHICH CONTAINS ALCOHOL, DURING PREGNANCY CAN CAUSE MENTAL RETARDATION AND OTHER BIRTH DEFECTS.

"(2) 'WARNING: DRINKING THIS PRODUCT, WHICH CONTAINS ALCOHOL, IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY.

"(3) 'WARNING: THIS PRODUCT CONTAINS ALCOHOL AND IS PARTICULARLY HAZARDOUS IN COMBINATION WITH SOME DRUGS.

"(4) 'WARNING: THE CONSUMPTION OF THIS PRODUCT, WHICH CONTAINS ALCOHOL, CAN INCREASE THE RISK OF DEVELOPING HYPERTENSION, LIVER DISEASE, AND CANCER.

"(5) 'WARNING: ALCOHOL IS A DRUG AND MAY BE ADDICTIVE.'.

"(c) LOCATION OF LABEL.—The label required by subsection (a) shall be located in a conspicuous and prominent place on the container of a beverage to which such subsection applies. The statement required by such subsection shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on such container.

"(d) REQUIREMENTS.—Each statement required by subsection (a) shall—

"(1) be randomly displayed by a manufacturer, packager, or importer of an alcoholic beverage in each calendar year in as equal a number of times as is possible on each brand of the beverage; and

"(2) be randomly distributed in all parts of the United States in which such brand is marketed.

"(e) BUREAU OF ALCOHOL TOBACCO AND FIREARMS.—The Bureau of Alcohol Tobacco and Firearms shall—

"(1) have the power to—

"(A) ensure the enforcement of the provisions of this section; and

"(B) issue regulations to carry out this section; and

"(2) consult and coordinate the health awareness efforts of the labeling requirements of this section with the Secretary of Health and Human Services.

"(f) VIOLATIONS.—Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $10,000.

"(g) JURISDICTION.—The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of this section upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

"(h) EXEMPTIONS.—Alcoholic beverages manufactured, imported, distributed, sold, shipped, packaged, or delivered for export from the United States, or for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States shall be exempt from the requirements of this section, but such exemptions shall not apply to alcoholic beverages manufactured, imported, distributed, sold, shipped, or packaged or delivered for sale, distribution, or shipment to members or units of the Armed Forces of the United States located outside of the United States.

"(i) LIABILITY.—Nothing in this section shall be construed to relieve any person from any liability under Federal or State law to any other person.".

(c) The amendment made by this section shall become effective 6 months after the date of its enactment.

Mr. THURMOND. Mr. President, I just listed a few of the organizations that support the use of warning labels on alcoholic beverages. I did not list all of them.

Other organizations that favor warning labels on alcoholic beverages are the American Academy of Pediatrics; the American Medical Student Association; the American Youth Works Center; the American College of Preventive Medicine; the Consumer Federation of America; Children's Foundation; the American Health and Temperance Society; Consumer Affairs

Committee of Americans for Democratic Action; and the American Association of Health Education.

Those, I believe, are in addition to the ones I mentioned a few moments ago.

Mr. President, I wish to read a few letters to show the solid backing for this amendment.

I believe the distinguished manager of this bill on the floor was one of those who backed this amendment. I want to thank him, and I hope he will back it again.

Mr. President, here is a letter to me:

On behalf of the 160,000 members of the Association for Retarded Citizens of the United States, I wish to commend you and the other Senate co-sponsors for your introduction of legislation to mandate health and safety warning labels on all alcoholic beverages. Our members, the majority of whom are parents of persons with mental retardation, have been seeking such legislation for some time. As you are keenly aware, fetal alcohol syndrome is a leading and preventable cause of mental retardation.

We are particularly pleased that your proposed bill will require one of the warning labels to be affixed to beer, wine and distilled spirits containers to state that consumption of alochol during pregnancy can cause mental retardation. Such a label, providing high exposure of this problem to the general public, is expected to be extremely helpful in preventing mental retardation caused by fetal alcohol syndrome.

The ARC strongly endorses this legislation and urges its prompt enactment.

Sincerely yours,

V.K. "WARREN" TASHJIAN,
President.

Mr. President, if this bill is adopted, if it did nothing more than prevent mental retardation, it would be thoroughly worthwhile. That is what this organization, the Association of Retarded Citizens, feels about this bill.

Now, Mr. President, I want to read a letter from the National Parents and Teachers Association, dated February 1, 1988.

DEAR SENATOR THURMOND: The National PTA would like to extend our support to your efforts in enacting legislation that would require warning labels on alcoholic beverages.

As you know, alcohol is the most widely used and abused drug in our society. Yet, a 1983 National Weekly Reader Survey on Drugs and Alcohol noted that only 42 percent of fourth graders realized that alcohol was a drug compared to 81 percent who considered marijuana a drug, and the percentage of students recognizing alcohol as a drug decreased with age, to 28 percent, in the upper grades.

The public is not sufficiently aware of the danger of alcohol abuse or the short and long term effects of alcohol on their physical and mental health. Alcohol contributes to several fatal diseases, including cardiac myopathy, hypertension and stroke, pneumonia, several types of cancer and liver disease. As a poison, alcohol is second only to carbon monoxide as the substance directly responsible for the most unintentional poisoning deaths in the U.S. In addition, alcohol-related highway deaths are the number one killer of 15-24 year olds. In 1985, 52 percent of the 43,800 highway fatalities were alcohol related.

Mr. President, I want to pause to call attention to that. "In 1985, 52 percent of the 43,800 highway fatalities were alcohol related."

Health warning labels will serve important informational and educational functions. Labeling of all alcoholic beverages will highlight specific information about alcohol use and health effects. The glamorization and normalization of drinking promoted yearly, in a 1.3 billion advertising campaign, will be countered through warning labels on all alcoholic beverages. And finally, warning labels with reinforced school-based alcohol prevention and education programs.

We applaud your tireless effort to help educate the public to alcohol related problems. We hope that this year the health and safety of our nation's citizens takes priority over special interest concerns, and that legislation mandating health warning labels on alcoholic beverage containers be enacted.

Sincerely,

MILLIE WATERMAN,
Vice-President for Legislative Activity.

Mr. President, I have a letter here from the National Council on Alcoholism, addressed to me, dated January 27, 1988.

DEAR SENATOR THURMOND: On behalf of the National Council on Alcoholism, I would like to express my strong endorsement of your proposed legislation mandating health and safety warning labels on all alcoholic beverages.

If enacted, this legislation will provide alcohol consumers with concrete information about the association of alcohol consumption with health and safety risks ranging from alcohol-related birth defects and alcohol's contribution to liver disease, hypertension and cancer; to the impairment of driving ability and the danger of combining alcohol with other drugs. The label which identifies alcohol as a drug with addictive potential will help to mitigate against the alarming equation of alcohol with soft drinks and juices so frequently featured in alcohol advertising in both broadcast and print media.

Education has frequently been cited as a key ingredient in any comprehensive strategy to address alcoholism and alcohol-related problems in the nation. Clear and simple labels placed on every container of beverage alcohol every day of the year will keep educational messages about alcohol's effects constantly before the public eye. Public service announcements on radio and television and educational campaigns to combat alcoholism and related problems are of necessity, time-limited. The labeling of alcoholic beverage containers will institutionalize important public health information and cannot help but greatly enhance the public's knowledge regarding health and safety risks attendant on alcohol use.

In a democratic society, consumers have a right to know about the risks associated with the consumption of any given legal product. This information is critical if individuals are to make informed decisions about their use or non-use of alcohol. Alcoholic beverages have long been held harmless from a number of consumer information strategies. In fact, alcohol advertising which glamorizes drinking continues to be the major and most powerful source of information Americans receive about alcohol. Your proposed legislation makes a major contribution to alcohol education for American consumers.

NCA has been on record in support of health and safety warning labels on alcoholic beverages since 1982. In our view, the utilization of this simple, cost-effective and well precedented educational vehicle is long overdue. We have appreciated your leadership on this important alcohol policy measure throughout the last decade. We pledge our unqualified support for all your efforts to make health and safety warning labels on all alcoholic beverages federal public policy during the second session of the 100th Congress.

Please don't hesitate to call on the National Council on alcoholism and its 200 local and state affiliates throughout the nation for our assistance in helping you to realize this goal.

Sincerely,

THOMAS V. SEESSEL,
President.

Mr. President, I have letters and I will take more of them up later. As I say, I have letters from the American Academy of Pediatrics and various other organizations, which all endorse these labels.

What harm can there be to merely put on a container a label of the kind that I described, that warns pregnant women that it is dangerous to take alcohol because it would damage the babies and make many of them suffer from mental retardation? What is the harm in putting on a warning? People do not have to follow it, but why not warn the public? Why inform the public of the dangers?

This is for the health of the Nation. I am very pleased that not only the majority manager of this bill supported this bill but also the minority manager, my distinguished friend, the ranking member of the committee, favors warning labels.

Now, some people say, "I favor them but I do not favor them on this bill." That is no excuse. You may never have another opportunity if you do not put it on this bill. We ought to be putting it on many bills in this Senate. If you favor warning labels, now is the time to show your colors. Now is the time to let the public know you believe in warning labels. It is for the good of the public. That is the only reason I offer this amendment. I am interested in trying to help warn mothers not to drink alcohol while they are pregnant, to warn of the dangers of alcohol causing automobile wrecks, causing homicides, causing suicides.

Mr. President, this is a very important amendment, and I hope the managers of this bill will accept it. They both have favored labeling heretofore, and I hope they will accept it on this bill and not say put it off to another time or bring it up separately.

Now is the time to stand by this bill if you believe in it. Now is the time to show your colors. Now is the time to let the people of this Nation know that it is detrimental to pregnant women and detrimental in the other ways I have said. All this bill does is require a label. It does not prohibit anybody from doing anything. It merely warns the public. I hope the managers will accept this amendment,

and I will be pleased to hear from them right now.

(Mr. ROCKEFELLER assumed the chair.)

Mr. HATCH. Mr. President, it is intriguing to me that my distinguished colleague, who really has done a great job on warning labels as a member of the Labor and Human Resources Committee, would bring this matter up at this time on this bill, especially since tomorrow we have a number of health bills coming up in the Labor and Human Resources Committee, among which is the alcohol, drug abuse, and mental health bill, a perfect bill, a perfect vehicle, one where this amendment would be germane and one I would support without question, as I have in the past. The appropriate thing for him to do would be to bring it up tomorrow and put it on the alcohol, drug abuse, and mental health bill. Frankly, we might support it.

But there is another aspect of this, too, which I would like to call to my friend's attention. That is that there is not the same consensus for this particular bill as there might be if we sat down and really worked to get a consensus on warning labels which include warnings about the abuse of alcohol, because these labels do not do that. I think we could build a consensus with which we would pass a bill that would once and for all warn everybody in America about the dangerous use and the abuse of alcohol.

Unfortunately, I do not believe the bill the Senator is using as an amendment on the polygraph bill, a totally nongermane amendment, I might add, that really has no relationship to what we are trying to do with polygraph, would pass anyway. But I think we can work the language out so that we can pass it and do everybody in America a great deal of good.

Since 1977, I have supported Senator THURMOND's legislative efforts to require alcohol warning labels. I think Senator THURMOND has been a champion in educating Americans about the potential risks of alcohol abuse. However, I would like to suggest to my dear friend and colleague from South Carolina that he should consider offering this legislation as an amendment on the alcohol, drug abuse and mental health bill tomorrow and that would give it much more support than he will get here today, at least in my opinion.

Furthermore, I think there is an alcohol warning labeling bill that could be developed and passed by Congress. I do not think this one will be passed. There are many people, who are sincerely devoted to coming up with appropriate alcohol warning labels in the form of legislation, who perhaps would not vote for this bill. However, what Senator THURMOND has put before us is an important beginning. It can be improved.

For example, we should model this legislation after the recommendations by the Department of Health and Human Services. During last year's antidrug absue legislative effort we asked the Department of Health and Human Services to assess the potential educational benefits of alcohol warning label legislation.

In summary, they found, one, health warning labels can have an impact upon the consumer if they understand the labels and understand the risks the label is warning about. Consumers tend to ignore label information which they feel is not useful to them or is not important to their goals.

Second. Health warning labels can have an impact upon the consumer if the labels are designed effectively.

Third. Health warning labels may not have an effect on consumer behavior.

Fourth. Warning label legislation should be done after a public education effort designed to increase consumer knowledge of the health hazards associated with alcohol consumption.

That fourth one really makes a very good argument against bringing it up as a nongermane amendment to a bill that has no relationship to it.

With those goals in mind, I believe we can sit down with the distinguished Senator from South Carolina—and I am dedicated to doing that; I believe in warning labels as much as he does—and fashion a warning label bill accompanied by an educational campaign that will educate consumers about the health hazards of alcohol abuse.

I believe we should force the industry to work with us on the bill, and I believe we can get help from the industry. They are concerned about the abuse of alcohol, and some of them have acted very responsibly as a result of the hearings that I held when I was chairman of the Labor and Human Resources Committee, and as a result of some of the great work that the distinguished Senator from South Carolina has done, they are ready to do so. They have extended their hands toward us to talk. So let us do it. Let us not do it this way.

The managing editor of the Wine Spectator recently wrote, "We should adopt a forward-looking strategy that recognizes legitimate health concerns in America and proposes creative solutions to the warning label legislative effort which could put wine producers in a cosmic light and disarm the critics."

People are interested in discussing warning label legislation, so let us bring them all to the table with other interested groups including the National Council on Alcoholism, the National PTA, and the American Medical Association. Let us make them work with us and get an alcohol warning label bill signed into law. I do not think this is the vehicle, nor is this the amendment which will work.

Finally, I do not want to prolong this because I think everybody in this body and many people throughout the country know the fights that I have led to put warning labels on alcoholic beverages and on tobacco substances as well. We have the tobacco labels in effect. They are working. They are doing some good. I led the fight for those, among others. I will lead the fight, along with the distinguished Senator from South Carolina, on alcohol warning legislation as well. But this is not the way to do it. I am suggesting to you right now, Mr. President, that this is a vote on procedure, not substance.

Now, I would be hesitant about tabling a germane amendment, if this were a germane amendment, because there should be debate on this bill, but this issue is not germane. This is not the vehicle for those of us who really want to solve this problem. I do not think, the way it is written, it is passable either.

So I have to conclude that is the only reason for bringing it up at this time. You will have the perfect vehicle tomorrow. You have a committee that is acceptable to listening to alcohol warning legislation. I think they would allow it to be put in good form on the alcohol, drug abuse, and mental health bill, if not in committee certainly on the floor, and that bill is going to come to the floor without much hesitation. I think that is the appropriate way to do it.

Everybody knows I do not want to vote against alcohol warning legislation. Everybody knows that. Everybody knows my position on it. They know that I do not drink, and they know that I am concerned about the youth of this country. They know I am concerned about people who are uneducated in these areas. They know I am concerned about the abuse of alcohol. They know that I know that it is one of the biggest drug abuse aspects in our country today.

Frankly, this is not the bill to put it on, and we are going to have to move to table. Before we do, I know there are others who would like to speak on this, and certainly we want to give them adequate time to do so also.

I want to tell my dear colleague how much I respect him. There is nobody in this body for whom I have greater or more deep respect than Senator THURMOND. I hope he will withdraw this amendment, and do it tomorrow with my support in committee, do it properly on the bill where it will go through the Congress and be made into the law; work with us to get language that I know will be acceptable to everybody.

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

Mr. HATCH. I am happy to yield.

Mr. THURMOND. Mr. President, that sounds good.

Mr. THURMOND. But it is not practical.

Mr. HATCH. It is practical.

Mr. THURMOND. Here is why. The bill, the Alcohol, Drug Abuse and

Mental Health Bill, is similar to the bill last year that we put it on; similar bill, brought it to the Senate and we never could get it up in the Senate. Is the Senator asking to go through that same procedure when we could not get it up? The bill is up. We will have a chance to vote on it. Last year we brought up this bill and we never did get it up. So it amounted to nothing.

Mr. HATCH. Let me answer the Senator. That is true because it is this language, and there is not a consensus for this language. I will vote for this language in committee on the ADAMH bill which both the distinguished Senator from Massachusetts and I did last year. But we know that this language is not acceptable.

Mr. THURMOND. Offer amendments to amend it.

Mr. HATCH. If I could just answer the distinguished Senator, I believe. If we will sit down together we can come up with consensus language that the Senator from South Carolina can lead the fight for that will be very acceptable to him, that would not only be added to the ADAMH bill but would pass the whole Congress. I believe we could do it, if it is right so it is appropriate.

Mr. THURMOND. I suggest we go on with the bill here. I will sit down with the Senator tonight and work out these, if these warnings are not all right. Then we can offer them tomorrow.

Mr. HATCH. Let us work it out. But let us not offer it on this bill.

Mr. THURMOND. I know the Senator does not want them on this bill. He does not want this bill touched.

Mr. HATCH. That is right.

Mr. THURMOND. How are we ever going to get these warnings put on if we do not put them on the bill here in the Senate? We tried it in committee, and the Senator never could get his bill up. All last year we tried to get this bill up and had warnings in it. Alcohol interests were for it, and we were not able to get it up.

Mr. HATCH. If I can answer the distinguished Senator, the reason we could not, one of the principal reasons was because of this particular language. I happen to support this language in committee. I did support it. As a matter of fact, I am for this language. But I think it can be made better, and I think we can get it so we have a consensus, and even the industry would probably consent to it. If they will not, at least they know they are going to take a beating on the floor of both Houses of Congress.

I think this is the way to do it. Let us do it through the appropriate vehicles. Let us not do it on something like that which has no relationship to this.

Mr. THURMOND. Senator, you know amendments are offered all the time here that have no relation to other parts of the bill. It is the only way to get it through. In 1984 we passed the finest omnibus crime bill in the history of this Nation. How did we do it? We had to amend appropriations bill that came from the House. We sent this omnibus bill to the House and they never would act on it. We would not have passed the omnibus crime bill embodying so many good provisions if we had not amended the approporiation bill and put it on that. That is the only way we get it on there.

Mr. HATCH. I was part of that process.

Mr. THURMOND. I commend the Senator for that. I want to cooperate. I want to commend the Senator for this.

Mr. HATCH. I am always happy to be commended by the distinguished Senator from South Carolina. The problem with this is we know that this amendment on this bill will not help this bill to pass. We also know it did not help the ADAMH bill last year. We also know that if we can sit down, work on language, come up with language to do just as much as this language, maybe even more as far as warning the American people, and Americans who partake of alcoholic beverages, and given appropriate warnings, that will pass. That is a worthwhile endeavor.

Under those circumstances I would have no compunction about moving to table the Senator's amendment. Under those circumstances, with the added assurance that I am going to help him in every way I can to get appropriate warning label language passed, I will but not on this bill because this bill is a different bill. It has no relationship to that. I agree. We can add nongermane amendments to any bill if we want to. But I think I have made a pretty good case as to why I have to in particular move to table this particular bill. I will withhold that.

Mr. THURMOND. Will the Senator yield?

Mr. HATCH. Yes.

Mr. THURMOND. I want to remind the Senator that last year when we brought this bill with the labels in to the floor we never could get them to take up that bill until we took the labels out. They made us take the labels out. the Senator had the same thing again. This bill is up now. If we include in here, it will go to conference, it will be in conference. At least we can work it out.

The distinguished Senator from Massachusetts supports this bill, and supports these amendments. I commend him. What is the objection to putting them on this bill here now? Let us go to conference and see if we cannot work something out. I do not believe we are going to get alcohol warning labels on a bill that just provides for that alone. You have to hook it onto something else, and the alcohol interests will fight it to a finish. They did it last year.

And we have to put it on something else. This is a good bill to put it on.

Mr. HATCH. I will make another offer to the distinguished Senator. This is not a good bill to put it on. As much as I am for alcohol warning labels legislation, I am personally not going to let it go on this bill if I can help it. If the Senator wins, that will be fine on the vote. But let me say this. Should the Senator not win on this vote, if he persists on continuing, then I will do everything in my power to help him add appropriate legislation. We will work with him to change the language so it can be acceptable, so it can go through both Houses, and so it will pass. But I will do everything in my power as I think I am known to do to help him add it to any other appropriate bill that it could be added to.

Let me just add this. I think this is important. I believe that the Senator is not adequate in his statement that the bill came up last year, and they had to script language out. The bill did not come up last year. We did not script the language out. The reason it did not come up was because the language was in and we could not pass it. They were not going to waste the time on the floor to pass it, to try, when they knew there would be objections to this language. I think that is an accurate statement.

Mr. THURMOND. My recollection is we had to take out the warning labels to pass the bill.

Mr. HATCH. That is not true.

Mr. THURMOND. If I am in error I will be glad to be corrected.

Mr. HATCH. My understanding is that is not correct. Whether it is or is not, the Senator made by case. That is the warning labels as drafted were the reason the bill did not pass.

What I am offering is this, and I would like my colleague to consider withdrawing this amendment on this basis or otherwise I am forced to move to table. I am offering to do everything in my power to sit down with him, with my staff, his staff and others, and come up with legislation that I think will pass this year on the floor of both Houses of Congress, or at least we will have a much better chance to pass it than that.

I think it will pass. If the Senator will work with me on that, we will both be proud at the end of the year to have very effective alcohol warning legislation. If, for instance, the Senator persists with this amendment, and we have to move to table, then maybe the tabling will be granted. If it is granted, then the Senator, I think, has lost on his language.

I would prefer to work it out. I think we can work it out. We can work on something that is more germane as a bill, that is more germane than this particular bill. But that is all I have to say about it. If the Senator persists in presenting this amendment, we are going to have to move to table it. It is that simple.

Mr. THURMOND. I just want to say, Mr. President, for year after year these groups have been fighting to help the young people, and older

people, too, defend against the dangers of alcohol. The National Council on Alcoholism has worked strenuously for years. The Center for Science in the public interest has worked for the public good. The American Medical Society on Alcoholism and other drug dependency groups have worked for years. The American Academy of Pediatricians; what is pediatrics? A doctor of pediatrics is one who treats little children. These doctors nationwide treat little children, and are advocating these warning labels. They put people on notice. It does not bind people. It puts them on notice that it is dangerous.

The American Medical Association—that is the doctors of America—favor this bill. They favor this amendment. For years they favored it. Are we just going to continue to ignore it because the alcohol interests come down and raises some points about it, puts it off, hires high-powered lobbyists, and makes contacts here that cause people to go against it?

The Parent-Teachers Association, what kind of organization is this? What better people do we have advice us than the American Medical Association; Academy of Pediatrics; the Parent-Teachers Association; American Council on Alcohol Problems; American Medical Student Association; American Youth Works Center; American College of Preventive Medicine. Those are not two-by-four organizations. They are prominent organizations. They have the respect of the American people, and yet we have not taken action on this because alcohol interests have opposed it, opposed it, opposed it year after year.

Consumer Federation of America; The Children's Foundation; The American Association for Health Education; the National Education Association; NEA. That is a teacher's organization. They favor this amendment.

Every good organization in America favors it that I know of. I do not know of a good organization in America that opposes this amendment.

Why do we want to keep opposing it? The people cannot get this because they cannot get a vote on it.

March of Dimes; Association of Halfway House Alcoholism Programs. That is where people have gotten in trouble and then instead of putting them on probation, immediately they send them to a halfway house.

The law enforcement people know what trouble we have had with alcohol. All we want to do is to inform the American public. That is all we want to do, inform the American public. People do not have to follow it. But we have a duty, I think, to inform the public of these dangers.

The American Medical Association says we do. the Parent-Teachers Association says we do, and all these good organizations. And why not inform the public about these things?

Mr. HATCH and Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. If I can respond, much of what the Senator says is true, most of it, and I support him.

Mr. THURMOND. If anything I said is not true, call it to my attention. If it is in error, I will correct it.

Mr. HATCH. I think the distinguished Senator is an acknowledged leader in this area, and I am one of the first to acknowledge it, and I want to express to anybody who is watching or who cares that I appreciate it. As a matter of fact, he does not have a better advocate than I. All I am saying is this: There is a way of doing this, and there is not a way. The way he is doing it means it will never pass. Of course, that also is one reason he has brought it up on this bill, which he opposes.

If he will sit down and work it out with me and with other interested people, we can come up with warning langauge that is probably superior to this language that would be consensus language, and then we could start a public education program that would cause it to pass. I have no doubt about that. I think it is an idea which has its time now.

Frankly, I truly admire my colleague. There is nobody who admires him more than I do. I think I have shown that through the years, and I will stand with him and I will help, and I will do everything I possibly can to back him.

On this bill, I cannot back him. He knows that. It is a little embarrassing to me to have to move to table his amendment. I hope he will not put me to that, but if he does, I am going to have to do it because I am committed to this legislation and, frankly, I am committed to alcohol warning language that will go through the Congress, not just something that makes a point now. That is why I would move to table. I think the offer I have made is more than a good offer. He knows I live up to the things I say here on the floor to the best of my ability to do so.

So all I can say is that I agree with him except on this bill, and except with this lange. I think the language can be improved, and I think it can be made acceptable even to some who probably oppose it today, and if that is so, then we will really pass something. It would be landmark legislation that everybody, except perhaps certain alcohol beverage manufacturers, is going to be proud of.

Let me yield the floor to the distinguished Senator——

Mr. THURMOND. I am willing to do this. For year after year now, we have played around with this thing and we get no results.

Mr. HATCH. Right.

Mr. THURMOND. Perhaps we can do this, if the Senator is willing on that bill tomorrow to help to work these labels out and get them on that bill tomorrow that we bring out, and if the chairman of the committee is willing to work with us on that to get these labels in shape.

Both Senators have failed to do that with the very labels I have here. But if there is any little amendment we can submit to make them effective and bring them out in that bill tomorrow, I am willing to do that with the understanding that if we do not get action on that bill with labels in it when it comes up in the Senate, then I am going to be free to offer it in some other bill in the future.

Mr. HATCH. That is right. Let me just say this to the distinguished Senator. I will do everything in my power to work with him to come up with language that will work by tomorrow. I do not know if we will be able to do so, because we have to bring together a whole bunch of people and do it in such a way that we can conduct a public campaign and people can understand it. Assuming that we cannot arrive at langauge tomorrow, which does not give us much time, but we will make an effort, then I will help the Senator when it comes to the floor, because the bill will come to the floor, and I think we can resolve it.

Mr. THURMOND. I want it understood that if we bring something out here and then if it is stopped, and we cannot get the bill up, I will be free to take it up on any other piece of legislation in the future.

Mr. HATCH. I am with the Senator, and I will probably support the Senator at that time.

Mr. DANFORTH. Mr. President, I wonder if I may just interject myself briefly in this conversation because I——

Mr. THURMOND. I will be glad to yield for a minute.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. THURMOND. I thought I had the floor. I never gave it up.

The PRESIDING OFFICER. The Senator from Utah has the floor and yielded to the Senator from South Carolina.

Mr. HATCH. I yield to the Senator from Missouri such time as he desires.

Mr. DANFORTH. I would like to make this point before people start making deals about what is going to come up and who will bring up legislation on an hour's notice or 24 hours' notice.

This bill was referred to the Senate Commerce Committee. It was introduced last month. It was referred to the Senate Commerce Committee. No hearing has been held on it.

Mr. THURMOND. Why?

Mr. DANFORTH. No hearing has been requested by the distinguished authors.

Mr. THURMOND. I request it now. How soon can the committee hold the hearing?

Mr. DANFORTH. I am not the chairman of the committee.

Mr. THURMOND. The Senator is the ranking member.

Mr. HATCH. Will the distinguished Senator from Missouri help the distinguished Senator from South Carolina get a hearing?

Mr. DANFORTH. I will be happy to talk to the other Senator from South Carolina, the chairman of the Commerce Committee.

I would just like to point this out about this legislation. It is wonderful to stand on the floor of the Senate and pick out various industries and start attacking them for one reason or another, but this is clearly very far-reaching legislation. This legislation provides that on containers for alcoholic beverages—what is a container? A glass? A paper cup at the ball park? On containers of alcoholic beverages, one of five warning labels has to appear.

One of the warning labels says: "The consumption of this product which contains alcohol can increase the risk of developing hypertension, liver disease, and cancer."

Mr. THURMOND. That is what the doctors say.

Mr. DANFORTH. That is a very significant thing to put on somebody's cup of beer at the ballpark, without any hearing whatever in the Congress of the United States. We are assured that——

Mr. HATCH. If the Senator will yield on that point——

Mr. DANFORTH. Just a second. We are assured that liver disease and cancer, and so forth, are caused by this. Also, I point out that in its present form the term "sale and distribution" in the bill includes sampling or any other distribution not for sale.

So presumably in this bill in its present form if you had a guest over to your house for dinner and served that person a glass of wine which you gave away, you would have to have a warning on the wineglass.

It would seem to me, if I read this correctly, and I have not had a chance to read it yet—we have not had a hearing on it—that this kind of blockbuster legislation at least deserves to go through the reasonable legislative process. My hope is that the Senator from South Carolina will withdraw his amendment.

I do not want to join the chorus of approval for a bill that has never had a hearing, that was only introduced, as far as the Commerce Committee is concerned, a month ago and that provides if you have a guest over to your home and give him a glass of wine, you have to have a warning on the wineglass.

I think that is an extreme piece of legislation, and it deserves a little bit of attention in the regular course of legislation.

Mr. HATCH. I will add this: I think the Senator makes a good point. Actually Senator THURMOND's amendment, when it came up in committee, was limited to distilled spirits, as I understand it, and one of the Senators added "beer and wine" onto the amendment. Everybody voted for it.

Of course, at that point everybody knew this amendment was dead because the distinguished Senator from Missouri points out some of the difficulties that come up, and that is why it never passed. That is why I am saying we are going to have to work out the language because, like all things around here, if you want to do good, you are going to have to get some sort of consensus.

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

Mr. HATCH. I am delighted to yield.

Mr. THURMOND. I wanted to say, as to the sale or distribution, that is not just a glass of wine in your home, or something like that. It is the sale or distribution of it.

Mr. HATCH. I understand.

Mr. THURMOND. I understand my good friend from Missouri is a friend of Colonel Bush with whom I was in World War II and hold in high regard. But after all, we have to protect the public, Senator. And you are a man of the cloth, too, and I am sure that you would like to protect the public.

The ACTING PRESIDENT pro tempore. The comments should be to the Presiding Officer.

Mr. HATCH. May I add one other thing—I think we chatted enough—I will commit to the Senator from South Carolina if he will withdraw the amendment, and I think it is the appropriate thing to do, we will work out language that will be acceptable. I think that would have to include the language that will be passable and that will bring a consensus about, and we are going to have to also work, and I think a number of Senators, possibly including our friends from Missouri, will work to develop a public consensus for appropriate language.

I think it is an appropriate thing for the Senator to withdraw the amendment at this time with the assurance from me, and I add one other thing. This amendment can be drafted so that it is subject to the Labor and Human Resources Committee jurisdiction.

The way it is drafted, it had to be sent to the Commerce Committee. I agree that there have not been any hearings in the Commerce Committee.

But to correct a misconception, there have been in the Labor and Human Resources Committee. The Senator is right in everything that he has brought out with regard to our hearing in the Labor and Human Resources Committee. We did cover this matter.

I will ask the Senator to withdraw the amendment with those assurances.

Mr. THURMOND. With those assurances that they have given and with the further understanding if we do not get this bill up and pass it later, I will be free to offer it to the legislation in the future. I want that understood. I do not want anybody to say I withdrew it. I intend to offer it again.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to express my views on this amendment and only take a few moments of the Senate's time and, if I could, invite the attention of the Senator from South Carolina so he will not misunderstand or misinterpret my position on this issue just as a Senator.

I had supported the labeling concept that had been basically included in the substance of the amendment of the Senator from South Carolina. It was altered and changed to include "beer and wine" in the committee.

The fact remains that there was at least a broad understanding, having spent time on the issue, that this would sound the death knell, because of various political factors, for any such labeling process to move forward.

That particular measure I still support. But I want to make it very clear that, as the Senator from Missouri has pointed out, this legislation which basically incorporates the amendment of the Senator from South Carolina has been referred to the Commerce Committee. Even should language be worked out that could be agreeable and acceptable to the Labor and Human Resources Committee and that was to be passed out on one of the most important health bills that we are facing, the NIAAA bill, that relates to drug abuse and alcoholism, an absolutely essential piece of legislation if we are going to deal with one of the great scourges of our country, on a very limited budget, I might add, about a tenth of what the Surgeon General had actually recommended in his recent report, it is absolutely essential that we pass it.

I want to make it clear that I will not risk that legislation moving forward with an amendment which is not related to our jurisdiction, when any single Member of this body can raise as a point of order and bring down that particular piece of legislation under article XV. I am not going to be a part of it. I will not be a part of it. I want to make that very clear. I will do the best I possibly can in trying to influence the members of that committee who have supported it on the basis of substance that if it is offered in that committee on that measure I will do the best I can to defeat it. If it is offered out here as a freestanding amendment and if it is not going to interfere with the basic acceptance of the legislation, I will support it. But I am going to make that call. I want to make that call.

I think that those of us who have been involved in this labeling issue for some period of time would have to be cautious about giving assurances to the membership as to whether those who have been involved on the Labor and Human Resources Committee would support such an amendment. Others can reach other conclusions.

The Senator from South Carolina has opposed this bill. I would ask the Senator from South Carolina if this amendment were accepted would he support the underlying bill?

Mr. THURMOND. I would have to think about it.

Mr. KENNEDY. There is a clear enough indication, Mr. President. I do not question the motives of the Senator from South Carolina, but he is opposed to the legislation. This is not relevant to the substance of the legislation.

What we are talking about now is a limited area, dealing in these issues with the whole question of the abuse of individual rights under the proliferation of polygraph testing.

It is a question of importance in terms of public policy and in terms of health policy, but it is not relevant to this particular issue.

I will certainly work with the Senator from South Carolina on this measure and work with the members of the Commerce Committee to see if some progress can be made.

But I, for one, do not want, at least the members of our committee, the Labor and Human Resources Committee, which basically has reported out this particular measure and hopefully will report out the other measures tomorrow, to misinterpret what at least my position would be. They will make their own judgment and make their own call. But this is how I view this particular amendment, and I would support the tabling resolution of the Senator from Utah.

The ACTING PRESIDENT pro tempore. The Chair will inquire of the Senator from South Carolina if he wishes his amendment to be withdrawn. It was not entirely clear to the Chair.

Mr. THURMOND. I would like to hear what the ranking member has to say on this.

Mr. HATCH. Let me say this: I agree that if we can work out language overnight, the amendment would have to be germane. That is part of working out the language. I think it can remain germane. I do not know if we can come up with the final language by tomorrow morning.

I have said to the distinguished Senator from South Carolina that I would work in good faith to see if we cannot do that by tomorrow morning's markup, that we will work very, very hard to get an amendment in shape with the appropriate public support for it that we can add to the bill on the floor of the Senate or to any other bill that he would like to add it to whether or not it is germane. I would help him, and I think he knows that. But I do not want it on this bill because it just is not germane here.

I hope the distinguished Senator will withdraw the amendment with that assurance, and he knows I will help him and I will help him regardless of what anybody thinks about it.

Mr. THRUMOND. Mr. President, with that understanding I will withdraw the amendment at this time.

The ACTING PRESIDENT pro tempore. The amendment is withdrawn.

Mr. THURMOND. I do not want to give assurances in the future as to what course it will take if we do not get something worked out in the committee.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO 1474

(Purpose: To make certain technical corrections)

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself and Senator HATCH and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mr. HATCH, proposes an amendment numbered 1474.

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

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

The amendment is as follows:

On page 19, line 3, strike out "1987" and insert in lieu thereof "1988".

Beginning on page 22, strike out line 22 and all that follows through page 23, line 3, and insert in lieu thereof the following new paragraph:

(1) IN GENERAL.—Subject to paragraph (2), any employer who violates any provision of this Act may be assessed a civil penalty of not more than $10,000.

On page 35, strike out lines 18 through 23 and insert in lieu thereof the following:

(2) the employer that requested the test;

(3) any person or governmental agency that requested the test as authorized under subsection (a), (b), or (c) of section 7; or

(4) any court, governmental agency, arbitrator, or mediator, in accordance with due process of law, pursuant to an order from a court of competent jurisdiction.

Mr. KENNEDY. Mr. President, this is a technical amendment that basically changes the date of the act from 1987 to 1988.

Mr. HATCH. Mr. President, the amendment offered by the Senator from Massachusetts and myself will correct two apparent technical difficulties in the bill. First, the amendment will delete the language of S. 1904 which concerned potential monetary fines for failing to post notices concerning the prohibitions called for in this act.

It was not our intent to create yet another regulatory burden for employers. Instead, we wanted to make clear how serious Congress feels about this issue. After careful review, we have decided that the Fair Labor Standards Act already has ample provisions in this area, and the requirements for posting of a notice concerning polygraph examinations need not be treated any differently than existing requirements.

The second portion of the amendments makes clear who can have access to information derived from a polygraph test. The amendment makes clear a court, a governmental agency, an arbitrator or a mediator may have such information if obtained pursuant to an order from a court of competent jurisdiction.

This new language was added to clarify the status of parties who may be in arbitration or mediation over such matters as wrongful discharge or some other adverse employment action. In such instances, possession of the test information, if obtained in the appropriate manner, may expedite resolution of the dispute.

Mr. President, this amendment should help clarify two technical areas of the bill, and I hope my colleagues will approve their adoption.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1474) was agreed to.

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

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

The motion to lay on the table was agreed to.

REMOVAL OF INJUNCTION OF SECRECY

The ACTING PRESIDENT pro tempore. As in executive session, without objection, it is ordered that the injunction of secrecy be removed from a supplementary protocol to the 1970 Tax Convention with Belgium (Treaty Document No. 100-15), transmitted to the Senate on February 29, 1988, by the President; and ask that the protocol be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The message of the President follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Supplementary Protocol Modifying and Supplementing the Convention between the United States of America and the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Re-

spect to Taxes on Income, together with a related exchange of notes. The Supplementary Protocol and the exchange of notes were signed at Washington on December 31, 1987. I also transmit for the information of the Senate the report of the Department of State with respect to the Protocol.

Pending the successful conclusion of a comprehensive new income tax convention, the Supplementary Protocol will make certain improvements in the existing convention intended to promote the development of economic relations between the United States and Belgium.

It is most desirable that this Protocol be considered by the Senate as soon as possible and that the Senate give advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *February 29, 1988.*

APPOINTMENT BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senators as members of the Senate delegation to the Mexico-United States Interparliamentary Group during the second session of the 100th Congress, to be held in New Orleans, LA, March 4-8, 1988: the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Arizona [Mr. MCCAIN].

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. BYRD. Mr. President, I am not particularly eager to offer a cloture motion on this bill, but I feel constrained to do so after having discussed the matter with the two leaders, the two managers of the bill. Senators have had an ample opportunity and plenty of time to come over and offer amendments. As I understand the situation, an amendment was offered. It was discussed and withdrawn. It was not a germane amendment. Mr. President, I am sorry that Senators apparently are not showing a disposition to call up amendments today.

This is an important bill. I shall offer a cloture motion which will mature on Thursday. In the meantime, I hope that Senators can come to some agreements. I will be very happy to offer a time agreement, allowing for germane amendments to be called up and voted on and disposed of so that the Senate could get on with this business. It will get on with this business, one way or another; and I hope that Senators will cooperate in helping the Senate to complete this business sooner rather than later.

So I hope that this cloture motion will not have to mature, but just as a bit of insurance, Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators in accordance with the provisions of Rule XXII of the Standing Rules of the Senate hereby move to bring to a close the debate upon the committee substitute to the bill S. 1904, Polygraph Protection Act of 1987.

Senators Edward M. Kennedy, Howard Metzenbaum, Brock Adams, Lowell Weicker, Patrick Leahy, John F. Kerry, Tom Harkin, Thomas Daschle, Orrin G. Hatch, Don Riegle, Christopher Dodd, Barbara A. Mikulski, Timothy E. Wirth, J.J. Exon, Dale Bumpers, and Robert Stafford.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, it is 5 o'clock p.m. I do not want to keep the Senate in further today if Senators are not going to call up amendments. The cloture motion will ripen by Thursday. In the meantime I would urge all Senators on both sides who are interested in the bill to try to get their heads together and resolve their problems and call up their amendments, dispose of them, let us pass the bill and get on to something else.

Mr. President, there will be no more rollcall votes today.

Mr. RIEGLE. Mr. President, today, March 1, marks the beginning of "National Social Work Month." I want to recognize the special contributions made by our Nation's social workers to the well-being of their fellow Americans.

Social workers deserve this recognition because they act on their compassion for others by working for more effective social services and programs. They display a commitment to professional integrity and a dedication to public service.

Social workers are involved in the entire range of activities from direct client counseling and family intervention services to the more broad matters of policy and program development and advocacy. They assist people from the entire range of socio-economic backgrounds.

I would like to underscore our Nation's social workers' long and proud tradition of reaching out to serve those most in need. They do, indeed, stand on the front line of battle against our most pressing social problems. Many victories, large and small, are attributable to their tireless efforts.

Mr. President, I worked closely with the National Association of Social Workers [NASW] on the budget this past fall in an effort to gain additional funding for the title XX social services block grant. NASW is the largest organization of social workers, speaking as one voice to promote our Nation's social and community life. NASW joined in a coalition of 95 national organizations, called Generations United, which successfully worked with other Members of Congress and I to secure an additional $50 million authorization for the social services block grant for fiscal year 1988.

Today, the NASW embarks on a public service campaign, marking the beginning of "Social Work Month," emphasizing the importance of education needed to stop the AIDS epidemic. The campaign also seeks to raise public awareness about the needs of AIDS patients and their families. As the painful toll of AIDS epidemic rises, social workers once again occupy the front lines to assist the afflicted. The NASW campaign will serve to enhance public understanding of the psychological and social burdens that often accompany AIDS, or the fear, hate and discrimination encountered by patients, families and friends.

Mr. President, I am pleased to have this opportunity to applaud the countless efforts made by social workers to improve the lives of people in need of assistance. As the challenges faced by social workers mount, I am certain they will continue to meet the challenge. It is with great appreciation that America celebrates "National Social Worker Month."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2630. A communication from the Deputy Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the reapportionment of an appropriation of an account of the Veterans' Administration; to the Committee on Appropriations.

EC-2631. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to repeal the authority for special pay for psychologists in the Commissioned Corps of the Public Health Service; to the Committee on Armed Services.

EC-2632. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting a draft of proposed legislation to authorize expenditures for fiscal year 1989 and 1990 for the Panama Canal Commisison to operate and maintain the Panama Canal and for other purposes; to the Committee on Armed Services.

EC-2633. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, the annual report on Chemical Warfare—Biological Research Program Obligations for fiscal year 1987; to the Committee on Armed Services.

EC-2634. A communication from the Secretary of Housing and Urban Development,

transmitting, pursuant to law, and interim report on the Supportive Housing Demonstration Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-2635. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the West Valley Demonstration Project for 1988; to the Committee on Energy and Natural Resources.

EC-2636. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the Office of Alcohol Fuels for fiscal year 1987; to the Committee on Energy and Natural Resources.

EC-2637. A communication from the Chairman of the Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the Safety Research Program of the Commission; to the Committee on Environment and Public Works.

EC-2638. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Highway Resurfacing, Restoration and Rehabilitation (RRR) Practices"; to the Committee on Environment and Public Works.

EC-2639. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Results of Research Related To Stratospheric Ozone Protection"; to the Committee on Environment and Public Works.

EC-2640. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to February 18, 1988; to the Committee on Foreign Relations.

EC-2641. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report of the Department on competition advocacy for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2642. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Expanded Authority for Temporary Appointments: A Look At Merit Issues"; to the Committee on Governmental Affairs.

EC-2643. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1987; to the Committee on Governmental Affairs.

EC-2644. A communication from the Acting Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1987; to the Committee on Governmental Affairs.

EC-2645. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report of the U.S. General Accounting Office for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2646. A communication from the Assistant Secretary of Housing and Urban Development (Administration), transmitting, pursuant to law, a report on amendments to an existing Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2647. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for NIDRR—Research and Demonstration—Knowledge, Dissemination, and Utilization; to the Committee on Labor and Human Resources.

EC-2648. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, a report of the White House Conference on Small Business, including the findings and recommendations of the Conference, as well as proposals for any legislative action necessary to implement the recommendations; to the Committee on Small Business.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRYOR:

S. 2112. A bill to amend the Internal Revenue Code of 1986 to treat certain meals provided by an employer as de minimis fringe benefits; to the Committee on Finance.

By Mr. DIXON:

S. 2113. A bill to provide for the establishment of a Joint Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. INOUYE (for himself, Mr. HOLLINGS and Mr. DANFORTH):

S. 2114. A bill entitled the "Public Telecommunications Act of 1988"; to the Committee on Commerce, Science, and Transportation.

By Mr. DANFORTH (for himself, Mr. MITCHELL, Mr. BOREN, Mr. DURENBERGER and Mr. HEINZ):

S. 2115. A bill to amend the Internal Revenue Code of 1986 to eliminate tax credits from the passive activity rules, to modify the business credit limitation provisions, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. METZENBAUM (for himself, Mr. HEINZ, Mr. DIXON, Mr. ROCKEFELLER and Mr. DOLE):

S. Res. 388. A resolution expressing the opposition of the Senate to the proposed $400 million World Bank loan to restructure Mexico's steel industry; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself, Mr. MITCHELL, Mr. CHAFEE, Mr. BURDICK, Mr. STAFFORD, Mr. MOYNIHAN, Mr. GRAHAM, Ms. MIKULSKI, Mr. BAUCUS, Mr. WILSON, Mr. SIMON, Mr. GORE, Mr. HARKIN, Mr. REID, Mr. FORD, Mr. SARBANES, Mr. LEAHY, Mr. BRADLEY, Mr. D'AMATO, Mr. CRANSTON, Mr. INOUYE, Mr. HUMPHREY, Mr. LEVIN, Mr. PELL, Mr. RIEGLE, Mr. DODD, Mr. WEICKER, Mr. DASCHLE, and Mr. KENNEDY):

S. Res. 389. A resolution to express the sense of the Senate regarding future funding of the Construction Grants program of the Clean Water Act; to the Committee on Environmental and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR:

S. 2112. A bill to amend the Internal Revenue Code of 1986 to treat certain meals provided by an employer as de minimis fringe benefits; to the Committee on Finance.

EQUITY FOR SMALL BUSINESS EMPLOYEES

● Mr. PRYOR. Mr. President, today I am introducing legislation which will correct an unintended discrimination in our income tax laws against employers and employees in small- and medium-size businesses. This legislation will make it possible for small businesses which lack either the physical or financial resources to maintain an on-premises cafeteria for their employees to subsidize a de minimis portion of the cost of an employee's meal consumed off the business premises.

Current tax law permits any employer to subsidize the difference between the fair market value of an employee's meal consumed in a company cafeteria and the direct cost of providing that meal as a de minimis fringe benefit. Treasury regulations assume that this difference will be approximately one-third of the fair market value of the meal. So long as the employer subsidy falls within these limits, it is not treated as additional wages for income or employment tax purposes. Although this provision nominally applies equally to both small and large businesses, small businesses which lack the resources to provide an on-premises cafeteria are effectively precluded from providing this benefit to their employees.

Under my legislation small businesses would be able to subsidize a similar one-third share of the value of an employee's meal which is consumed off the business premises. However, only one-half of the employer subsidy would be excluded from taxable wages. This limitation is imposed solely to assure that the aggregate 3-year revenue cost of this proposal will be less than $100 million. Nevertheless, although falling short of full equality, this legislation will take a significant step toward giving small business access to a benefit freely available to large businesses under our tax laws.

Small business is the foundation of the American economy. Ninety-two percent of United States businesses employ less than 50 employees, and 68 percent of our work force is employed by establishments having less than 100 workers. Because our economy depends so heavily on the small businessman and his employees, it is essential that we, as legislators, assure that these employers and employees receive the benefits and incentives provided under our laws.●

By Mr. DIXON:

S. 2113. A bill to provide for the establishment of a Joint Committee on Intelligence; to the Committee on Rules and Administration.

ESTABLISHMENT OF A JOINT COMMITTEE ON INTELLIGENCE

Mr. DIXON. Mr. President, I rise today to introduce legislation designed to improve congressional oversight of the administration's covert and other intelligence activities. The establishment of a joint committee on intelli-

gence would create a dependable and secure system and enable Congress to participate as a full partner in foreign policy and intelligence operations.

The root of the problem is that too many people in both the executive and legislative branches have access to sensitive information. A new joint oversight panel would significantly lessen the risk of damaging, unauthorized disclosure by reducing the number of people who are part of the intelligence information loop.

The benefits of a joint committee on intelligence are clear. I believe this legislation would go far in restoring confidence between Congress and the administration. The increased confidence would enable Congress to receive timely and detailed reports on intelligence activities, as well as, a renewed ability for in-depth cooperation.

The administration has recognized the need for a more secure environment and has begun to reduce access to secrets and punish those who have leaked. I applaud their steps. However, Congress now needs to follow suit and reinforce its ability to guide the security and foreign affairs of our Nation.

Mr. President, now is the time for Congress to act by correcting the deficiencies that have had such an undesirable effect on Congress' oversight capability. This measure will aid in correcting these deficiencies and send an important message to our allies, as well as the American people, that this is a government which can operate in an efficient and forthright manner. I urge by colleagues to join me in supporting this measure to bring about a determined, bipartisan effort for responsible congressional oversight of our national security.

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. 2113

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

SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE ON INTELLIGENCE.

There is established within the Congress a Joint Committee on Intelligence (hereafter in this Act referred to as the "joint committee").

SEC. 2. MEMBERSHIP OF JOINT COMMITTEE.

(a) COMPOSITION.—(1) The joint committee shall be composed of nine Members of the Senate and nine Members of the House of Representatives as follows:

(A) Five members of the Senate shall be appointed from the majority party by the President pro tempore upon the advice of the majority leader and foru Members of the Senate shall be appointed from the minority party by the President pro tempore upon the advice of the minority leader. At least one but not more than two of such members shall be appointed from each of the following committees: the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on the Judiciary.

(B) Five members of the House of Representatives shall be appointed from the majority party by the Speaker of the House and four Members of the House shall be appointed from the minority party by the Speaker of the House upon the advice of the minority leader. At least one but not more than two of such members shall be appointed from each of the following committees: the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on the Judiciary.

(2) The majority leader and minority leader of the Senate and the majority leader and minority leader of the House of Representatives shall be ex officio members of the joint committee but shall have no vote in the joint committee and shall not be counted for purposes of determining a quorum.

(b) TERM OF SERVICE.—(1) Except as provided in paragraph (2), a Member of Congress may not serve on the joint committee for more than six consecutive years.

(2)(A) Of the members initially appointed to the joint committee from the Senate, three members shall be appointed for a term of six years, three members shall be appointed for a term of four years, and three members shall be appointed for a term of two years. In each case, not more than two members may be from the same political party.

(B) Of the members initially appointed to the joint committee from the House of Representatives, three members shall be appointed for a term of six years, three members shall be appointed for a term of four years, and three members shall be appointed for a term of two years. In each case, not more than two members may be from the same political party.

(C)(i) A member who begins service on the joint committee during the first session of a Congress may not serve for more than five consecutive years plus the remainder of the session during which such service began.

(ii) A member who begins service on the joint committee during the second session of a Congress may not serve for more than six consecutive years plus the remainder of the session during which such service began.

(c) VACANCIES.—Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original appointment.

(d) CHAIRMAN AND VICE CHAIRMAN.—(1) The joint committee shall select a chairman and a vice chairman from among its members at the beginning of each session of a Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman.

(2) The chairmanship and the vice chairmanship of the joint committee shall alternate between the Senate and the House of Representatives with each session of a Congress. The chairman during each odd-numbered year shall be selected by the Members of the House of Representatives on the joint committee from among their number and the chairman during each even-numbered year shall be selected by the Members of the Senate on the joint committee from among their number. The vice chairman during each session of a Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a member.

SEC. 3. DUTIES OF THE JOINT COMMITTEE.

(a) IN GENERAL.—The joint committee shall exercise exclusive legislative jurisdiction with respect to the following:

(1) The intelligence activities conducted by each department and agency of the Federal Government.

(2) The authorization of appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The intelligence and intelligence-related activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence and intelligence-related activities of the Department of State.

(F) The intelligence and intelligence-related activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in subparagraph (A), (B), or (C).

(H) The activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in subparagraph (D), (E), or (F), to the extent that the activities of such successor department, agency, or subdivision are activities described in subparagraph (D), (E), or (F).

(b) REVIEW AND STUDY.—The joint committee shall review and study on a continuing basis the intelligence activities conducted by each department or agency of the Federal Government.

SEC. 4. POWERS OF THE JOINT COMMITTEE.

(a) IN GENERAL.—The joint committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, to require by subpoena the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such tesitmony, to procure such printing and binding, and to make such expenditures as the joint committee considers advisable.

(b) RULES: QUORUM.—(1) The joint committee may make such rules respecting its organization and procedures as it considers necessary, except that no recommendation may be reported from the joint committee unless done so by a majority vote of the members present and voting.

(2) Ten members of the joint committee shall constitute a quorum for reporting any recommendation.

(c) SUBPOENAS.—(1) Subpoenas may be issued over the signature of the chairman of the joint committee or of any member designated by the chairman or by the joint committee to the extent the chairman or such member is authorized by a majority of the joint committee to issue such subpoenas.

(2) A subpoena issued by the joint committee may be served by any person designated by the chairman or other member authorized to sign the subpoena.

(d) ADMINISTRATION OF OATHS.—Any member of the joint committee may administer oaths or affirmations to witnesses.

(e) AVAILABILITY OF INFORMATION TO OTHER COMMITTEES AND MEMBERS.—The joint committee shall, under such regulations as the joint committee shall prescribe, make any information in its possession available to any other committee or to any Member of Congress not a member of the joint committee and may permit any member of Congress not a member of the joint committee to attend any hearing of the joint committee that is closed to the public. Whenever the joint committee makes such information available, the joint committee shall keep a written record showing, in the case of any particular information, which committee or which Members of

Congress received such information. A Member of Congress who, or a committee which, receives information under this subsection may not disclose such information except in a closed session of the Senate or the House of Representatives.

(f) PRESIDENTIAL LIAISON.—The joint committee may permit any individual designated by the President as a liaison to the joint committee to attend any meeting of the joint committee that is closed to the public.

SEC. 5. INFORMATION FROM FEDERAL DEPARTMENTS AND AGENCIES.

Any department or agency of the Federal Government referred to in section 3(a)(2)(A) through (F) and any other department or agency of the Federal Government which conducts any intelligence activity, shall keep the joint committee fully and currently informed with respect to any such activity. Any such department or agency shall furnish such reports as may be requested by the joint committee with respect to any such activity.

SEC. 6. CLASSIFICATION AND RELEASE OF INFORMATION.

(a) CLASSIFICATION OF INFORMATION.—The joint committee shall classify information originating within the joint committee, and the records of the joint committee, in accordance with standards used generally by the executive branch of the Federal Government for the classification of information. The joint committee shall establish guidelines under which such information and records may be—

(1) maintained;

(2) used by the staff of the joint committee; and

(3) made available to any Member of Congress who requests such information or records and has an appropriate security clearance, as determined by the joint committee.

(b) PUBLIC DISCLOSURE OR CLASSIFIED INFORMATION.—(1) The joint committee may, subject to the provisions of this subsection, disclose publicly any information in the possession of the joint committee after a determination by the joint committee that the public interest would be served by such disclosure.

(2)(A) In any case in which the joint committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, the joint committee shall notify the President of such vote.

(B) The joint committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless before the expiration of such five-day period, the President, personally in writing, notifies the joint committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3)(A) If the President notifies the joint committee of his objections to the disclosure of such information as provided in paragraph (2)(B), the joint committee may, by majority vote, refer the question of the disclosure of such information with a recommendation thereon to the Senate and the House of Representatives for consideration.

(B) The joint committee shall not publicly disclose such information unless a two-thirds majority of each House has, by recorded vote in open session but without divulging the information with respect to which the vote is being taken, agreed to the recommendation of the joint committee to disclose such information.

(4)(A) Whenever the joint committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(B) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(i) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed;

(ii) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed; or

(iii) refer all or any portion of the matter back to the joint committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day of which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (i), (ii), and (iii) of the second sentence of this paragraph. Any vote of the Senate to disclosure any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate.

SEC. 7. RECORDS

The joint committee shall keep a complete record of all joint committee actions, including a record of the votes on any question on which a record vote is demanded. All records, data, charts, and files of the joint committee shall be the property of the joint committee and shall be kept in the office of the joint committee or such other places as the joint committee may direct.

SEC. 8. UNAUTHORIZED DISCLOSURE OF INFORMATION.

(a) RULES AND PROCEDURES TO PREVENT UNAUTHORIZED DISCLOSURE.—The joint committee shall establish and carry out such rules and procedures as it considers necessary to prevent the disclosure, outside the joint committee, of any information which—

(1) relates to any intelligence activity which is conducted by any agency or department of the Federal Government;

(2) is obtained by the joint committee, any member of the joint committee, or any member of the staff of the joint committee; and

(3) is not authorized by the joint committee to be disclosed.

(b) RESTRICTION ON ACCESS TO INFORMATION.—No member of the staff of the joint committee shall be given access to any classified information by the joint committee unless such staff member has received an appropriate security clearance as determined by the joint committee, in consultation with the Director of Central Intelligence and other appropriate intelligence community officials. The type of security clearance to be required in the case of any such staff member or any class of staff members shall, within the determination of the joint committee, in consultation with the Director of Central Intelligence and other appropriate intelligence community officials, be commensurate with the sensitivity of the classified information to which such staff member or class of staff members will be given access by the joint committee.

(c) VIOLATIONS.—(1) The joint committee may take appropriate actions against any member of the joint committee, or any staff member of the joint committee, who violates any provision of this section or any guideline established under section 6.

(2)(A) In the case of a member of the joint committee, such action may include (i) the censure of such member by the joint committee; (ii) the expulsion of such member from the joint committee, unless such expulsion is objected to, within five legislative days after the joint committee reports such expulsion, by a majority vote in the House of Congress of which such member is a Member; and (iii) recommendation to the Senate or the House of Representatives, as the case may be, by the joint committee that such member be censured or expelled by the Senate or the House of Representatives.

(B) Unless an objection is adopted under subparagraph (A)(ii), no member of the joint committee who the joint committee has expelled may attend or participate in any meeting or activity of the joint committee.

(3) In the case of a person serving on the staff of the joint committee, such action may include the immediate dismissal of such person. The joint committee shall report to the Attorney General of the United States any apparent violation of any Federal criminal law committed by any such person in connection with a violation of any provision of this section or any guidance established under section 6.

SEC. 9. STAFF.

(a) IN GENERAL.—In carrying out its functions under this joint resolution, the joint committee may, by record vote of a majority of the members of the joint committee—

(1) appoint, on a permanent basis, without regard to political affiliation and solely on the basis of fitness to perform their duties, professional staff members and clerical staff members;

(2) prescribe the duties and responsibilities of such staff;

(3) fix the pay of such staff at rates not in excess of the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332(a) of title 5, United States Code;

(4) terminate the employment of such staff as the joint committee may consider appropriate; and

(5) require, at the time of appointment, all staff members to agree in writing and under oath to the policy of the joint committee governing the disclosure of classified information.

(b) PERSONNEL AND SERVICES OF DEPARTMENTS AND AGENCIES.—In carrying out any of its functions under this joint resolution, the joint committee may utilize, on a reimbursable basis, the services, information, facilities and personnel of any agency or department of the Federal Government, and may procure the temporary or intermittent services of experts or consultants by contract at rates of pay not in excess of the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332(a) of title 5, United States Code, including payment of such rates for necessary traveltime.

SEC. 10. JOINT COMMITTEE EXPENSES

The expenses of the joint committee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, from funds appropriated for the joint committee, upon vouchers approved by the chairman of the joint committee.

SEC. 11. DEFINITIONS

In this joint resolution:

(1) The term "intelligence activities" includes—

(A) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities;

(B) activities taken to counter similar activities directed against the United States;

(C) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement, or other association; and

(D) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons.

(2) The term "staff" includes any employee of the joint committee and any person engaged by contract or otherwise to perform services for the joint committee.

SEC. 12. AMENDMENTS TO STANDING RULES OF THE SENATE

(a) REPEAL.—Senate Resolution 400, Ninety-fourth Congress (adopted May 19, 1976), is repealed.

(b) AMENDMENT TO SENATE RULES.—Rule XXV of the Standing Rules of the Senate is amended by striking out "Intelligence ..... 15" and inserting in lieu thereof "Joint Committee on Intelligence ..... 9".

(c) RULE MAKING AUTHORITY.—The provisions of this joint resolution are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 13. AMENDMENTS TO NATIONAL SECURITY ACT OF 1947

(a) Section 501 of the National Security Act of 1947 (50 U.S.C. 413) is amended—

(1) in subsection (a)(1) by striking out "Select Committee on Intelligence of the Senate" and all that follows through "('intelligence committees')" and inserting in lieu thereof "Joint Committee on Intelligence (hereafter in this title referred to as the 'joint committee')";

(2) by striking out "intelligence committees" each place it appears and inserting in lieu thereof "joint committee";

(3) in subsection (a)(1) by striking out "ranking minority members" and inserting in lieu thereof "vice chairman";

(4) in subsection (a)(2) by striking out "either of";

(5) in subsection (d) by striking out "each of" and inserting in lieu thereof "the Members of each House on"; and

(6) in subsection (d) by striking out "its respective" both places it appears and inserting in lieu thereof "their respective".

(b)502(c)(2) of such Act is amended—

(1) by striking "Permanent Select Committee on Intelligence and" inserting in lieu thereof "joint committee,"; and

(2) by striking "and the Select Committee on Intelligence" and inserting in lieu thereof a comma.

(c) Section 602(c) of such Act is amended by striking out "Select Committee on Intelligence of the Senate" and all that follows through the period and inserting in lieu thereof "Joint Committee on Intelligence.".

(d) Section 603(a) of the such Act is amended by striking out "submit to the Select" and all that follows through "House of Representatives" and inserting in lieu thereof "submit to the Joint Committee on Intelligence".

SEC. 14. EFFECTIVE DATE

This Act shall take effect at the beginning of the first Congress beginning after the date of enactment of this Act.

By Mr. INOUYE (for himself, Mr. HOLLINGS, and Mr. DANFORTH):

S. 2114. A bill entitled the "Public Telecommunications Act of 1988"; referred to the Committee on Commerce, Science, and Transportation.

PUBLIC TELECOMMUNICATIONS ACT OF 1988

● Mr. INOUYE. Mr. President, today, I am introducing the Public Telecommunications Act of 1988. This legislation authorizes funding for the Corporation for Public Broadcasting for fiscal years 1991 through 1993 and for the Public Telecommunications Facilities Program for fiscal years 1989 through 1991. It continues the tradition of advance funding for these important programs so that key long term planning decisions can be made.

The roots of public broadcasting in America are in education. The Federal Communications Commission's rules and regulations require that licensees who seek to operate on channels reserved for noncommercial stations must intend to promote educational programming. From this basic concept, the obligation of public broadcasting has expanded to include programming that is generally not feasible for commercial stations to provide. In addition, public stations are expected to be more responsive to the local informational needs of the communities they serve and the needs of diverse interest groups who are not likely to be served by the commercial broadcasters.

In 1967, the Corporation for Public Broadcasting [CPB] was established by Congress. This law has as its goal:

"* * * [to] help make public broadcasting available to all citizens * * * and to afford maximum protection to such broadcasting from extraneous interference and control.

In the 20 years since the adoption of the Public Broadcasting Act, public broadcasting has grown and matured. Even with the increased number of programming services, it is largely responsible for much of the quality entertainment and educational video and audio programming.

Public stations are generally viewed as the bastion of responsive programming. However, local programming is the most expensive to produce and the most difficult to finance. There is far more programming aired on more public broadcast stations than there was 20 years ago, but there is also a great deal of program duplication in the markets with multiple public outlets. This is a direct result of the fact that television programming is very expensive to produce.

Public broadcast stations are finding it increasingly difficult to fund operations and programming, not to mention research and development. To ensure that the CPB can assist stations in the maintenance of their current high quality programming, to enhance program production, and to further technological developments in the industry, this legislation authorizes funding for the CPB in the amount of $304 million for fiscal year 1991, $354 million for fiscal year 1992, and $404 million for fiscal year 1993.

These funding levels continue the 20 year trend of steadily increasing the funding levels for the CPB. They are identical to the levels for the CPB reported by the Commerce Committee in last year's reconciliation legislation. These amounts will enable our public broadcast stations to maintain their current high quality programming in the face of ever increasing production costs. In addition, the increase in funding will permit public broadcasting to fund an hour a day of preschool programming on the model of Sesame Street and two new programs designed to reach out to the community with solutions to local problems. These funds will also be used to expand the number of public radio stations by 60 a year and increase their ability to serve each local community. With such ambitious goals, public broadcasters could well use much larger amounts than I have included. I strongly believe that this legislation properly balances the needs of the public broadcasters with the overall desire to reduce the budget deficit.

This legislation also authorizes an additional $200 million to be used over a 3-year period to replace the satellite interconnection system. That system consists of four transponders, approximately 250 receive only ground terminals, the Main Origination Terminal, and 19 uplink facilities. The useful life of the transponders is expected to end in mid-1991, and the ground system will then be over 15 years old. For public broadcast stations to continue to operate, the transponders must be replaced and the ground system upgraded. This is one time authorization. It will not be an ongoing cost after the system has been replaced.

Finally, this legislation authorizes funding for the Public Telecommunications Facilities Program. This program provides funds for the construction of stations that will provide service to unserved and underserved communities or segments of the population. Extension of service to these communities is one of the primary goals of the Communications Act. This program also provides for the repair and replacement of equipment. The Congress found several years ago that many public broadcast stations were operating with antiquated equipment that often broke. This situation continues. The program receives far more requests for assistance than it is currently able to satisfy. To continue to work towards these goals, it is important that the program have the necessary resources.

This bill authorizes $36 million for fiscal year 1989, $39,000 for fiscal year 1990, and $42,000 for fiscal year 1991. Although these levels represent increases over the previous authorization, the annual increase is only $4 million for 1989 and $3 million for each of the remaining years. In the previous authorization bill, the annual increases were $4 million per year. The increases proposed here are necessary to enable the program to overcome the effects of inflation and to permit a small increase in the number of stations assisted.

The Communications Subcommittee has scheduled a hearing on this legislation for March 15. This will provide an opportunity for parties to discuss the appropriate funding levels and to raise other matters related to public broadcasting. Because of the importance of this measure, I intend to move for prompt action after the hearing.●

● Mr. DANFORTH. Mr. President, I am pleased to cosponsor the Public Telecommunications Act of 1988, a bill which will ensure the financial viability of an important national resource, public broadcasting. Public broadcasting has brought excellence and diversity to the American public.

In 1967, Congress recognized the value and potential of public broadcasting by enacting the Public Broadcasting Act. The roots of public broadcasting, however, go back another decade to the educational television of the early 1950's. To this day, one of the central goals of public broadcasting is education. This bill furthers that goal in four ways.

First, by authorizing $36 million for the Public Telecommunications Facilities Program [PTFP] for fiscal year 1989, $39 million for 1990, and $42 million for 1991, the bill ensures the continuation of grants for educational and other public broadcasting purposes. A PTFP grant made last year to the Missouri School Boards Association serves as an example of the exciting educational programs that can be developed with PTFP funds. Grant money will help school districts in dozens of rural Missouri counties install equipment so that they can participate in an educational satellite network, and, for the first time, receive a Public Broadcasting System signal. What this means to rural Missouri school children is that they will be able to take courses such as advanced placement calculus and physics that would not otherwise be available. Other programs available for the first time to rural students include the Silent Network (for the hearing impaired), SCOLA (daily broadcasts of foreign news programming), and a series on the U.S. Constitution.

Second, by authorizing the Corporation for Public Broadcasting (CPB) in the amount of $304 million for fiscal year 1991, $354 million for 1992, and $404 million for 1993, this bill helps to ensure that those rural Missouri school children, and Americans generally, will continue to have access to rich and diverse educational programming and supplemental educational materials.

Third, continued funding for CPB will help bring cultural and educational programming to Americans through the Public Broadcasting System stations.

Today, satellites are the bridge between the programming and the public. Thus, the fourth way in which this bill furthers the goal of education is by authorizing $200 million for a Satellite Interconnection Fund, to ensure that public broadcasting will have the needed satellite capacity to continue bringing diverse and educational programming to the American public in the 1990's.

I am proud to be a cosponsor of this bill and I urge my colleagues to take this opportunity to support public broadcasting.●

By Mr. DANFORTH (for himself, Mr. MITCHELL, Mr. BOREN, Mr. DURENBERGER, and Mr. HEINZ):

S. 2115. A bill to amend the Internal Revenue Code of 1986 to eliminate tax credits from the passive activity rules, to modify the business credit limitation provisions, and for other purposes; to the Committee on Finance.

COMMUNITY REVITALIZATION TAX ACT

● Mr. DANFORTH. Mr. President, today I am introducing a bill that represents the first step in an effort to help revitalize the cities in our country and to provide affordable housing for low-income Americans. Specifically, my bill is designed to reinvigorate the rehabilitation tax credit and low-income housing tax credit programs and to encourage the participation of nonprofit organizations in low-income housing production. The Community Revitalization Act would provide access to the investment capital required by both the low-income housing and rehabilitation credit programs, thus allowing the programs more effectively to meet the needs that prompted Congress to create them. In addition, it would remove several existing barriers to nonprofit sponsorship and participation in creating affordable housing opportunities for their communities. In this effort, I am pleaded to be joined by my colleagues Senators MITCHELL, BOREN, DURENBERGER, and HEINZ. Identical legislation is being introduced today in the House by Representative KENNELLY.

Mr. President, during the last several decades, our Nation's cities have become increasingly blighted. Widespread deterioration and squalid living conditions in many older residential areas stand in dramatic contrast to the large comfortable and beautifully landscaped residences of the new suburbs. Neighborhoods that once flourished are now ghettoes that offer no hope for those who live there. With moderate income individuals and families moving out to the suburbs, the poor and less educated are often left in the inner cities. Often, these people do not have the time or interest to spend on the welfare of the general community. This lack of economic mix perpetuates the ghetto and destroys communities.

In middle American cities, the problem is particularly severe. Disinvestment has ravaged these cities during the last several decades. Economic activity does not just happen there; it needs to be aggressively encouraged. In the last 7 or 8 years, we have begun to see successes with reinvestment in many of these cities. However, many neighborhoods still do not have the critical mass of development necessary to sustain their communities. As a result, entire cities are left without an adequate tax base, and vital services cannot be provided.

At the same time, we are in the midst of a vast and growing housing affordability and availability crisis. There is a large and expanding gap between the cost of decent housing, as provided by the private sector, and the income which is available to pay for it. The most tragic and visible indicator of the low-income housing crisis is homelessness. As many as 700,000 persons could be homeless on a given night in 1988, and considerably more could experience homelessness over the course of the year. National estimates range from 350,000, from a

report by HUD, to over 3 million—National Coalition for the Homeless. While there is no satisfactory method of counting the homeless, there is general consensus that the problem is a growing one. Whatever the number of homeless people and families was 2 or 3 years ago, it is substantially larger now.

The house affordability crisis is creating a more severe economic situation in inner cities. City governments are being forced to spend much larger percentages of their resources on the provision of low-income housing. As a result, those cities with so few real estate markets have fewer resources to spend on neighborhood stabilization or the development of housing for more moderate income individuals. Without any relief, these cities will only decline further, increasing the problems that already exist.

Clearly, these problems are extremely complex and deserve comprehensive solutions. Today, I am introducing a bill that will reinvigorate existing tax credits and provide a first step in our fight to address these problems. The low-income housing and rehabiliation credits were created by Congress specifically to revitalize aging downtowns and neighborhoods and provide increased access to affordable housing for Americans nationwide. They were established to encourage investment in areas and projects that Congress considered desirable, but unlikely to attract capital on their own because of their high risk, high cost, and low projected rate of return. It is this type of investment that is crucial to our Nation's inner cities and the poor who need affordable places to live.

Unfortunately, the Tax Reform Act of 1986 ensured that these important credits would not work. Congress destroyed the effectiveness of the existing tax incentives and created a low-income tax credit that has been unable to produce a meaningful amount of affordable housing. In fact, the National Council of State Housing Agencies reports that States used only 20 percent of available low-income housing in 1987. In Missouri, low-income housing activities did slightly better, but still only used $1.8 million of $6.3 million in available credits.

The effect of the inadequacy of the credits has been devastating for poor people across the country. The production of multifamily housing has dropped considerably since 1986. In 1985, 666,000 units were built. In 1987, only 474,000 units were built. The National Association of Home Builders blamed the slowdown primarily on the 1986 tax changes. In my own State of Missouri, the city of St. Louis developed an average of 210 units a year of below-market rate housing before the Tax Reform Act of 1986. In 1987, the city only developed 90 units of subsidized housing. This is a shocking drop that will certainly create additional suffering and homelessness in that city.

The rehabilitation of historic buildings, a key to urban revitalization, has also plummeted due to the Tax Reform Act of 1986. The most recent National Park Service study of historic rehabilitations reveals that historic rehabilitation activity in 1987 declined to the lowest levels since the first year of the rehabilitation tax credit program. Applications for rehabilitation certification nationwide declined by 35 percent between 1986 and 1987. Applications for approval of rehabilitation work since 1986 are down 52 percent from the level of a 12-month period in 1985 prior to congressional action on tax reform. Even worse, the National Park Service expects that those levels will show further decline in 1988. In St. Louis, renovations using the rehabilitation tax credit fell by more than 80 percent between 1985 and 1987. The city rehabilitated 908 units in 1985 and only 222 units in 1987.

Both the low-income housing and the rehabilitation tax credits suffer from the inability to attract capital. Because of their interaction with the passive loss rules, enacted as part of the Tax Reform Act of 1986, neither program is able to function as Congress intended. The passive loss rules were designed to prevent individual taxpayers from using losses from certain "passive" activities to shelter income from wages, salaries and other types of investment income. The rules addressed the significant increase in the use of losses from certain investments, typically those involving heavily leveraged investments in real estate, to offset "active" income. These transactions, often structured as limited partnerships, would allow investors to take advantage of generous depreciation deductions available for real estate as well as deductions for interest expense to create extensive tax losses in the early years of an investment.

Unnfortunately, in addition to restricting the use of passive losses, the rules enacted in 1986 also restrict the use of credits, primarily the rehabilitation tax credit and the low-income housing credit. Under the rules, a taxpayer generally may use the credits only to offset tax liability from passive activities. In an attempt to lessen the negative impact of the passive activity rules on the rehabilitation and low-income housing credit programs, Congress provided a special exception for both credits in the 1986 act. The exception permits taxpayers with adjusted gross incomes of less than $250,000 to use up to $7,000 of either credit annually to offset nonpassive income. This limited exception phases out as an individual's income exceeds $200,000. This exception has been underutilized and has created two major problems in the financing of low-income housing and rehabilitation projects.

Low-income housing and rehabilitation projects have traditionally been structured as private placements under the regulation D exception to public offering registration requirements of the SEC. Generally, regulation D requires that all but 35 investors in a project be accredited investors—individuals with annual income of over $200,000 or net worth over $1,000,000. Since virtually all such accredited investors do not qualify for the credit exception to the passive activity rules because of the income cap, project sponsors are increasingly hard pressed to find accredited investors who can utilize these incentives in a private placement. The main investment alternative, a registered public offering, requires extensive Federal submissions and individual submissions in every State in which the investment is to be marketed. These requirements make such an approach prohibitively expensive for all but the largest low-income and rehabilitation projects.

Vitality and viability must be restored to both the rehabilitation and the low-income housing credit programs. Under the Community Revitalization Tax Act of 1988, this would be accomplished by shifting the credit use limitations for these programs from the passive loss rules into the general rules that limit use of business credits. This is not a complete answer to the problems created in 1986 for low-income housing. I want to make it clear that it will still be necessary to address basic structural problems with the low-income housing credit in the future.

The Community Revitalization Tax Act of 1988 would increase the pool of investors eligible to use the rehabilitation and low-income housing credits and expand the number of practical financing mechanisms available to project sponsors. Additionally, the bill would allow a more coordinated use of the at-risk rules by conforming the rules for the low-income credit to those applicable to the rehabilitation tax credit.

The bill would have the additional benefit of simplifying the tax law in two ways. First, it would modify the passive activity rules to limit their scope to include only losses, not credits. Second, it would leave any limitations on credits where they conceptually belong, in the general business credit limitation. More specifically, section 3 of the bill would tighten the limitation as it applies to individuals to limit the amount allowable for a taxable year to the sum of the first $20,000 of a taxpayer's net tax liability plus 20 percent of liability exceeding $20,000. As an additional check on tax avoidance, taxpayers attempting to "zero out" through use of the credits are also subject to the alternative minimum tax system, where credits cannot be used to reduce alternative minimum tax liability. In order to ensure that this bill remains revenue neutral, I will support further restraints on the use of the business

credit or such other changes that might help to accomplish this goal.

Section 5 of the bill would remove disincentives to nonprofit sponsorship of rehabilitation and low-income housing by adjusting and clarifying provisions of the law that currently restrict the ability of nonprofit housing sponsors to join with private investors in initiating and financing affordable housing projects. Nonprofit participation in these projects is particularly desirable since many nonprofit organizations have both low-income housing management expertise and a long-standing commitment to their communities. They are accordingly an element of stability in the low-income housing market, and their participation will help guarantee continued housing affordability.

Section 5 makes four clarifications of current law as it applies to the participation of tax-exempt organizations in rehabilitation and low-income housing activities. First, it would clarify that credits from both programs earned by tax-exempt organizations could be used to offset any unrelated business income tax liability of a tax-exempt organization. Second, it would clarify that interest income foregone on below-market loans to organizations operating qualified low-income housing buildings can be treated as a qualifying distribution for purposes of the annual payout requirements of a foundation. The foregone interest could be calculated either annually or on a present value basis. Third, the bill would provide that the tax-exempt entity use restrictions do not apply to leases of a rehabilitation program building which is also a qualified low-income housing building within the meaning of section 42. Finally, the bill would clarify the pooled income fund rules to provide that a corporation can be an income beneficiary (with a 20-year life) in situations where the pooled fund's investments consist of qualified low-income housing buildings.

Mr. President, Congress reaffirmed its commitment to affordable housing and community revitalization by creating the low-income housing credit and preserving the rehabilitation credit in the 1986 Tax Reform Act. We have monitored these credit programs carefully since that time and have watched a steady and sharp decline in the effectiveness of the rehabilitation tax credit and a very disappointing start for the low-income housing credit. Simply put, if Congress is to make good on its commitment to create housing opportunities for our most needy citizens and revitalize our neighborhoods, we must ensure the vitality of the low-income housing and rehabilitation credits and encourage nonprofit participation in providing affordable housing. The Community Revitalization Tax Act of 1988 is an important first step in our efforts to ensure that the credits work and that low-income housing is available and cities in our Nation are decent, safe places to live.

I ask unanimous consent that the text of the bill and a fact sheet be printed in the RECORD.

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

S. 2115

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 "Community Revitalization Tax Act of 1988".

SEC. 2. TAX CREDITS ELIMINATED FROM PASSIVE ACTIVITY RULES.

(a) IN GENERAL.—Paragraph (1) of section 469(a) of the Internal Revenue Code of 1986 (relating to passive activity losses and credits limited) is amended to read as follows:

"(1) IN GENERAL.—If for any taxable year the taxpayer is described in paragraph (2), the passive activity loss for the taxable year shall be disallowed.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 469 of the Internal Revenue Code of 1986 is amended by striking out "or credit" in the heading and the text thereof.

(2) Subsection (d) of such section 469 is amended to read as follows:

"(d) PASSIVE ACTIVITY LOSS DEFINED.—For purposes of this section, the term 'passive activity loss' means the amount (if any) by which—

"(1) the aggregate losses from all passive activities for the taxable year, exceed

"(2) the aggregate income from all passive activities for such year.".

(3) Subsection (e)(2)(A) of such section 469 is amended by striking out the second sentence thereof.

(4) Subsection (f)(1) of such section 469 is amended—

(A) by adding "and" at the end of subparagraph (A), by striking out subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B), and

(B) by striking out "subparagraph (A) and (B)" in subparagraph (B) (as so redesignated) and by inserting in lieu thereof "subparagraph (A)".

(5) Subsection (f)(2) of such section 469 is amended by striking out "and credits".

(6) Subsection (i)(1) of such section 469 is amended by striking out "or the deduction equivalent (within the meaning of subsection (j)(5)) of the passive activity credit" and by striking out "or credit".

(7) Subsection (i)(3) of such section 469 is amended by striking out subparagraphs (B) and (C) and redesignating subparagraph (D) as subparagraph (B).

(8) Subsection (i)(5)(A) of such section 469 is amended by adding "and" at the end of clause (i), by striking out ", and" at the end of clause (ii) and inserting in lieu thereof a period, and by striking out clause (iii).

(9) Subsection (i)(6) of such section 469 is amended by striking out subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(10) Subsection (j) of such section 469 is amended—

(A) by striking out "and the passive activity credit" in paragraph (4),

(B) by striking out "AND CREDIT" in the heading of paragraph (4),

(C) by striking out paragraphs (5) and (9), and

(D) by redesignating paragraphs (6), (7), and (8) as paragraphs (5), (6), and (7), respectively.

(11) Subsection (k) of such section 469 is amended by striking out the second sentence of paragraph (1).

(12) Subsection (m) of such section 469 is amended—

(A) by striking out "or credit" each place it appears in paragraph (1),

(B) by striking out the last sentence of paragraph (3)(A),

(C) by striking out "OR CREDIT" in the heading of paragraph (3), and

(D) by striking out "AND CREDITS" in the heading thereof.

(13) Paragraph (3) of section 501(c) of the Tax Reform Act of 1986 is amended to read as follows:

"(3) SPECIAL RULE FOR LOW-INCOME HOUSING.—Section 469(i)(6)(B)(i) of the Internal Revenue Code of 1986 (as added by this section) shall not apply to any property placed in service after December 31, 1987.

(c) CLERICAL AMENDMENTS.—

(1) The section heading of section 469 of the Internal Revenue Code of 1986 is amended by striking out "and credits".

(2) The table of sections for subpart C of part II of subchapter E of chapter 1 of such Code is amended by striking out "and credits" in the item relating to section 460.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 1987, in taxable years ending after such date.

SEC. 3. LIMITATION PROVISIONS OF GENERAL BUSINESS CREDIT MODIFIED WITH RESPECT TO INDIVIDUALS.

(a) IN GENERAL.—Subparagraph (A) of section 38(c)(4) of the Internal Revenue Code of 1986 (relating to special rules for limitation of general business credit based on amount of tax) is amended to read as follows:

"(A) INDIVIDUALS.—

"(i) IN GENERAL.—Except as provided in clause (ii), in the case of an individual—

"(I) the amount specified under subparagraphs (A) and (B) of paragraph (2) shall be $20,000 in lieu of $25,000, and

"(II) the percentage specified under subparagraph (B) of paragraph (2) shall be 20 percent in lieu of 75 percent.

"(ii) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of a husband or wife who files a separate return, clause (i)(I) shall be applied by substituting '$10,000' for '$20,000'. This clause shall not apply if the spouse of the taxpayer has no business credit carryforward or carryback to, and has no current year business credit for, the taxable year of such spouse which ends within or with the taxpayer's taxable year.".

(b) TECHNICAL AMENDMENTS.—Subparagraphs (B), (C), and (D) of section 38(c)(4) of the Internal Revenue Code of 1986 are each amended by striking out "paragraph (1)" and inserting in lieu thereof "paragraph (2)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

SEC. 4. MODIFICATION OF AT-RISK RULES TO CERTAIN REHABILITATION PROPERTY.

(a) IN GENERAL.—Section 46(c)(8) of the Internal Revenue Code of 1986 (relating to certain nonrecourse financing excluded from investment tax credit base) is amended by adding at the end thereof the following new subparagraph:

"(G) SPECIAL RULE FOR CERTAIN REHABILITATION PROPERTY.—

"(i) IN GENERAL.—Subparagraph (D) shall be applied to qualified rehabilitation property as if section 42(k) applied to such property.

"(ii) QUALIFIED REHABILITATION PROPERTY.—For purposes of this subparagraph, the term "qualified rehabilitation property"

means property attributable to qualified rehabilitation expenditures determined under section 48(g)(2).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 1987, in taxable years ending after such date.

SEC. 5. TAX-EXEMPT ORGANIZATION PARTICIPATION IN CERTAIN BUILDING PROJECTS.

(a) CLARIFICATION OF UNRELATED BUSINESS INCOME TAX OFFSET.—Subsection (a) of section 38 of the Internal Revenue Code of 1986 (relating to general business credit) is amended by inserting "(including the tax imposed by section 511)" after "chapter".

(b) CLARIFICATION OF DEFINITION OF QUALIFYING DISTRIBUTION.—Section 4942(g) of the Internal Revenue Code of 1986 (defining qualifying distributions) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) CERTAIN LOANS TO SECTION 501(C) ORGANIZATIONS OPERATING LOW-INCOME HOUSING.—

"(A) IN GENERAL.—For purposes of this section, the term 'qualifying distribution' includes the amount of foregone interest on a below-market loan (as defined in section 7872(e)) to an organization described in section 501(c) which is exempt from tax under section 501(a) for the purposes of operating a qualified low-income building (as defined in section 42(c)(2)).

"(B) FOREGONE INTEREST.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The amount of foregone interest shall be computed each taxable year in the manner described in section 7872(e)(2) for the period the loan is outstanding during such taxable year.

"(ii) PRESENT VALUE.—If a taxpayer elects the application of this subparagraph, the amount of the foregone interest on a term loan (as defined in section 7872(f)(6))—

"(I) shall be computed for the taxable year in which the loan is entered into, and

"(II) shall be equal to the present value of the foregone interest determined under section 7872(e) for the period of the loan.".

(c) TAX EXEMPT ENTITY LEASING CONFORMING AMENDMENT.—Clause (v) of section 48(g)(2)(B) of the Internal Revenue Code of 1986 (relating to certain expenditures not included in definition of qualified rehabilitation expenditure) is amended by adding at the end thereof the following new subclause:

"(III) CLAUSE NOT TO APPLY TO QUALIFIED LOW-INCOME BUILDING.—This clause shall not apply to the extent that the expenditure is in connection with the rehabilitation of a building which is (or is reasonably expected to be) a qualified low-income building (as defined in section 42(c)(2)).".

(d) CLARIFICATION OF POOLED INCOME FUND RULES.—Section 642(c)(5) of the Internal Revenue Code of 1986 (defining pooled income fund) is amended by adding at the end thereof the following new sentence: "If substantially all of the assets of a pooled income fund are to be invested exclusively in qualified low-income buildings (as defined in section 42(c)(2)), then, for purposes of subparagraph (A), the fund may have 1 or more corporations as income beneficiaries and the life of any such corporate beneficiary shall be deemed to be 20 years.".

(e) EFFECTIVE DATE.—The amendments made by this section shall be applied to taxable years beginning after December 31, 1987.

FACT SHEET: THE COMMUNITY REVITALIZATION TAX ACT OF 1988

The rehabilitation tax credit and the low-income housing tax credit programs are not functioning as Congress intended, in part because the credits are regulated by the 1986 Tax Reform Act's passive loss rules. The rules effectively restrict credit use to $7,000 for many taxpayers and eliminate the use of credits completely for others above specified income levels. These limitations have caused a sharp decline in the availability of equity capital for affordable housing projects and commercial rehabilitation, thus frustrating Congress' goal of providing substantial tax incentives to encourage the revitalization of the nation's older commercial areas and low income and historic residential neighborhoods.

The Community Revitalization Tax Act of 1988 will restore the vitality of the rehabilitation and low-income housing tax credits and, at the same time, ensure that limits on credit use are maintained. The legislation will additionally remove several existing barriers to nonprofit sponsorship and participation in creating affordable housing. The bill:

Removes the rehabilitation and low income housing credits from the passive loss rules. Losses from rehabilitation and low income housing projects would remain subject to the rules.

Tightens the existing limitations on individual taxpayer use of all business tax credits, including the rehabilitation and low income housing credits. Currently, taxpayers may use only $25,000 of credits to reduce their total income tax liability plus an amount that would reduce up to 75 percent of any additional tax liability. The legislation tightens this restriction to allow individuals to use only $20,000 of credits plus an amount equal to 20 percent of additional tax liability.

Conforms the at-risk rules for the rehabilitation credit to those for the low income credit in order to encourage a more coordinated use of the two credits.

Removes specific disincentives to nonprofit sponsorship of rehabilitation and low-income housing by adjusting and clarifying provisions that currently restrict the ability of nonprofits to join with private investors in initiating and financing affordable housing.

The Community Revitalization Tax Act of 1988 will simplify the rehabilitation and low income credits by applying uniform eligibility rules to all taxpayers. Credit availability will no longer be tied to a $7,000 limit or be based on the amount of passive income a taxpayer can claim. The legislation thus will increase the pool of investors eligible to use credits and reduce transaction costs by expanding the number of practical financing mechanisms. Additionally, under the bill, nonprofit organizations will be more fully able to participate in the provision of community housing.●

ADDITIONAL COSPONSORS

S. 675

At the request of Mr. MITCHELL, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Maine [Mr. COHEN], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992.

S. 1740

At the request of Mr. DURENBERGER, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1740, a bill to amend title XIX of the Social Security Act to permit States the option of providing comprehensive medical assistance to chronically ill and disabled children with a family income meeting a particular income standard, and for other purposes.

S. 1787

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 1787, a bill to amend title 38, United States Code, to prescribe certain presumptions in the case of veterans who performed active service during the Vietnam era.

S. 1833

At the request of Mr. DURENBERGER, the names of the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1833, a bill to make grants from amounts appropriated from the Federal hospital insurance trust fund under title XVIII of the Social Security Act to test the cost-effectiveness of innovative nursing practice models under the Medicare Program.

S. 1839

At the request of Mr. MELCHER, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1839, a bill to amend title XVIII of the Social Security Act to provide for coverage of adult day health care under the Medicare Program, and for other purposes.

S. 1929

At the request of Mr. BUMPERS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 2003

At the request of Mr. GRAMM, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Kentucky [Mr. MCCONNELL], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Idaho [Mr. MCCLURE], the Senator from Utah [Mr. GARN], the Senator from Wisconsin [Mr. KASTEN], the Senator from Alabama [Mr. HEFLIN], the Senator from Georgia [Mr. NUNN], the Senator from Virginia [Mr. TRIBLE], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 2003, a bill to amend the Internal Revenue Code of 1986 to exempt from tax diesel fuel used for farming purposes.

S. 2021

At the request of Mr. GRASSLEY, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2021, a bill to protect children from sexual exploitation.

S. 2026

At the request of Mr. CRANSTON, the names of the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator

from Indiana [Mr. QUAYLE] were added as cosponsors of S. 2026, a bill entitled the "Atomic Energy Law Enforcement Act of 1988."

S. 2042

At the request of Mr. DURENBERGER, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Georgia [Mr. NUNN], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 2045

At the request of Mr. DOLE, the name of the Senator from Nebraska [Mr. KARNES] was added as a cosponsor of S. 2045, a bill to amend the Food Security Act of 1985 to increase the number of acres placed in the Conservation Reserve Program, to protect water quality and wildlife habitat, to otherwise improve the program, and for other purposes.

S. 2046

At the request of Mr. DURENBERGER, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 2046, a bill to amend title XIX of the Social Security Act to provide mandatory coverage for certain low-income pregnant women and infants.

S. 2095

At the request of Mr. METZENBAUM, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 2095, a bill to strengthen the protections available to private employees against reprisal for disclosing information, to protect the public health and safety, and for other purposes.

S. 2106

At the request of Mr. BOND, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 2106, a bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to use multiyear set-asides to establish wildlife habitats and feeding areas.

SENATE JOINT RESOLUTION 248

At the request of Mr. QUAYLE, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Massachusetts [Mr. KERRY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Virginia [Mr. WARNER], the Senator from South Carolina [Mr. THURMOND], the Senator from Kansas [Mr. DOLE], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. CHILES], the Senator from Florida [Mr. GRAHAM], the Senator from Connecticut [Mr. WEICKER], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 248, joint resolution to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awareness Week."

SENATE RESOLUTION 377

At the request of Mr. LUGAR, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Resolution 377, a resolution to express the sense of the Senate regarding negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

SENATE RESOLUTION 388—OPPOSING THE PROPOSED WORLD BANK LOAN TO RESTRUCTURE MEXICO'S STEEL INDUSTRY

Mr. METZENBAUM (for himself, Mr. HEINZ, Mr. DIXON, Mr. ROCKEFELLER, and Mr. DOLE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 388

Whereas during the past decade the United States steel industry has witnessed significant economic disruption and employment losses due to increased foreign competition;

Whereas the United States steel industry has lost more than 12 billion dollars, more than half its workforce, and closed scores of plants throughout the country;

Whereas in order to regain its competitive posture, the United States industry has invested more than 8 billion dollars on modernization, obtained painful wage concessions from its remaining workforce, and slashed production capacity by one-third;

Whereas there are more than 200 million excess tons of steel capacity worldwide, causing severe financial strains on steel industries in many countries;

Whereas the proposed loan by the International Bank for Reconstruction and Development (hereafter referred to as the "World Bank") would provide Mexico's steel companies with subsidized financing to further the glut of worldwide steel production; and

Whereas the proposed loan could do irreparable damage to the United States steel industry: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the proposed loan is not in the best interests of the United States or in the best interests of Mexico's own economic revitalization; and

(2) the government of the United States should use its best efforts to prevent approval of that loan.

SENATE RESOLUTION 389—RESOLUTION TO EXPRESS THE SENSE OF THE SENATE REGARDING FUTURE FUNDING OF THE CONSTRUCTION GRANTS PROGRAM OF THE CLEAN WATER ACT

Mr. LAUTENBERG (for himself, Mr. MITCHELL, Mr. CHAFEE, Mr. BURDICK, Mr. STAFFORD, Mr. MOYNIHAN, Mr. GRAHAM, Ms. MIKULSKI, Mr. BAUCUS, Mr. WILSON, Mr. SIMON, Mr. GORE, Mr. HARKIN, Mr. REID, Mr. FORD, Mr. SARBANES, Mr. LEAHY, Mr. BRADLEY, Mr. D'AMATO, Mr. CRANSTON, Mr. INOUYE, Mr. HUMPHREY, Mr. LEVIN, Mr. PELL, Mr. RIEGLE, Mr. DODD, Mr. WEICKER, Mr. DASCHLE, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 389

Whereas clean water is a vital resource deserving the most rigorous protection;

Whereas a key component in protecting the nation's oceans, rivers, lakes, and other waterways is federal funding for the construction of sewage treatment plants as set forth in the Construction Grants program of the Clean Water Act;

Whereas the unmet national need for sewage treatment construction has been estimated to be $76 billion;

Whereas Congress, in enacting the Water Quality Act of 1987, authorized $2.4 billion for the Construction Grants program in 1989;

Whereas the amount authorized by Congress is a just and prudent downpayment on a large national need;

Whereas the President's 1989 Budget unjustifiably would reduce the $2.4 billion that is authorized for the Construction Grants program by $900 million in Budget Authority;

Whereas the 100th Congress, by overriding the President's veto of the Water Quality Act of 1987, rejected the President's earlier attempt to amend and further reduce the Construction Grants program;

Whereas the President's rationale in the budget message of privatizing the Construction Grants program ignores the large national needs for sewage treatment as well as the Congressionally mandated plan for assisting with those needs through both Construction Grants and through a transition to State Revolving Loan Funds;

Whereas the State Revolving Fund approach that is set forth in the Water Quality Act of 1987 will assure an orderly and appropriate transition from the Construction Grants program;

Whereas tampering with the approach to Construction Grants funding, which was enacted by Congress with the support of the American people and through an overrride of the President's unwise veto, would have a disruptive and negative effect on implementation of the law; Now, therefore, be it

Resolved, That, it is the sense of the United States Senate that the President's 1989 Budget proposals for the Construction Grants program be soundly rejected, and that Congress through the Budget and Appropriations process assure the appropriation of the amount authorized for the program by the Water Quality Act of 1987, and further assure that such funds are spent in compliance with the spirit and the letter of the law.

SEC. 2. The Clerk of the United States Senate shall transmit a copy of this resolution to the President with the request that the President further transmit a copy to the Administrator of the United States Environmental Protection Agency.

● Mr. LAUTENBERG. Mr. President, today, I am joined by Senators MITCHELL, CHAFEE, BURDICK, STAFFORD, MOYNIHAN, and others in submitting a sense of the Senate resolution on proposed cuts in sewage construction funding. Twenty-eight other Senators have joined me in calling for rejection of the President's proposed cuts in this program.

The administration's budget would unjustifiably cut $900 million or about 38 percent from the $2.4 billion that's

authorized for sewage construction grants to States.

That would be a severe blow to New Jersey and the Nation as we push to clean up our oceans, rivers, and coastal areas. This country must turn the tide on water pollution. We must move forward to stem the ravages of beach closings, not turn our backs on our environment and coastal economies.

Mr. President, as you know, sewage construction grants to States are currently authorized by the Water Quality Act of 1987, which reauthorized the Clean Water Act. The 1987 legislation was enacted into law last February over the President's veto, which was based largely on the administration opposition to sewage construction funding. The House voted 401-26, and the Senate voted 86-14 to override the President's veto.

It's time for the President to stop trying to undo through the budget what Congress resoundingly enacted with last year's veto override. The administration must stop playing numbers games, and start showing a commitment to enforcing and funding this Clean Water Program.

The administration's budget would cut about $37 million or 38 percent from New Jersey's Federal assistance. New Jersey has an estimated $3.5 billion in needs for sewage construction. The national needs are estimated to be at least $76 billion.

All States would see reductions, including $99 million less for New York, $36 million less for Pennsylvania, and $64 million less for California.

Mr. President, these needs are displayed in a table provided by EPA, and I ask unanimous consent that the table be printed in the RECORD.

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

STATE ALLOTMENTS AT $2.4 BILLION AND $1.5 BILLION

[Feb. 29, 1988—in billions of dollars]

State	$2.4	$1.5	Difference
Alabama	26,870,000	16,794,000	10,076,000
Alaska	14,382,000	8,989,000	5,393,000
Arizona	16,230,000	10,144,000	6,086,000
Arkansas	15,719,000	9,825,000	5,894,000
California	171,863,000	107,415,000	64,448,000
Colorado	19,222,000	12,013,000	7,209,000
Connecticut	29,439,000	18,399,000	11,040,000
Delaware	11,797,000	7,373,000	4,424,000
District of Columbia	11,797,000	7,373,000	4,424,000
Florida	81,114,000	50,696,000	30,418,000
Georgia	40,629,000	25,393,000	15,236,000
Hawaii	18,612,000	11,632,000	6,980,000
Idaho	11,797,000	7,373,000	4,424,000
Illinois	108,680,000	67,926,000	40,754,000
Indiana	57,913,000	36,195,000	21,718,000
Iowa	32,523,000	20,327,000	12,196,000
Kansas	21,691,000	13,557,000	8,134,000
Kentucky	30,583,000	19,115,000	11,468,000
Louisiana	26,417,000	16,510,000	9,907,000
Maine	18,602,000	11,626,000	6,976,000
Maryland	58,119,000	36,325,000	21,794,000
Massachusetts	81,587,000	50,991,000	30,596,000
Michigan	103,325,000	64,578,000	38,747,000
Minnesota	44,168,000	27,605,000	6,563,000
Mississippi	21,650,000	13,531,000	8,119,000
Missouri	66,615,000	41,635,000	24,980,000
Montana	11,797,000	7,373,000	4,424,000
Nebraska	12,291,000	7,682,000	4,609,000
Nevada	11,797,000	7,373,000	4,424,000
New Hampshire	24,014,000	15,009,000	9,005,000
New Jersey	98,198,000	61,374,000	36,824,000
New Mexico	11,797,000	7,373,000	4,424,000
New York	65,237,000	165,774,000	99,463,000
North Carolina	43,370,000	27,106,000	16,264,000
North Dakota	11,797,000	7,373,000	4,424,000
Ohio	135,280,000	84,550,000	50,730,000
Oklahoma	19,414,000	12,134,000	7,280,000
Oregon	27,146,000	16,966,000	10,180,000
Pennsylvania	95,187,000	59,492,000	35,695,000
Rhode Island	16,135,000	10,084,000	6,051,000
South Carolina	24,618,000	15,386,000	9,232,000
South Dakota	11,797,000	7,373,000	4,424,000
Tennessee	34,908,000	21,818,000	13,090,000
Texas	109,833,000	68,645,000	41,188,000
Utah	12,662,000	7,914,000	4,748,000
Vermont	11,797,000	7,373,000	4,424,000
Virginia	49,179,000	30,736,000	18,443,000
Washington	41,789,000	26,118,000	15,671,000
West Virginia	37,460,000	23,413,000	14,047,000
Wisconsin	64,964,000	40,603,000	24,361,000
Wyoming	11,797,000	7,373,000	4,424,000
American Samoa	2,158,000	1,348,000	810,000
Guam	1,561,000	976,000	585,000
Northern Marianas	1,002,000	627,000	375,000
Puerto Rico	31,342,000	19,589,000	11,753,000
Pacific trust territory	3,077,000	1,923,000	1,154,000
Virgin Islands	1,252,000	782,000	470,000
Total	2,376,000,000	1,485,000,000	891,000,000
Marine Estuary Reserve	18,000,000	11,250,000	6,750,000
Indian tribes	6,000,000	3,750,000	2,250,000
Grand total	2,400,000,000	1,500,000,000	900,000,000

● Mr. BURDICK. Mr. President, I am pleased to cosponsor the resolution introduced by my colleague from New Jersey, Senator LAUTENBERG, on the subject of funding for the Sewage Treatment Construction Grant Program. The purpose of this resolution is to make clear that we stand four-square behind the commitment we made to water quality last year when the Water Quality Act Amendments of 1987 were enacted.

We established a responsible program authorizing $18 billion over a period of years for an orderly transition to a system of State-managed revolving loan funds to continue the Sewage Treatment Works Construction Program. This is consistent with the administration's stated goal of "privatizing" programs of this kind.

However, the President is asking that we reduce funding by one-third just as States are to start implementing the program. It is time once again to "just say no" as we did when the Water Quality Act Amendments were vetoed last year.

We can achieve the goals of the Clean Water Act with the funds we have authorized, but we would make major sacrifices in water quality under the funding level proposed by the administration. My home State of North Dakota would lose $4 million in the coming year under this proposal or more than one-third of its authorized share. Other States would incur proportionate reductions.

People in my State and in the rest of the country are depending on us to carry through on our commitment to clean water. I commend Senator LAUTENBERG for his timely and appropriate response to this unacceptable element of the President's fiscal year 1989 budget.●

AMENDMENTS SUBMITTED

INTELLIGENCE OVERSIGHT ACT OF 1987

FOWLER AMENDMENTS NOS. 1469-1471

(Ordered to lie on the table.)

Mr. FOWLER submitted three amendments intended to be proposed by him to the bill (S. 1721) to improve the congressional oversight of certain intelligence activities, and to strengthen the process by which such activities are approved within the executive branch, and for other purposes.

AMENDMENT No. 1469

On page 12, lines 14 and 15, strike out "necessary to support the foreign policy objectives" and insert in lieu thereof "consistent with, and in support of, the publicly avowed foreign policy".

AMENDMENT No. 1470

On page 12, line 16, strike out "important" and insert in lieu thereof "essential".

AMENDMENT No. 1471

On page 14, line 3, strike out "and".

On page 14, line 5, strike out the period and insert in lieu thereof "; and".

On page 14, between lines 5 and 6, insert the following:

"(7) Each finding shall specify the authorized duration (not to exceed one year) of the special activity.

POLYGRAPH PROTECTION ACT

THURMOND AMENDMENT NO. 1472

Mr. THURMOND proposed an amendment to the bill (S. 1904) to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce; as follows:

At the appropriate place, insert the following:

SEC. . (a) Congress finds that—

(1) the most abused drug in America is alcohol;

(2) alcohol use costs the American economy nearly $120,000,000,000 per year, including increased medical expenses and decreased productivity;

(3) alcohol related traffic accidents claim over 23,000 lives each year in the United States;

(4) over 12,000,000 American adults have one or more symptoms of alcoholism, representing an 8.2 percent increase in problem drinking since 1980;

(5) since 1981, the Surgeon General has officially advised women to abstain from drinking during pregnancy, and despite this warning, fetal alcohol syndrome is the third leading cause of birth defects with accompanying mental retardation;

(6) fetal alcohol syndrome is the only preventable birth defect among the top three types of birth defects in the United States, nevertheless, recent surveys reveal that only 57 percent of Americans have heard of fetal alcohol syndrome;

(7) nearly one-half of all accidental deaths, suicides, and homicides are alcohol related, and nearly half of the convicted jail inmates were under the influence of alcohol when they committed the crime;

(8) among teenagers, alcohol abuse has reached epidemic proportions and an estimated 30 percent or 4,600,000 adolescents experience the negative consequences of alcohol use (such as poor school performance, trouble with parents, or trouble with the law);

(9) in 1986, alcohol remained the most widely used drug among American youth;

(10) the Public Health Service has recently completed a study on the potential educational effects of health warning labels on alcoholic beverages and concluded that such labels can be effective in increasing consumer knowledge and can have an impact on consumer behavior, particularly in combination with other educational initiatives;

(11) the statistics cited in the preceding paragraphs indicate that many Americans are not aware of the adverse effects that the consumption of alcoholic beverages may have on health;

(12) it is necessary to undertake a serious national effort to educate the American people concerning the serious consequences of the consumption of alcoholic beverages; and

(13) warning labels on the containers of alcoholic beverages concerning the effects on the health of individuals resulting from the consumption of such beverages would assist in providing such education.

(b) Title V of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART D—PUBLIC AWARENESS CONCERNING THE HEALTH EFFECTS OF ALCOHOLIC BEVERAGE CONSUMPTION

"SEC. 550. PUBLIC AWARENESS.

"(a) DEFINITIONS.—For purposes of this section—

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' includes distilled spirits, wine, any drink in liquid form containing wine to which is added concentrated juice or flavoring material and intended for human consumption, and malt beverages.

"(2) COMMERCE.—The term 'commerce' has the same meaning as in section 3(2) of the Federal Cigarette Labeling and Advertising Act.

"(3) CONTAINER.—The term 'container' means any container, irrespective of the material from which made, used in the sale of any alcoholic beverage.

"(4) DISTILLED SPIRITS.—The term 'distilled spirits' means any ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.

"(5) MALT BEVERAGE.—The term 'malt beverage' means a beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

"(6) PERSON.—The term 'person' has the same meaning as in section 3(5) of such Act.

"(7) SALE AND DISTRIBUTION.—The terms 'sale' and 'distribution' include sampling or any other distribution not for sale.

"(8) UNITED STATES.—The term 'United States' has the same meaning as in section 3(3) of such Act.

"(9) WINE.—The term 'wine' has the same meaning as in section 17(a)(6) of the Federal Alcohol Administration Act (27 U.S.C. 211(a)(6)).

"(b) GENERAL RULE.—It shall be unlawful for any person to manufacture, import, distribute, sell, ship, package or deliver for sale, distribution, or shipment, or otherwise introduce in commerce, in the United States, any alcoholic beverage during a calendar year unless the container of such beverage has a label bearing one of the following statements:

"(1) 'WARNING: THE SURGEON GENERAL HAS DETERMINED THAT THE CONSUMPTION OF THIS PRODUCT, WHICH CONTAINS ALCOHOL, DURING PREGNANCY CAN CAUSE MENTAL RETARDATION AND OTHER BIRTH DEFECTS.

"(2) 'WARNING: DRINKING THIS PRODUCT, WHICH CONTAINS ALCOHOL, IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY.

"(3) 'WARNING: THIS PRODUCT CONTAINS ALCOHOL AND IS PARTICULARLY HAZARDOUS IN COMBINATION WITH SOME DRUGS.

"(4) 'WARNING: THE CONSUMPTION OF THIS PRODUCT, WHICH CONTAINS ALCOHOL, CAN INCREASE THE RISK OF DEVELOPING HYPERTENSION, LIVER DISEASE, AND CANCER.

"(5) 'WARNING: ALCOHOL IS A DRUG AND MAY BE ADDICTIVE.'.

"(c) LOCATION OF LABEL.—The label required by subsection (a) shall be located in a conspicuous and prominent place on the container of a beverage to which such subsection applies. The statement required by such subsection shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on such container.

"(d) REQUIREMENTS.—Each statement required by subsection (a) shall—

"(1) be randomly displayed by a manufacturer, packager, or importer of an alcoholic beverage in each calendar year in as equal a number of times as is possible on each brand of the beverage; and

"(2) be randomly distributed in all parts of the United States in which such brand is marketed.

"(e) BUREAU OF ALCOHOL TOBACCO AND FIREARMS.—The Bureau of Alcohol Tobacco and Firearms shall—

"(1) have the power to—

"(A) ensure the enforcement of the provisions of this section; and

"(B) issue regulations to carry out this section; and

"(2) consult and coordinate the health awareness efforts of the labeling requirements of this section with the Secretary of Health and Human Services.

"(f) VIOLATIONS.—Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $10,000.

"(g) JURISDICTION.—The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of this section upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

"(h) EXEMPTIONS.—Alcoholic beverages manufactured, imported, distributed, sold, shipped, packaged, or delivered for export from the United States, or for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States shall be exempt from the requirements of this section, but such exemptions shall not apply to alcoholic beverages manufactured, imported, distributed, sold, shipped, or packaged or delivered for sale, distribution, or shipment to members or units of the Armed Forces of the United States located outside of the United States.

"(i) LIABILITY.—Nothing in this section shall be construed to relieve any person from any liability under Federal or State law to any other person.".

(c) The amendment made by this section shall become effective 6 months after the date of its enactment.

BOSCHWITZ AMENDMENT NO. 1473

(Ordered to lie on the table.)

Mr. BOSCHWITZ submitted an amendment intended to be proposed by him to the bill S. 1904, supra; as follows:

On page 28, between lines 14 and 15, insert the following new subsection:

(e) EXEMPTION FOR VOLUNTARY TESTS.—This Act shall not prohibit an employer or agent of the employer from administering a lie detector test to an employee or prospective employee if—

(1) the employee or prospective employee requests the test; and

(2) the employer or agent administering the test informs the employee or prospective employee that taking the test is voluntary.

KENNEDY (AND HATCH) AMENDMENT NO. 1474

Mr. KENNEDY (for himself and Mr. HATCH) proposed an amendment to the bill S. 1904, supra; as follows:

On page 19, line 3, strike out "1987" and insert in lieu thereof "1988".

Beginning on page 22, strike out line 22 and all that follows through page 23, line 3, and insert in lieu thereof the following new paragraph:

(1) IN GENERAL.—Subject to paragraph (2), any employer who violates any provision of this Act may be assessed a civil penalty of not more than $10,000.

On page 35, strike out lines 18 through 23 and insert in lieu thereof the following:

(2) the employer that requested the test;

(3) any person or governmental agency that requested the test as authorized under subsection (a), (b), or (c) of section 7; or

(4) any court, governmental agency, arbitrator, or mediator, in accordance with due process of law, pursuant to an order from a court of competent jurisdiction.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, March 1, 1988, to mark up a committee print entitled the "Financial Modernization Act of 1988."

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 1, 1988, to hold a hearing on Intelligence Matters.

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

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 1, 1988, in closed session to receive testimony on military requirements for strategic defenses and relationship to phase I plans and capabilities in review of the fiscal year 1989 defense authorization request.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the full Energy and Natural Resources Committee be authorized to meet during the session of the Senate on Tuesday, March 1, 1988, for an oversight hearing to consider the President's proposed budget for the Department of Energy for fiscal year 1989.

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

ADDITIONAL STATEMENTS

TRIBUTE TO ERIC AND SALOME ESTORICK

● Mr. REID. Mr. President, we cannot pick up a newspaper or turn on the TV without seeing a story on the continuing conflict between Palestinians and Israelis on the West Bank. It has gotten so serious that Secretary of State Shultz is conducting a personal diplomatic initiative to try to bring peace to the area. I support his effort and hope he is successful. However, equally as important to lasting peace in the Middle East are individual efforts to develop greater understanding with the peoples who live there as well as the rest of us.

Peace begins person-to-person and I would like to take a few minutes today to discuss the efforts of some friends of mine in encouraging understanding between Israel and the United States. Eric and Salome Estorick have established a scholarship for students who show outstanding achievement in both academics and community activities. The generous support of the Estoricks allows a group of Las Vegas students to travel to Israel and meet with the Arab, Christian, Druze, and Jewish population there. This experience provides a broader, indeed international perspective, which is difficult if not impossible to create in the classroom. The scholarship shows support for cultural and geographical literacy which is essential if our students are going to compete and lead in the world arena.

In addition to the educational value, this program helps strengthen the ties between Israel and the United States. The shared experience and friendship of these young people will promote understanding and continue to unify our nations long into the future. Being open to students of all faiths, the scholarship emphasizes the importance of Israel to all of the world and will foster communication which has so often been lacking.

Eric Estorick has firsthand knowledge of the consequences of the lack of world vision and understanding. A witness to the results of the Holocaust, Eric was responsible for the rescue of 1,400 Torahs from Czechoslovakia. They had been collected by the Nazis and were in imminent danger of destruction. Working with the Czechoslovakian ministry he saved the Torahs, many of which were wrapped in bloodied, torn pieces of material and clothing. All of them were tagged with the Nazi emblem—part of the booty collected by the Germans during the war.

For all Nevadans and other American citizens concerned about the Middle East, I would like to express our thanks and commendation to Eric and Salome Estorick for their support of this very worthwhile scholarship program. We are indebted to their generosity in expanding the horizons of our youth.●

THE RULES OF THE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

● Mr. HOLLINGS. Mr. President, in accordance with paragraph 2 of rule XXVI of the Standing Rules of the Senate, I submit the "Rules of the Committee on Commerce, Science and Transportation," to be printed in the RECORD.

These committee rules were adopted at the committee's first executive session of this Congress, held on January 15, 1987.

The rules follow:

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. Eleven members shall constitute a quorum for official action of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. Seven members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill or nomination; provided that proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony, a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during the hearings or any other meeting but shall not have the authority to vote on any matter before the subcommittee unless he is a Member of such subcommittee.

2. Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.●

BICENTENNIAL MINUTE

MARCH 1, 1805: THE SENATE ACQUITS A SUPREME COURT JUSTICE

● Mr. DOLE. Mr. President, 183 years ago today, on March 1, 1805, the Senate, by a four-vote margin, failed to remove a U.S. Supreme Court Justice from office.

A year earlier, on a strict party-line vote, the Senate, under the control of the Jeffersonian Republicans, had found Federalist U.S. District Court Judge John Pickering guilty of decisions contrary to law, and of drunkenness and profanity on the bench. By all accounts, Judge Pickering was insane and the Senate's action was justified. On that same day in March 1804, the Republican dominated House of Representatives—linking a questionable decision to an appropriate one—voted to impeach the eloquent and intemperate Supreme Court Justice Samuel Chase for biased conduct and an "anti-Republican" attitude.

The Chase trial began on February 4, 1805 in the Senate Chamber, specially fitted out for the event with a ladies' gallery. Following 4 weeks of deliberation, the Senate voted to acquit Chase. The Senate's action was highly significant, for it effectively insulated the judiciary from further congressional attacks based on disapproval of judges' opinions. If the Republicans in the Senate had removed Chase, there is little doubt that their next target would have been Federalist Chief Justice John Marshall.

A few days later, Senator John Quincy Adams wrote to his father to express his surprise appreciation for the Senate's action in the face of fierce contrary desires by certain Republican members who wished to deliver a crippling blow to the already weakened Federalist opposition. He noted that "some of those whose weakness had yielded to the torrent of popular prejudice in the removal of Judge Pickering had the integrity to reflect, rallied all their energy to assist them, and took a stand which has arrested for a time that factious impetuosity that threatens to bury all our national institutions in one common ruin."●

INFORMED CONSENT: TENNESSEE

● Mr. HUMPHREY. Mr. President, it requires much courage for a woman to publicly share the extremely personal experience of past abortions. For many, these events are hidden from family and friends for decades. Recounting the stories brings back the pain and anguish, like opening an old wound. Still, hundreds of women have exercised this strength because they believe that others will be spared the tragic consequences of choosing abortion as the sole option for unplanned pregnancy.

Without exception, these voices call for informed consent for women who would undergo abortion. Informed consent provides women with true freedom to direct their lives to positive solutions. I ask unanimous consent that a letter from Donna Vowell of Tennessee be entered into the CONGRESSIONAL RECORD. Her letter follows:

FEBRUARY 18, 1987.

DEAR SENATOR HUMPHREY: I had an abortion. It was after a divorce and I already had three beautiful children. We lived in a nice, upper middle class neighborhood in a house behind my parents until I could get on my feet financially. After I had dated a short while, I found I was pregrant and excited about having the baby. I wasn't really interested in marrying the father but already had love for the child. I was dead set against abortion and had been for a long, long time.

When I began to share with others; family, employers, and friends, about my situation, I received nothing but discouragement and advice to get an abortion. That hadn't been and option to me before. I heard how easy and cheap it was. They told me I couldn't take care of the children I had as I was working full time and going to school to try to get ahead. The pressures began to seem insurmountable and I felt very alone.

Finally, out of curiosity, I called a clinic. I lived in southern California at the time. It was very easy. I don't remember any counseling on alternative courses to take. They assumed that I had made the decision and was sure about it. They asked me some health history questions and took my money. I had a physical and waited in a cold examination room. There wasn't any concern, warmth, or personnel interest shown. It was all very matter of fact and over with before I knew it. I lay in the recovery room and cried my guts out on a cot all alone.

No one ever offered any guidance or post-abortion counseling. There are definite psychological after effects. I have since remarried and am having my second child with my new husband. When I first became pregnant with our daughter, fear came over me

about her health whether or not she would be whole, directly related to the guilt I still had for taking it upon myself to terminate my other baby's life. I kept claiming faith in God's forgiveness through that pregnancy. But I've heard of other women who can't forget their abortions and have terrific fear from what they did. That is a horrible thing to live with. I also know women who have had abortions and seem to have no remorse. This is superficial because I'm sure that deep inside it can't be escaped.

I do believe that my decision was based upon other peoples' opinions and upon circumstantial pressures. If I had had any encouragement, I could have managed the strength to stand on beliefs that would have sustained me. Getting pregnant out of marriage is bad enough, but the alternatives we have can make it a little more livable if we could have support in choosing life instead of death.

This is the first time I have gone back into these memories in depth. I just felt it was important to try and help. I now have my children back in my life. Old wounds have been healed. I have a wonderful husband and two more beautiful children (actually one on the way). But it was admitting the sin of murder to God that has brought me to the cleansing of self condemnation and guilt. There is no other way I could face that fact and still go on living with myself.

I felt that baby leave me—body, soul, and spirit. The love felt for it was real, and it still is. I couldn't feel this love for something that was not living.

Thank you for giving me an opportunity to share my story. I hope and pray that it helps.

DONNA VOWELL,
Tennessee.●

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of a Senate resolution which rejects the administration's 1989 fiscal year funding proposal for the Clean Water Act's Construction Grants Program.

The Clean Water Act Amendments of 1987 authorized a multiyear $18 billion package consisting of construction grants, as well as funding for the gradual transition to the State Revolving Loan Program. By overriding a Presidential veto on this act, Congress sent the administration a clear message: Federal assistance is desperately needed in cleaning up our Nation's water and in constructing sewage treatment facilities. The EPA has estimated that State need for sewage construction projects is about $76 million.

Overwhelming congressional support for the Clean Water Act has apparently had no impact on the administration. The Clean Water Act authorized $2.4 billion for fiscal year 1989. The administration, however, has only proposed $1.5 billion. This ridiculouly low proposal is detrimental to the Nation, and is particularly devastating to my own State, New York. New York's share of these funds is 11.16 percent. A $1.5 billion request will yield only $167.4 million to New York. This translates to a loss of $89.7 million in fiscal year 1989 alone! The congressionally authorized $2.4 billion will yield $267 million to New York.

This resolution reiterates congressional support of the full authorizations included in the Clean Water Act amendments. I urge my colleagues to stand behind this resolution and work toward its swift passage.●

BERNE CONVENTION IMPLEMENTATION ACT OF 1987

● Mr. HATCH. Mr. President, on December 18 of last year, on behalf of the administration, I introduced S. 1971, the "Berne Convention Implementation Act of 1987," which would place the United States in a position of being able to join that distinguished and venerable convention. I continue to believe that adherence to Berne is very much in the interest of the United States, and trust we will move toward that goal this year. In that connection, I would like to commend Chairman DECONCINI of the Patents Subcommittee and Senator LEAHY for their dedication to hearings on this topic.

Mr. President, when I lent my support and sponsorship to this bill, I was aware of a controversy over the application of a body of law called "moral rights." I was and remain quite concerned that S. 1971, or indeed any Berne implementation bill ultimately adopted by the Congress, not directly or inadvertently lead to a change in the current, delicate balance of rights between American authors and artists and copyright owners. In my view, the introduction of the concept of moral rights into American jurisprudence would seriously jeopardize, if not outright disrupt that balance. Hence, as I stated in my introductory statement on December 18, I am particularly concerned about helping to "ensure that concerns about moral rights provisions of the treaty be rendered fully unfounded."

It was in this spirit that I subscribed to several provisions of S. 1971 that were intended to maintain the status quo with respect to moral rights. However, many fine scholars continue to harbor concerns that these provisions are not adequate to do the job. These scholars make excellent arguments that the door could be left ajar for pressure at the Federal level to create an actual body of moral rights law. Moreover, these reputable scholars also contend that the convention's ratification could give States and the courts a reason, if not an incentive, to create a set of moral rights over and above that collected under the minimalist theory. Accordingly, I am prepared to consider stronger language to resolve many of these concerns. I would hope to dispel these doubts and see that neither the creative community nor the copyright owner community is disadvantaged by our joining the Berne Convention in connection with moral rights.

Therefore, I propose for consideration and discussion the following amendment which I believe will clarify current law and dispel these doubts. It is very much my hope that if this amendment is adopted, we can get on with the business of joining the Berne Convention with all parties reassured that nothing will change with respect to moral rights by U.S. adherence to the Berne Convention.

The essence of my proposal is to restate in stronger, sharper language, the provisions of S. 1971, to whose intent I still subscribe. These restatements will make clear that there is, in fact, a distinction between the substantial analogs of moral rights under current American law and the European body of moral rights; that all U.S. obligations under article 6 bis of the convention are satisfied by current law, and that the state of moral rights law in the United States as it exists on the date of adherence to the convention should be firmly established and sustained by this legislation.

In my view, this would answer doubts and ensure that the status quo does indeed remain. It comports with views of the overwhelming majority of participants in the Berne debate who believe that the United States needs no more than the basket of rights embodied in the current body of State and Federal law to satisfy our obligations under article 6 bis. It will help reassure those opposed to Berne because of moral rights that ratification really will not change current copyright rules and relationships. And to those who wish to expand moral rights, it makes clear that it will have to be done wholly independently of the Berne Convention, its article 6 bis, or any inferences or implications that can be drawn therefrom.

Mr. President, I ask that the text of this amendment be included in the RECORD at this point. I anticipate working closely with my colleagues on the subcommittee to resolve, in as constructive a fashion as possible, as I believe this amendment may do, the questions and controversy surrounding moral rights. This proposal should open a constructive discussion of this important subject.

The text follows:

PROPOSED AMENDMENTS TO THE ADMINISTRATION BILL

1. Delete Congressional finding and declaration Sec. 2. (a)(4) and insert the following additional findings and declarations:

"(4) independently of the author's economic rights, title 17 of the United States Code does not provide an author, or an author's successor in interest, with the rights to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to the author's honor or reputation. These rights are refered to as 'moral rights'.

"(5) the obligations of the United States under Article 6*bis* of the Berne Convention are satisfied by United States law as it exists on the effective date of this Act, whether such rights are recognized under any relevant provision of Federal or State statutes or the common law."

2. Revise Congressional Intent in Sec. 2(b)(1) as follows:

"(1) any obligation of the United States to provide an author, or an author's successor in interest, independently of the author's

economic rights, with any moral rights as a consequence of adherence to the Berne Convention be satisfied by United States law as it exists on the effective date of this Act, whether such rights are recognized under any relevant provision of Federal or State statutes or the common law."

3. Renumber Congressional Intent in Sec. 2(b) (2) and (3) as Sec. 2(b) (4) and (5) and insert the following additional provisions on Congressional Intent:

"(2) That no author, or author's successor in interest, independently of the author's economic rights, shall be entitled on and after the effective date of this Act to any moral rights under any Federal or State statutes or the common law.

"(3) That any right of an author, or an author's successor in interest, whether under any provision of Federal or State statutes or the common law that, independently of the author's economic rights, is equivalent to any or all of the moral rights or any part thereof shall not, on and after the effective date of this Act, be expanded or enlarged either by Federal or State statute or by judicial construction."

4. Insert the following at the beginning of 17 U.S.C. § 301(d):

"Except as provided by section 306 . . ."

5. Insert the following New Section 306:

"§ 306. Preemption of Moral Rights:

"(a) The rights of an author, or the author's successor in interest, independently of the author's economic rights, to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to the author's honor or reputation, are referred to as 'moral rights'.

"(b) No author, or author's successor in interest, independently of the author's economic rights, shall be entitled on and after the effective date of this Act to any moral rights under any Federal or State statutes or the common law.

"(c) Any right of an author, or an author's successor in interest, whether under any provision of Federal or State statutes or the common law that, independently of the author's economic rights, is equivalent to any or all of the moral rights or any part thereof shall not, on and after the effective date of this Act, be expanded or enlarged either by Federal or State statute or by judicial construction."

ORDERS FOR TOMORROW

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 o'clock tomorrow morning.

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

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow morning, after the two leaders have been recognized, or their designees, there be a period for morning business not to exceed 10 minutes, and that Senators may speak therein for not to exceed 5 minutes each.

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

NO MOTIONS, OR RESOLUTIONS OVER, UNDER THE RULE, TO COME OVER

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow no motions or resolutions over, under the rule, come over.

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

CALL OF THE CALENDAR WAIVED

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the call of the calendar be waived.

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

POLYGRAPH PROTECTION ACT

Mr. BYRD. Mr. President, does the distinguished Senator from Massachusetts have anything further at this point?

Mr. KENNEDY. Mr. President, if I could just have 2 minutes.

Mr. BYRD. I yield to the Senator.

Mr. KENNEDY. Mr. President, I first of all want to express our appreciation to the leader for calling this measure up. I think we saw from the motion to address this issue by a vote of 74 to 19 the overwhelming sense of the Senate to address this issue.

We have seen very substantial support for legislation that has passed in the House. There is an excellent opportunity to have this enacted into law.

I know we have a full calendar, but I do think we will go through these amendments. I am aware of the areas which have been raised during the course of the markup and during the points of discussion with other Members. I am familiar with the two or three different proposals which have been advanced.

I would hope that we would have a chance to debate those to whatever length. I do not think we will take a great deal of time. Then we can move ahead to a successful completion.

This is a major issue and a major question involving the rights of hundreds of thousands, millions, of Americans.

I just welcome the fact that we are debating it, the fact that the Senate is addressing it, and the fact that we have had strong bipartisan support for this measure.

I again thank the leader for bringing this matter before the Senate and the Republican leader as well for getting us to this point. I want to give assurance that we are prepared as floor managers to debate these issues for whatever length of time, but hopefully we will get expeditious consideration of this measure because it is so overwhelmingly supported both by the members of the committee, by a bipartisan group of Senators, and I believe by the American people.

I thank the majority leader and I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished chairman of the committee (Mr. KENNEDY), the manager of the bill, and I also thank the ranking manager of the bill (Mr. HATCH).

PROGRAM

Mr. BYRD. Mr. President, the managers are ready to discuss amendments with other Members, and will be equally ready on tomorrow.

Mr. President, a rollcall vote may occur early. I may decide to have a vote early on the question of the Sergeant at Arms. Therefore, Mr. President, I would suggest that Senators be prepared.

So there could be a vote as early as 10:30. There could be.

I urge all Senators to be prepared to answer the rollcall.

Mr. President, as a matter of fact, I will just say now that there will be a rollcall vote. Mr. President, I believe I entered the order for the two leaders, and then for 10 minutes in morning business. Did I not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. That would take the Senate up to about 10:30, give or take a little bit.

I ask unanimous consent that morning business be closed at the end of that 10 minutes or upon the yielding back thereof.

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

Mr. BYRD. So at 10:30 there will be a rollcall vote so that Senators will come to the floor and be prepared to call up their amendments or do business otherwise.

There will be a 15-minute limitation on that rollcall vote because it is not going to occur until around 10:30. That will be a 15-minute rollcall vote.

I ask unanimous consent, Mr. President, that the call for the regular order be automatic at the close of the 15 minutes.

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

Mr. BYRD. Mr. President, I urge our respective Cloakrooms to inform Senators that there will be a rollcall vote tomorrow morning circa 10:30 a.m. It will be a 15-minute rollcall vote and at the conclusion of the 15 minutes the curtains will go down. I hope all Senators will be present to cast their vote.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment under the order until the hour of 10 o'clock tomorrow morning.

The motion was agreed to; and, at 5:07 p.m., the Senate adjourned until tomorrow, Wednesday, March 2, 1988, at 10 a.m.

House of Representatives

TUESDAY, MARCH 1, 1988

The House met at 12 noon.

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

We are grateful, O God, for those about us—family, friends, colleagues—whose love is our support and whose friendship endures through all the moments of life. Grant us not to treat lightly the ties that bind us together nor let us forget how we gain happiness and satisfaction and health through those who care for us. With this word of appreciation and thanksgiving, O God, we pray. 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. FIELDS. 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. FIELDS. 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 214, nays 88, answered "present" 2, not voting 129, as follows:

[Roll No. 13]

YEAS—214

Alexander	Campbell	Dicks
Anderson	Cardin	Dingell
Annunzio	Carper	Donnelly
Applegate	Carr	Downey
Archer	Chappell	Duncan
Aspin	Clarke	Durbin
Atkins	Clement	Dwyer
Bartlett	Clinger	Dymally
Bateman	Coats	Dyson
Bates	Collins	Early
Beilenson	Combest	Eckart
Bennett	Conte	Edwards (CA)
Berman	Cooper	English
Bilbray	Coyne	Erdreich
Boland	Crockett	Fazio
Bonior	Darden	Feighan
Boxer	Davis (MI)	Fish
Brennan	de la Garza	Flippo
Brown (CA)	DeFazio	Florio
Byron	Dellums	Foley
Callahan	Derrick	Ford (MI)
Ford (TN)	Livingston	Richardson
Frank	Lloyd	Rinaldo
Frenzel	Luken, Thomas	Rodino
Frost	Martinez	Roe
Gibbons	Mavroules	Roybal
Gilman	Mazzoli	Sabo
Glickman	McCloskey	Saiki
Gonzalez	McCurdy	Scheuer
Gordon	McHugh	Schneider
Gradison	McMillen (MD)	Schumer
Grandy	Mica	Sharp
Gray (IL)	Miller (CA)	Shumway
Gray (PA)	Miller (WA)	Shuster
Green	Mineta	Sisisky
Guarini	Moakley	Skaggs
Hall (OH)	Mollohan	Skelton
Hamilton	Montgomery	Slattery
Harris	Moody	Slaughter (NY)
Hatcher	Morella	Smith (NE)
Hawkins	Morrison (CT)	Snowe
Hayes (LA)	Morrison (WA)	Spratt
Hefner	Mrazek	St Germain
Hertel	Murtha	Staggers
Hochbrueckner	Myers	Stallings
Horton	Natcher	Stark
Howard	Neal	Stenholm
Hoyer	Nelson	Stokes
Hubbard	Nichols	Stratton
Huckaby	Nielson	Studds
Hughes	Nowak	Swift
Hutto	Oakar	Synar
Johnson (CT)	Oberstar	Tauzin
Johnson (SD)	Obey	Taylor
Jones (NC)	Olin	Thomas (GA)
Jones (TN)	Owens (NY)	Udall
Kanjorski	Owens (UT)	Valentine
Kasich	Oxley	Vento
Kastenmeier	Panetta	Visclosky
Kennelly	Pashayan	Volkmer
Kildee	Patterson	Watkins
Kolter	Pease	Waxman
Kostmayer	Pelosi	Weiss
LaFalce	Pepper	Whitten
Lantos	Perkins	Williams
Lehman (CA)	Petri	Wise
Lehman (FL)	Pickett	Wolpe
Leland	Price (IL)	Wortley
Lent	Pursell	Wyden
Levine (CA)	Rahall	Yatron
Lewis (GA)	Rangel	
Lipinski	Ray	

NAYS—88

Armey	Hunter	Roth
Ballenger	Hyde	Roukema
Barton	Inhofe	Rowland (CT)
Bentley	Ireland	Saxton
Bereuter	Jacobs	Schaefer
Billey	Kolbe	Schroeder
Boehlert	Konnyu	Schuette
Buechner	Kyl	Sensenbrenner
Bunning	Lagomarsino	Shays
Cheney	Latta	Sikorski
Coble	Leach (IA)	Skeen
Coleman (MO)	Lewis (CA)	Slaughter (VA)
Coughlin	Lott	Smith (TX)
Craig	Lujan	Smith, Robert (OR)
Crane	Martin (NY)	Solomon
Dannemeyer	McCandless	Sundquist
DeLay	McDade	Tauke
Dickinson	McMillan (NC)	Thomas (CA)
Dreier	Meyers	Upton
Emerson	Michel	Vander Jagt
Fields	Miller (OH)	Vucanovich
Gallo	Moorhead	Walker
Gekas	Parris	Weldon
Hammerschmidt	Penny	Wheat
Hastert	Porter	Whittaker
Hefley	Regula	Wolf
Henry	Rhodes	Young (AK)
Herger	Ridge	Young (FL)
Hopkins	Roberts	
Houghton	Rogers	

ANSWERED "PRESENT"—2

Madigan Rose

NOT VOTING—129

Ackerman	Flake	Molinari
Akaka	Foglietta	Murphy
Andrews	Gallegly	Nagle
Anthony	Garcia	Ortiz
AuCoin	Gaydos	Packard
Badham	Gejdenson	Pickle
Baker	Gephardt	Price (NC)
Barnard	Gingrich	Quillen
Bevill	Goodling	Ravenel
Biaggi	Grant	Ritter
Bilirakis	Gregg	Robinson
Boggs	Gunderson	Roemer
Bonker	Hall (TX)	Rostenkowski
Borski	Hansen	Rowland (GA)
Bosco	Hayes (IL)	Russo
Boucher	Hiler	Savage
Boulter	Holloway	Sawyer
Brooks	Jeffords	Schulze
Broomfield	Jenkins	Shaw
Brown (CO)	Jontz	Smith (FL)
Bruce	Kaptur	Smith (IA)
Bryant	Kemp	Smith (NJ)
Burton	Kennedy	Smith, Denny (OR)
Bustamante	Kleczka	Smith, Robert (NH)
Chandler	Lancaster	Solarz
Chapman	Leath (TX)	Spence
Clay	Levin (MI)	Stangeland
Coelho	Lewis (FL)	Stump
Coleman (TX)	Lightfoot	Sweeney
Conyers	Lowery (CA)	Swindall
Courter	Lowry (WA)	Tallon
Daub	Lukens, Donald	Torres
Davis (IL)	Lungren	Torricelli
DeWine	Mack	Towns
DioGuardi	MacKay	Traficant
Dixon	Manton	Traxler
Dorgan (ND)	Markey	Walgren
Dornan (CA)	Marlenee	Weber
Dowdy	Martin (IL)	Wilson
Edwards (OK)	Matsui	Wylie
Espy	McCollum	Yates
Evans	McEwen	
Fascell	McGrath	
Fawell	Mfume	

□ 1223

So the Journal was approved.

The result of the vote was announced as above recorded.

DISPENSING WITH CALL OF PRIVATE CALENDAR TODAY

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Wisconsin?

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:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

WASHINGTON, DC,
February 29, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of 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 5:15 p.m. on Monday, February 29, 1988 and said to contain a message from the President transmitting a report specifying his determination of the uniform percentage necessary to reduce outlays for travel, transportation, and subsistence by $23.6 million in accounts within section 512 of the Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1988.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

MESSAGE FROM THE SENATE

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

S.J. Res. 59. Joint resolution to designate the month of May, 1988 as "National Foster Care Month";

S.J. Res. 147. Joint resolution designating the week beginning on the third Sunday of September in 1988 as "National Adult Day Care Center Week";

S.J. Res. 199. Joint resolution to designate the month of May, 1988, as "Trauma Awareness Month";

S.J. Res. 212. Joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week";

S.J. Res. 216. Joint resolution approving the location of the Black Revolutionary War Patriots Memorial;

S.J. Res. 225. Joint resolution approving the location of the Korean War Memorial;

S.J. Res. 227. Joint resolution to express gratitude for law enforcement personnel;

S.J. Res. 229. Joint resolution to designate the day of April 1, 1988, as "Run to Daylight Day";

S.J. Res. 234. Joint resolution designating the week of April 17, 1988, as "Crime Victims Week";

S.J. Res. 237. Joint resolution to designate May, 1988, as "Neurofibromatosis Awareness Month";

S.J. Res. 240. Joint resolution to designate the period commencing on May 16, 1988 and ending on May 22, 1988, as "National Safe Kids Week";

S.J. Res. 244. Joint resolution to designate the month of April, 1988, as "National Know Your Cholesterol Month";

S.J. Res. 247. Joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day";

S.J. Res. 249. Joint resolution designating June 14, 1988, as "Baltic Freedom Day";

S.J. Res. 250. Joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988";

S.J. Res. 251. Joint resolution designating March 4, 1988, as "Department of Commerce Day";

S.J. Res. 252. Joint resolution designating June 5-11, 1988, as "National NHS—NeighborWorks Week";

S.J. Res. 253. Joint resolution designating April 9, 1988, as "National Former Prisoners of War Recognition Day";

S.J. Res. 254. Joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Week";

S.J. Res. 255. Joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week";

S.J. Res. 257. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day", a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces;

S.J. Res. 260. Joint resolution to designate the week beginning April 10, 1988, as "National Child Care Awareness Week";

S.J. Res. 262. Joint resolution to designate the month of March, 1988, as "Women's History Month"; and

S.J. Res. 265. Joint resolution to designate March 20, 1988 as "National Agriculture Day."

DETERMINATION OF UNIFORM PERCENTAGE NECESSARY TO REDUCE CERTAIN APPROPRIATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore 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 Appropriations.

(For message, see proceedings of the Senate of Monday February 29, 1988, at page S1614.)

MAKE NORIEGA SQUIRM WITH STIFF ECONOMIC SANCTIONS

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

Mr. RICHARDSON. Mr. Speaker, the President's decision not to impose stiff economic sanctions to Panama in response to General Noriega's drug smuggling and autocratic rule is most regrettable. At a time when Panama is about to explode while Noriega laughs in our faces, we continue to mildly rebuke him in the hope that he will just disappear.

Mr. Speaker, we have vital security interests in Panama. We also need to associate ourselves with democratic forces in that country. While we should continue to recognize President Delvalle as Panama's true leader, we should also recognize that the carrot and stick approach will not work with Noriega. We have tried every mode of quiet diplomacy and gentle persuasion and it has not worked.

Until we make Noriega squirm with stiff economic sanctions, such as a trade embargo, he will continue to defy the civilized world and abuse his own people.

Let us get tough with Noriega.

PANAMANIAN PRESIDENT DELVALLE DESERVES OUR COMMENDATION

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

Mr. LAGOMARSINO. Mr. Speaker, Panamanian President Delvalle deserves our praise and commendation for his courageous action in trying to remove General Noriega as head of Panama's defense forces. Often described as little more than a figurehead, Delvalle nevertheless, acted for the best interests of Panama, without concern for himself. Even though President Delvalle did not succeed in his attempt to remove Noriega, he merits our high admiration for putting principle before personal interest.

With the rapidly developing events in Panama over the past several days, I am disappointed the administration did not appear to act more decisively in its opposition to Noriega and rallying our allies in the region to bring pressure against Noriega's intransigence. By contrast, Noriega was quick to secure support from Daniel Ortega, who made it clear how closely Nicaragua stands behind Noriega.

I trust the administration will soon make it clearer that it will act decisively to oppose Noriega's continued presence in power in Panama, which clearly represents a significant threat to the security of the Panama Canal.

EVENTS IN PANAMA DEMONSTRATE CORRUPT AND ABSOLUTE POWER OF GENERAL NORIEGA

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

Mr. KOSTMAYER. Mr. Speaker, the events in Panama over the last few days have demonstrated beyond doubt the corrupt and absolute power of Gen. Manuel Noriega. Faced with a Presidential demand for his resignation, Noriega responded by simply installing a President more to his liking. This constitutional crisis apparently registered little more than a blip on Noriega's radar screen.

While this international drug kingpin is running roughshod over his own people and exporting the narcotics that are killing our children, this administration is responding with hesitation and restraint.

If the President's war on drugs is to be anything more than a war of words, he must act now. Tough talk is no substitute for tough a action.

The Congress has already cut off both economic and military aid to Panama. The President should now cut off Panama's trade benefits and lending rights. He should impose a full economic embargo on Panama.

Mr. Speaker, on Thursday the House Foreign Affairs Subcommittee on the

Western Hemisphere will meet to discuss the situation in Panama. At that time I will offer legislation to apply the full measure of American law to Panama and to General Noriega. We can and must make General Noriega such a liability to Panamanian defense forces, the Panamanian business community and the Panamanian people that they themselves will oust him.

This is not the time for delay or equivocation.

□ 1230

CIVIL RIGHTS RESTORATION ACT

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

Mr. BALLENGER. Mr. Speaker, I rise in opposition to the so-called Civil Rights Restoration Act of 1987. While having reservations about the bill, I am most concerned about the manner of the bill's consideration.

Mr. Speaker, this legislation will come to the floor this week having totally bypassed the committee system in the House. With a piece of legislation which is so expansive and far-reaching, do we not owe it more than a cursory glance?

Now, some will say we have examined all the possible ramifications associated with the Civil Rights Restoration Act in previous Congresses. I know hearings were held in the 98th and 99th Congresses on a similar measure, but this is a different Congress, with new Members. I sit on a committee with primary jurisdiction over this bill, and this committee has had not one single opportunity to offer its input.

Once again, we have an instance where normal procedures are dispensed with and the opportunity for a full discussion of a major piece of legislation is stifled. The bill will no doubt be considered under a restrictive rule with little or no opportunity for amendment.

Mr. Speaker, the American people deserve better.

NONE OF US IS SAFE

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

Mr. DOWNEY of New York. Mr. Speaker, when I was in my district this weekend, I heard an impassioned warning from a retired New York City police officer, whose son, Edward Byrne, had been murdered in cold blood by drug dealers.

Matthew Byrne, Edward's father, said:

> If our son Eddie, sitting in a police car, representing and protecting us, can be wasted by scum, then none of us are safe. And I don't care where you live.

Mr. Speaker, these words make us all stop and examine the contradictions of the war on drugs.

On the one hand, the President loudly trumpets his successes in the war against drugs. He addresses carefully selected audiences and tells them that the war is being won. He tells us that it is merely a question of supply and demand, and that we have the demand problem licked.

On the other hand, his budgets have continually cut funds for drug abuse and drug education programs. And we only have to look around us to see that the demand is as great as ever.

On the one hand, the President assures us that we are committing more and more resources to stemming the supply. And from time to time we see the results of big drug seizures at the border.

On the other hand, the President's latest budget provides not 1 penny for the State and Local Narcotics Control Assistance Program. This is the very program which provides local law enforcement agencies with supplemental funds to fight the supply of drugs in the street.

These funds can help New York and its police officers, such as the tragically slain Edward Byrne, with additional resources to fight this battle.

Edward's father was right. His son was protecting the home of a family which had complained to the police about the flood of crack dealers in the neighborhood. Their home was firebombed. Edward Byrne was there to protect them and he paid the ultimate price.

Yesterday I wrote to President Reagan urging him to restore the full funding level of $230 million to the State and Local Narcotics Control Assistance Program. To do otherwise would be to send the wrong message to Officer Byrne's assassins.

Mr. Speaker, these resources are needed now if we are seriously interested in waging a legitimate war on drugs.

LEGISLATION TO IMPROVE THE SAFETY OF TRANSPORTING RADIOACTIVE WASTE

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

Mr. BUECHNER. Mr. Speaker, today I am introducing legislation to improve the safety of radioactive waste transportation. Radioactive waste is usually shipped in a cask approved the Nuclear Regulatory Commission. But the Department of Energy is exempt from this regulation and can approve its own cask, bypassing the NRC process.

This raises serious concerns. DOE contends that the containers used to ship radioactive wastes, spent fuel, and transuranic waste will withstand the most extraordinary transportation accident. As a result, all other factors, including the population of an area where the nuclear waste travels, are secondary.

I do not share DOE's optimism. If DOE is so confident about its cask, it should be equally confident that the casks would pass NRC certification.

My legislation would require DOE to transport nuclear waste in NRC-approved containers only. Such a change in policy is urgently needed because the Department of Energy ships a vast amount of radioactive waste.

Nuclear materials must be transported, but it is imperative that they be shipped with the highest degree of safety. My legislation helps achieve this goal.

FEDERAL RESERVE BOARD GOVERNOR SEGER OFF BASE ON MINIMUM WAGE

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

Mr. VENTO. Mr. Speaker, the Wall Street Journal last week reported that Federal Reserve Board Governor Martha Seger recently told a small business group that an increase in the minimum wage from the current $3.35 an hour would worsen youth unemployment. Governor Seger, however, didn't stop there but went on to explain her view by stating, quote, "a lot of them aren't worth $3.35 an hour; they don't know anything. Maybe they're worth two bucks."

Mr. Speaker, Governor Seger's insensitive speculation about the knowledge and worth of workers in minimum wage jobs is insulting. If Governor Seger would take the time to look at who makes up our Nation's minimum wage work force, she would find that indeed many of those working in minimum wage jobs are young people entering the work force for the first time. Many of these same young people are also enrolled in our Nation's colleges, universities, vocational and technical schools where they are working to develop their skills for self-advancement into better paying jobs. She would also find a significant number of older Americans, who have a lifetime of work experience behind them and who are working in minimum wage jobs to meet their economic needs. If Governor Seger were to look closely at our minimum wage work force, she would find a large number of workers who are underemployed and whose earnings are the primary or sole source of income for their households. Many of these people are working multiple jobs so that they can make ends meet. Governor Seger suggests that "Maybe they're worth two bucks." Maybe they're worth more than that, Governor Seger.

The Journal also included an article in which 54 economists including the Nobel Laureates, sent a letter to Con-

gress expressing support for an increase in minimum wage increase.

It's been 11 years since Congress passed the last increase in the minimum wage and 7 years since that increase took effect. The increases in the cost of living over the period of time suggest that it's time for Congress to take a look at increasing the minimum wage. But whether or not you believe that it's time to increase the minimum wage, I hope my colleagues will all agree that it is unfair and just plain wrong to characterize minimum wage workers as people who don't know anything. Governor Seger, you owe an apology to the millions of Americans who work hard for their minimum wage.

Mr. Speaker, I include for the RECORD the Wall Street Journal article of February 23, 1988:

A minimum-wage rise from $3.35 an hour would worsen the youth-unemployment problem, Fed member Martha Seger told a small-business group recently, because "a lot of them aren't worth $3.35 an hour; they don't know anything. Maybe they're worth two bucks." Meanwhile 54 economists, including two Nobel Laureates, sent a letter to Congress backing a minimum-wage rise.

VIVA DELVALLE

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

Mr. FIELDS. Mr. Speaker, John Kennedy once said:

Without belittling the courage with which men have died, we should not forget those acts of courage with which men * * * have lived. A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of all human morality.

Mr. Speaker, President Eric Arturo Delvalle, of Panama, is such a man of courage and morals.

At a time when his beloved nation of Panama was facing one of the greatest political crises in its history, President Delvalle—without concern for his own safety—exhibited great courage by ordering the firing of the military despot now running that country. General Antonio Noriega.

While General Noriega has refused to resign as head of the Panamanian Defense Forces and to accept the mandate of the Panamanian people, President Delvalle will go down in history as a man of peace and vision—a man who refused to allow democracy to die in Panama.

President Delvalle is a man who, in one of the darkest hours in Panamanian history, defended democracy and sought to guarantee basic human rights for his people.

Mr. Speaker, General Noriega has shown utter contempt for democracy and for the rule of law. He must go. And the United States must apply whatever pressure it can to remove this despot.

One weapon which can be wielded effectively is a trade embargo between the United States and Panama. While such an embargo will, in the short-term, hurt the Panamanian people, it offers us the best chance to apply pressure leading to the removal of General Noriega.

Mr. Speaker, only by resigning can General Noriega show all Americans that he and the duly elected civilian government of Panama are serious about seeking improved relations with the United States. Only General Noriega's resignation will allow the United States to once again assist the good men and women of Panama to build a better life for themselves and their children.

I urge my colleagues to support a trade embargo and to join with me in supporting the legitimate government of Panama headed by President Eric Arturo Delvalle, a man committed to democracy for the 4 million people who live in Panama.

Viva Delvalle!

WOMEN IN DEVELOPMENT ACT OF 1988

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

Mrs. SCHROEDER. Mr. Speaker, today I join Representative MICKEY LELAND in introducing the Women in Development Act of 1988.

Most development specialists are now aware of women's roles in economic development. But they have yet to integrate women into the design and implementation of development projects and programs. A look at the food crisis in Africa shows this lag: women grow as much as 90 percent of the food in countries south of the Sahara. Many food assistance programs, however, fail to reach women farmers.

There are still perceptions pervading policy decisions that income-earning enterprises are male turf, and that small businesses are not creditworthy unless they expand capital and increase employment These perceptions allow such forms of self-employment such as vending and catering to be bypassed as trivial by assistance programs. In addition, men are often taught new technology while women are left to use older, more time consuming methods.

Fifteen years ago, the Percy amendment to the Foreign Assistance Act called on U.S. bilateral assistance programs to pay special attention to development activities that integrate women into the national economies of their countries. To achieve real success, we need to spell out how the Agency for International Development should go about achieving the goal of integrating women—our bill does that.

I ask my colleagues to join us in cosponsoring this important improvement of development priorities.

WHITE HOUSE DRUG CONFERENCE

(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, after long years of prodding and struggling, an important milestone in our war against narcotics is finally being realized. Today marks the second day of a week-long White House Conference for a Drug-Free America, chaired by former Assistant Attorney General Lois Harrington, and mandated by Congress in the 1986 Anti-Drug Abuse Act. The goal of this landmark Washington meeting of concerned experts and community leaders is to provide comprehensive direction to our "War on Drugs". As ranking minority member of the Select Narcotics Committee, I commend President Reagan and First Lady Nancy Reagan for their commitment of fighting the drug menace and we thank them for their leadership and participation during this week's important conference.

As a conferee, along with my colleagues Representative CHARLES RANGEL and Representative CLAY SHAW, I will be attending many of the White House Conference Sessions, including the Congressional Town Hall Forum which was on today's agenda.

Let us hope that the recommendations made by the White House Conference conferees who have come from all walks of life and from throughout our Nation will produce concrete, constructive actions to transform our society from one which abuses and glorifies illicit substances to one that loudly and categorically "just says no!" The future of our Nation depends on it. Accordingly, Mr. Speaker, I invite my colleagues to drop in on this conference to express our commendations and support to all the participants in this landmark narcotics conference. We need the help of the community activists and we need it badly to bring the insidious enemy of drug trafficking and drug abuse to its knees.

OFFICER EDWARD BYRNE

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

Mr. OWENS of New York. Mr. Speaker, Officer Edward Byrne was murdered in cold blood in the southeast section of Queens in New York City while he sat in a patrol car guarding the house of a witness in a drug case. Officer Byrne was gunned down by a single individual but behind that individual was the entire South American drug mob, the second greatest power in the Western Hemisphere. The mob was saying to the New York City criminal justice system, "We are coming after you."

Mr. Speaker, that was a message from the same people who have sent a message throughout the countries of South America. They have killed prosecutors, they have killed judges, they have stormed the palace in Peru, and they have said clearly that they are not to be touched. They dominate the nation of Panama. General Noriega, a man that we have made deals and treaties with, dominates the nation of Panama.

In Haiti they rule. Colonel Jean Claude Paul is the South American drug mob's commissar in Haiti. Jean Claude Paul is the primary power in Haiti. Jean Claude Paul controls Haiti.

The mayor of New York City took out an ad yesterday in the newspaper and called upon the President of the United States, Ronald Reagan, to begin to really do something about the trafficking of drugs into this country. We have to do more than just say no.

Yes, we have to dry up the demand, and we also have to show that we mean business on the left and the right, conservatives, liberals, and everybody should unite to really begin to act tough against drugs.

Let us act tough. Let us start by refusing to sign the certification for foreign aid to Mexico, Panama, and Bahamas, Paraguay, Haiti, Colombia and other drug source countries. Above all, let us not sign the certification for Haiti. Above all, let us realize that the Government of Haiti, the blood-stained Government of Haiti should never be recognized as long as the drug commissar, General Jean Claude Paul, is running that government in Haiti.

If we really mean business, if we really want to protect our children, if that drug-free America conference in the White House is to have any real chance of succeeding, let us all declare war on the South American drug mob, the second strongest power in the Western Hemisphere.

EGYPT RELEASES SOME OF THE B'AHAIS

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

Mr. PORTER. Mr. Speaker, I am pleased to report that 12 imprisoned Egyptian B'ahais have had their convictions overturned and have been freed. The 12 were among 48 B'ahais convicted last May and sentenced to 3 years in prison for allegedly violating a 1960 Egyptian edict banning B'ahai religious activities.

Many in the Congress—and I thank them—our State Department, other governments, and the members of the National Spiritual Assembly of the B'ahais, all attempted to influence the Egyptian Government to free these individuals, whose only crime is their desire to practice their religion without interference. The leaders of the B'ahais community in the United States deserve our particular and highest praise for their ongoing efforts to fight religious intolerance and persecution whenever it is found.

Mr. Speaker, this action by the Egyptian Government demonstrates its commitment to religious tolerance and fair treatment of religious minorities. I am optimistic that the Egyptian Government will also reverse the convictions of the remaining 36 B'ahais, who are scheduled for retrial in March by the Egyptian Court of Appeals.

Mr. Speaker, at the same time the Government in Iran continues its deporable persecution of the B'ahais. Perhaps the strength of the Egyptians in standing against religious persecution will be an example to Iran and help them overcome their weakness.

□ 1245

THIRD WORLD DEBT

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

Mr. LAFALCE. Mr. Speaker, for almost 6 years, the term "crisis" has been applied to the issue of Third World debt. This problem has resulted in deteriorating terms of trade for the United States; the loss of hundreds of thousands of American jobs; substantially lower living standards for hundreds of millions of Latin Americans, Africans, and Asians; uncertainty in world financial markets; and increased political instability in many newly established democracies in developing countries.

Last year, I introduced legislation to begin the process of establishing an International Debt Management Facility to act as a mechanism to deal with this issue on a comprehensive basis, and to stick with the problem until it became manageable. In effect, I proposed an international chapter 11 bankruptcy procedure to replace the ongoing process wherein debtor countries and their creditors engage in a series of protracted rescheduling negotiations in which nothing is ever truly resolved, but the mountain of debt is simply pushed forward into the future.

The administration strongly opposed my ideas and those of other members of the House Banking Committee which were eventually included in the omnibus trade bill now in conference. Our proposals were characterized as dangerous and counterproductive precedents for debt relief; unworkable mandatory schemes which would neither allow a country-by-country approach or provide sufficient leverage for economic reform by debtor countries; and, of course, the catch-all charge that any new approach constituted a bank bailout.

While none of these charges are based on fact, they have continued to be repeated over the past year. Meanwhile, the debt problem festers.

The administration insists that circumstances are improving; but the World Bank issued a report in February documentating the opposite.

The administration maintains that additional lending—and additional debt—is the answer; but commercial banks are going in the opposite direction. They are reserving more; writing off more; and lending less.

In December, the administration finally found a market-oriented voluntary debt relief program which it liked in the Mexico-Morgan Guaranty plan. Unfortunately, it has apparently not met initial expectations.

The administration is now calling for a massive increase of World Bank resources, much of which would go to something called structural adjustment lending—a code word for balance-of-payment loans to enable developing countries to pay interest on their debts. In short, the World Bank is becoming less of a development institution, and more of a short-term financing mechanism—a trend which would be more carefully examined.

In the midst of all this ferment, I want to call attention to two very important statements which were made yesterday at the annual meeting of the Overseas Development Council here in Washington, DC.

First, the Managing Director of the International Monetary Fund, Michael Camdessus, endorsed the necessity for debt relief as a necessary component of any solution to the Third World debt problem.

Second, the president of American Express, James D. Robinson III, outlined a plan to establish an Institute of International Debt and Development which would be empowered to deal with this issue on a comprehensive basis consistent with the proposals that I made last year.

I will be addressing the House later today with more detail on the Robinson plan, but for now I just want to express this thought: If the administration refuses to listen to Members of Congress, I hope that it will, at least, consider what these two preeminent individuals said yesterday. The time has come to confront the reality of this Third World debt crisis. We continue to muddle through only at great risk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GRAY of Illinois). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote of the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, March 2, 1988.

BIG CYPRESS NATIONAL PRESERVE ADDITION ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 90) to establish the Big Cypress National Preserve Addition in the State of Florida, and for other purposes, as amended.

The Clerk read as follows:

S. 90

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Big Cypress National Preserve Addition Act".

(b) AMENDMENT OF BIG CYPRESS NATIONAL PRESERVE ACT.—Whenever in this Act an amendment is expressed in terms of an amendment to the Act of October 11, 1974, such amendment shall be considered to be made to the Act entitled "An Act to establish the Big Cypress National Preserve in the State of Florida, and for other purposes", approved October 11, 1974 (Public Law 93-440; 88 Stat. 1257).

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the planned construction of Interstate 75 is presently being designed in such a way as to improve the natural water flow to the Everglades National Park, which has been disrupted by State Road 84 (commonly known as "Alligator Alley");

(2) the planned construction of Interstate 75 provides an opportunity to enhance protection of the Everglades National Park, to promote protection of the endangered Florida panther, and to provide for public recreational use and enjoyment of public lands by expanding the Big Cypress National Preserve to include those lands adjacent to Interstate 75 in Collier County north and east of the Big Cypress National Preserve, west of the Broward County line, and south of the Hendry County line;

(3) the Federal acquisition of lands bordering the Big Cypress National Preserve in conjunction with the construction of Interstate 75 would provide significant public benefits by limiting development pressure on lands which are important both in terms of fish and wildlife habitat supporting endangered species and of wetlands which are the headwaters of the Big Cypress National Preserve; and

(4) public ownership of lands adjacent to the Big Cypress National Preserve would enhance the protection of the Everglades National park while providing recreational opportunities and other public uses currently offered by the Big Cypress National Preserve.

(b) PURPOSE.—It is the purpose of this Act to establish the Big Cypress National Preserve Addition.

SEC. 3. ESTABLISHMENT OF ADDITION.

(a) BIG CYPRESS NATIONAL PRESERVE ADDITION.—The Act of October 11, 1974, is amended by adding at the end thereof the following new section:

"SEC. 9. (a) In order to—

"(1) achieve the purposes of the first section of this Act;

"(2) complete the preserve in conjunction with the planned construction of Interstate Highway 75; and

"(3) insure appropriately managed use and access to the Big Cypress Watershed in the State of Florida, the Big Cypress National Preserve Addition is established.

"(b) The Big Cypress National Preserve Addition (referred to in this Act as the 'Addition') shall comprise approximately 146,000 acres as generally depicted on the map entitled Big Cypress National Preserve Addition, dated April, 1987, and numbered 176-91000C, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior, Washington, D.C., and shall be filed with appropriate offices of Collier County in the State of Florida. The Secretary shall, as soon as practicable, publish a detailed description of the boundaries of the Addition in the Federal Register.

"(c) The area within the boundaries depicted on the map referred to in subsection (b) shall be known as the 'Big Cypress National Preserve Addition' and shall be managed in accordance with section 4."

"(d) For purposes of administering the Addition and notwithstanding section 2(c), it is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated with respect to the Addition in not more than five years after the date of the enactment of this paragraph.".

(b) HUNTING, FISHING, AND TRAPPING.—Section 5 of the Act of October 11, 1974, is amended by inserting "and the Addition" after "preserve" each place it appears.

(c) SUITABILITY AS WILDERNESS.—Section 7 of the Act of October 11, 1974, is amended—

(1) by inserting "with respect to the preserve and five years from the date of the enactment of the Big Cypress National Preserve Addition Act with respect to the Addition" after "date of the enactment of this Act" in the first sentence; and

(2) by inserting "or the area within the Addition (as the case may be)" after "preserve" each place it appears.

(d) INDIAN RIGHTS.—Section 6 of the Act of October 11, 1974, is amended as follows:

(1) In clause (i) insert "and the Addition" after "preserve" and insert "(January 1, 1985, in the case of the Addition)" after "1972".

(2) In clause (ii) insert "or within the Addition" after "preserve".

SEC. 4. ACQUISITION OF LAND WITHIN ADDITION.

(a) UNITED STATES SHARE OF ACQUISITION COSTS.—The first section of the Act of October 11, 1974, is amended by adding at the end thereof the following new subsection:

"(d)(1) The aggregate cost to the United States of acquiring lands within the Addition may not exceed 80 percent of the total cost of such lands.

"(2) Except as provided in paragraph (3), if the State of Florida transfers to the Secretary lands within the Addition, the Secretary shall pay to or reimburse the State of Florida (out of funds appropriated for such purpose) an amount equal to 80 percent of the total costs to the State of Florida of acquiring such lands.

"(3) The amount described in paragraph (1) shall be reduced by an amount equal to 20 percent of the amount of the total cost incurred by the Secretary in acquiring lands in the Addition other than from the State of Florida.

"(4) For purposes of this subsection, the term 'total cost' means that amount of the total acquisition costs (including the value of exchanged or donated lands) less the amount of the costs incurred by the Federal Highway Administration and the Florida Department of Transportation, including severance damages paid to private property owners as a result of the construction of Interstate 75.".

(b) METHODS OF LAND ACQUISITION IN THE ADDITION.—The first sentence of subsection (c) of the first section of the Act of October 11, 1974, is amended—

(1) by inserting "or the Addition" after "preserve" the first place it appears; and

(2) in the first proviso—

(A) by inserting "in the preserve" after "subdivisions,"; and

(B) by striking out the colon and inserting in lieu thereof "and, any land acquired by the State of Florida, or any of its subdivisions, in the Addition shall be acquired in accordance with subsection (d):".

(c) VALUATION AND APPRAISAL.—The fourth sentence of subsection (c) of such section is amended by inserting "or the Addition" after "preserve" each place it appears.

(d) ACQUISITION OF PROPERTY RIGHTS BY THE STATE OF FLORIDA.—Subsection (c) of such section is amended by adding at the end thereof the following: "Nothing in this Act shall be construed to interfere with the right of the State of Florida to acquire such property rights as may be necessary for Interstate 75.".

(e) EXCLUSION OF SUBSURFACE ESTATE.—The third sentence of subsection (c) of such section is amended by inserting "and the Addition" after "preserve" each place it appears.

(f) IMPROVED PROPERTY IN ADDITION.—Section 3(b) of the Act of October 11, 1974, is amended—

(1) in clause (i) by inserting "with respect to the preserve and January 1, 1986, with respect to the Addition" after "November 23, 1971,"; and

(2) in clause (ii)—

(A) by inserting "with respect to the preserve and January 1, 1986, with respect to the Addition" after "November 23, 1971," the first place it appears; and

(B) by inserting "or January 1, 1986, as the case may be," after "November 23, 1971," the second and third places it appears.

SEC. 5. COOPERATION AMONG AGENCIES.

The Act of October 11, 1974, is further amended by adding at the end thereof the following new section:

SEC. 10. The Secretary and other involved Federal agencies shall cooperate with the State of Florida to establish recreational access points and roads, rest and recreation areas, appropriate wildlife protection, and, where appropriate, hunting, fishing, frogging, and other recreational opportunities in conjunction with the creation of the Addition and in the construction of Interstate Highway 75. Not more than 3 of such access points shall be located within the preserve (including the Addition).".

SEC. 6. REPORT TO CONGRESS.

The Act of October 11, 1974, is further amended by adding at the end thereof the following new section:

"SEC. 11. Not later than two years after the date of the enactment of this section, the Secretary shall submit to the Congress a detailed report on, and further plan for, the preserve and Addition including—

"(1) the status of the existing preserve, the effectiveness of past regulation and management of the preserve, and recommendations for future management of the preserve and the Addition;

"(2) a summary of the public's use of the preserve and the status of the access points developed pursuant to section 10;

"(3) the need for involvement of other State and Federal agencies in the management and expansion of the preserve and Addition;

"(4) the status of land acquisition; and

"(5) a determination, made in conjunction with the State of Florida, of the adequacy of the number, location, and design of the recreational access points on I-75/Alligator Alley for access to the Big Cypress National Preserve, including the Addition.

The determination required by paragraph (5) shall incorporate the results of any related studies of the State of Florida Department of Transportation and other Florida State agencies. Any recommendation for significant changes in the approved recreational access points, including any proposed additions, shall be accompanied by an assessment of the environmental impact of such changes.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 8 of the Act of October 11, 1974, is amended—

(1) by striking out "There" in the first sentence and inserting in lieu thereof "(a) Except as provided in subsection (b), there"; and

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

"(b) There is hereby authorized to be appropriated from the Land and Water Conservation Fund not to exceed $49,500,000 for the acquisition of lands within the Addition and such sums as may be necessary for development.".

SEC. 8. OIL AND GAS EXPLORATION, DEVELOPMENT AND PRODUCTION.

The Act of October 11, 1974, is further amended by adding at the end thereof the following new section:

"SEC. 12. (a) Within nine months from the date of the enactment of the Big Cypress National Preserve Addition Act, the Secretary shall promulgate, subject to the requirements of subsections (b)-(e) of this section, such rules and regulations governing the exploration for and development and production of non-Federal interests in oil and gas located within the boundaries of the Big Cypress National Preserve and the Addition, including but not limited to access on, across, or through all lands within the boundaries of the Big Cypress National Preserve and the Addition for the purpose of conducting such exploration or development and production, as are necessary and appropriate to provide reasonable use and enjoyment of privately owned oil and gas interests, and consistent with the purposes for which the Big Cypress National Preserve and the Addition were established. Rules and regulations promulgated pursuant to the authority of this section may be made by appropriate amendment to or in substitution of the rules and regulations respecting non-Federal oil and gas rights (currently codified at 36 CFR 9.30, et seq. (1986)).

"(b) Any rule or regulation promulgated by the Secretary under subsection (a) of this section shall provide that—

"(1) exploration or development and production activities may not be undertaken, except pursuant to a permit issued by the National Park Service authorizing such activities or access; and

"(2) final action by the National Park Service with respect to any application for a permit authorizing such activities shall occur within 90 days from the date such an application is submitted unless—

"(A) the National Park Service and the applicant agree that such final action shall occur within a shorter or longer period of time; or

"(B) the National Park Service determines that an additional period of time is required to ensure that the National Park Service has, in reviewing the application, complied with other applicable law, Executive orders and regulations; or

"(C) the National Park Service, within 30 days from the date of submission of such application, notifies the applicant that such application does not contain all information reasonably necessary to allow the National Park Service to consider such application and requests that such additional information be provided. After receipt of such notification to the applicant, the applicant shall supply any reasonably necessary additional information and shall advise the National Park Service that the applicant believes that the application contains all reasonably necessary information and is therefore complete, whereupon the National Park Service may—

"(i) within 30 days of receipt of such notice from the applicant to the National Park Service determine that the application does not contain all reasonably necessary additional information and, on that basis, deny the application; or

"(ii) review the application and take final action within 60 days from the date that the applicant provides notification to the National Park Service that its application is complete.

"(c) Such activities shall be permitted to occur if such activities conform to requirements established by the National Park Service under authority of law.

"(d) In establishing standards governing the conduct of exploration or development and production activities within the boundaries of the Big Cypress National Preserve or the Addition, the Secretary shall take into consideration oil and gas exploration and development and production practices used in similar habitats or ecosystems within the Big Cypress National Preserve or the Addition at the time of promulgation of the rules and regulations under subsection (a) or at the time of the submission of the application seeking authorization for such activities, as appropriate.

"(e) Prior to the promulgation of rules or regulations under this section, the Secretary is authorized, consistent with the purposes of which the Big Cypress National Preserve Addition was established, to enter into interim agreements with owners of non-Federal oil and gas interests governing the conduct of oil and gas exploration, development or production activities within the boundaries of the Addition, which agreements shall be superseded by the rules and regulations promulgated by the Secretary when applicable; *Provided*, That such agreement shall be consistent with the requirements of subsections (b)-(d) of this section and may be altered by the terms of rules and regulations subsequently promulgated by the Secretary: *Provided further*, That this provision shall not be construed to enlarge or diminish the authority of the Secretary to establish rules and regulations applicable to the conduct of exploration or development and production activities within the Big Cypress National Preserve or the Addition.

"(f) There is hereby authorized to be established a Minerals Management Office within the Office of the Superintendent of the Big Cypress National Preserve, for the purpose of ensuring, consistent with the purpose for which the Big Cypress National Preserve was established, timely consideration of and final action on applications for the exploration or development and production of non-Federal oil and gas rights located beneath the surface of lands within the boundaries of the Big Cypress National Preserve and the Addition.

"(g) There are hereby authorized to be appropriated such sums as may be necessary to carry out the activities set forth in this section.".

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

ATTEMPT TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT OF 1987

Mr. DANNEMEYER. Mr. Speaker, I have a privileged motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. DANNEMEYER moves that the managers on the part of the House at the conference on H.R. 5 and the Senate amendment thereto be instructed to agree to section 703 of the Senate amendment.

The SPEAKER pro tempore. The Chair will have to examine to see whether or not the present motion just read is a privileged motion, if the gentleman will bear with the Chair for a moment.

The Chair would state to the distinguished gentleman from California that this is a highly privileged motion under rule XXVIII but it is not more privileged than a motion to suspend the rules. Therefore, the Chair could entertain it later today.

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DANNEMEYER. Mr. Speaker, the rules of the House provide that after the appointment of conferees any Member may file a motion to instruct conferees after 20 calendar days have elapsed; is that correct?

The SPEAKER pro tempore. The gentleman is correct.

But there was a motion pending at the time the gentleman offered his motion and therefore the Chair has ruled that the motion to suspend the rules has the same privilege as the gentleman's motion and the Chair is in the process of recognizing two Members for 20 minutes each to debate the pending bill.

Mr. DANNEMEYER. Then I take it, Mr. Speaker, from the ruling of the Chair that this Member would be at liberty to renew this motion after the conclusion of the motion that was pending at the time the motion was made?

The SPEAKER pro tempore. The gentleman is correct. When no other higher motion is pending then the motion the gentleman is offering would be in order at that time.

Mr. DANNEMEYER. I thank the Chair.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

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

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

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

Mr. Speaker, I regret the problems with regard to the competing motions. I had no knowledge the gentleman from California intended to offer such motion, nor am I aware that others had knowledge. So obviously with this suspension matter we appreciate the opportunity to go ahead with the ruling of the Chair.

Mr. Speaker, S. 90, which passed the Senate on December 12, 1987, would modify the boundaries of the Big Cypress National Preserve to add lands important to the ecological well-being of the southwest Florida region. The bill before us today closely parallels H.R. 184, which passed the House last March. Both proposals enjoy a broad bipartisan consensus, inlcuding the support of the entire Florida congressional delegation.

This is now the third time the House has had the Big Cypress National Preserve addition proposal before it, having passed it twice before. The record of support for the proposal and the need for this boundary adjustment is unchanged. The 146,000 acres added by S. 90 will enhance protection of the water supply for Everglades National Park and the region; preserve prime endangered species habitat; and provide increased recreational opportunities. Because of the concurrent construction of a segment of Interstate 75, we have a unique opportunity to leverage highway severance funds with Federal and State appropriations to acquire these important lands.

The Committee in Interior and Insular Affairs in its consideration of S. 90, adopted amendments pertaining to 4 provisions of the bill.

First, the amendments strike the Senatae language and substitute the language of H.R. 184 regarding the administration of the area, so that the existing preserve and the addition will be managed in an identical fashion. This change retains the understanding which is elaborated on in the committee report accompanying H.R. 184, regarding recreational uses, including hunting, fishing and trapping. I would reiterate that the committee action and this language in no way further limits or expands the existing authority for such uses.

Second, the amendments require that the report to Congress be made in 2 years, rather than the 1 year proposed by the Senate and the 3 years proposed in H.R. 184. Additionally, the Senate provision regarding a study of access rights is referenced to the access points developed pursuant to this legislation.

Third, S. 90 made no provision for development funds. H.R. 184 authorized such sums as may be necessary for development and the amendment adds that language.

Finally, several changes were made in oil and gas provisions of S. 90. These amendments assure that the National Park Service's existing regulatory authority on access continues to apply to all oil and gas operations within the preserve and addition. These changes have the support of the interested parties and are in keeping with the understandings with which the oil and gas provisions were developed.

Mr. Speaker, for over a year now, there have been discussions of effecting a land exchange in Phoenix, AZ to deal with part of the land included in this legislation. I would point out to Members that the bill before us does not preclude such a exchange. The proposed Arizona-Florida land exchange has proven to be quite complex. The exchange proposal was under development when the House considered H.R. 184 last March and it is still being developed today. If, and when, such an exchange can be worked out, the Committee on Interior and Insular Affairs will give it fair and full consideration. I do not believe though that we should delay the addition of critical lands to the Big Cypress National Preserve on the basis of a land exchange that may or may not come about.

I support S. 90, as amended, and urge its adoption.

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

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

(Mr. LAGOMARSINO asked and was given permission to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of S. 90, to authorize a 146,000-acre addition to the Big Cypress National Preserve in southern Florida. It is nearly identical to legislation passed by the House last March.

As you know, S. 90 provides the Federal Government with a unique opportunity to acquire the lands included in the addition without paying the full cost. Due to the conversion of Alligator Alley to Interstate 75, highway severance funds would be utilized to pay a portion of the acquisition costs. The remaining expense would be cost-shared by the Federal and State Governments, 80 and 20 percent respectively.

Mr. Speaker, acquisition of this area is important for the preservation of the wetlands which provide critical fish and wildlife habitat and serve as recharge sources for southern Florida's water supply. The public will also benefit from the preserve addition since S. 90 allows for multiple use of this area in the same manner as the preserve. Such traditional uses as hunting and fishing would be, and certainly should be allowed to continue at existing levels. Mineral exploration and development would also be allowed as only the surface rights to the land would be acquired. Special permit language from such development was added to S. 90 during Senate consideration.

Mr. Speaker, the Senate passed S. 90 in December. As I mentioned, it is very similar to H.R. 184 which the House passed last March. However, our committee felt a few slight modifications to S. 90 where necessary and adopted several amendments to the bill during committee consideration. The amendments, which were primarily technical and conforming in nature, would: First, delete the special management section for the addition placing it under the same management guidelines as the preserve; second, expand the funding authorization to include development, as well as acquisition; third, revise the oil and gas permit section of the bill to bring the new rules in closer conformity with existing park service regulations; and fourth, extend the time frame for the report to Congress on the preserve and addition from 1 year to 2 years.

Although S. 90 authorizes a substantial land acquisition program, negotiations have been underway for nearly a year regarding a proposed exchange of a significant portion of this land for lands in Arizona. If approved by Congress, hopefully in the near future, the land exchange would substantially reduce the Federal funding necessary for land acquisition within the addition. Passage of S. 90 today should not, and is certainly not intended to, in any way affect the proposed land exchange. That is a separate agreement which will be considered by Congress on its own merits at a later date. However, I believe it is important that we move forward on S. 90 today to bring us one step closer to the preservation and protection of this area so critical to the Florida Everglades ecosystem.

I would like to commend the sponsor of the House companion to S. 90, Mr. LEWIS from Florida, for his outstanding work and cooperation on this legislation. It has certainly been a pleasure to work with him. I would also like to commend the committee chairman, Mr. UDALL, and the subcommittee chairman, Mr. VENTO, for working with other Members to address the concerns expressed with regard to this legislation.

S. 90 is a good bill which has been finely tuned through the democratic process. It currently enjoys broad-based, bipartisan support. Therefore, I urge all of my colleagues to approve S. 90.

Mr. Speaker, at this point I would like to enter into a brief colloquy with the subcommittee chairman on behalf of the sponsor of the House bill on the Big Cypress Preserve Addition, Mr. LEWIS of Florida.

As the subcommittee chairman knows, there is concern on the part of some individuals and organizations, including the sponsors of the Big Cypress expansion legislation, Congressman TOM LEWIS and Senator LAWTON CHILES, regarding the matter of continued use of the Big Cypress National Preserve and Addition for recreational purposes.

Clearly, recognizing the historical usage of lands in national preserves, it is imperative that the people living in southern Florida and elsewhere continue to have use of the Big Cypress Preserve for a variety of public purposes, including hunting, fishing and trapping. Therefore, it is extremely important that S. 90 clearly ensure that traditional uses of the land at existing levels be allowed to continue.

Mr. Speaker, how does the gentleman committee's intent in this regard?

Mr. VENTO. If the gentleman would yield as directly referenced in the committee report accompanying H.R. 184, I would reiterate that we all understand the strong interest that the people living in south Florida have in being assured of their continued access to the Big Cypress National Preserve and Addition for recreational purposes, including hunting, fishing and trapping. The committee took no action to limit or expand the existing authority for such uses. Rather, the language adopted by the committee will assure that the addition is administered in an identical fashion as the existing preserve. The committee has encouraged the National Park Service to manage the area's resources to maintain a high productivity of wildlife and fisheries and to continue practices that encourage the taking of a reasonable amount of these resources.

Mr. UDALL. Mr. Speaker, I rise in strong support of S. 90. The battle to save the Everglades and the remarkable environments of south Florida has been akin to a national crusade for a quarter of a century. The addition of these lands to the Big Cypress National Preserve and other conservation units is a major victory in that long struggle.

As some of my colleagues are aware, the administration has proposed that the lands subject to this legislation be acquired not through the normal procedure; namely, their purchase via the land and water conservation fund. Instead, it has proposed that they be acquired by means of an exchange for extremely valuable Federal lands in north central Phoenix, AZ. The lands are now the site of the Phoenix Indian School and total about 104 acres. Any such exchange would require an act of Congress.

Members of the Arizona congressional delegation and others have been involved in intensive efforts to put a deal together. It is a very complicated and difficult proposal that requires negotiations between the private landowner, the city of Phoenix, the affected tribes, the Veterans' Administration and others. Despite a number of obstacles, I am optimistic that an exchange can be worked out that will be in the best interests of all the parties. It is my belief that legislation accomplishing the exchange can be brought before the Congress and enacted in this session.

The bill before us today does not contain any reference to the exchange proposal or to the possibility of acquiring these lands through any means other than those currently authorized. This is entirely appropriate as there is no question that these lands must be placed under Federal conservation management one way or the other.

But as I say, I am hopeful that passage of S. 90 today will be followed later this session by legislation to acquire these lands through exchange.

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

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

Mr. DANNEMEYER. Mr. Speaker, I have a privileged motion at the desk.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, if the gentleman will withhold his motion, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on S. 90, the Senate bill just considered.

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

There was no objection.

The SPEAKER pro tempore. If the gentleman from California [Mr. DANNEMEYER] will please withhold his motion, the Chair has not yet propounded the question on suspending the rules and passing the Senate bill, S. 90.

The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 90, as amended.

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

A motion to reconsider was laid on the table.

ATTEMPT TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT OF 1987

Mr. DANNEMEYER. Mr. Speaker, I have a privileged motion at the desk.

Mr. DYMALLY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1447).

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DANNEMEYER. Mr. Speaker, when I made the motion to instruct conferees before, there was then pending in the House a procedure to take up a specific bill under suspension of the rules and the Chair ruled that since that motion had preceded my motion to instruct conferees they were of equal dignity and the pending motion would proceed. Now I have achieved recognition before the motion to take up another bill on suspension, and now it would appear to this Member from California that from a parliamentary standpoint I should be recognized at this point to go forward on my motion, should I not?

The SPEAKER pro tempore. The Chair will state to the distinguished gentleman from California that the Chair has the power of recognition and the Chair stated to the gentleman that today motions to suspend the rules have equal privilege with the gentleman's motion. Therefore, the Chair is going to dispose of the two suspensions as matters of equal privilege, and then the gentleman from California could be recognized for the purpose he seeks recognition.

DESIGNATING MORGAN AND LAWRENCE COUNTIES IN ALABAMA AS A SINGLE METROPOLITAN STATISTICAL AREA

Mr. DYMALLY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1447) to designate Morgan and Lawrence Counties in Alabama as a single metropolitan statistical area.

The Clerk read as follows:

S. 1447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Morgan and Lawrence in Alabama shall be considered for designation as a single metropolitan statistical area by the Director of the Office of Management and Budget without regard to the portion of the Bankhead National Forest located within Lawrence County.

The SPEAKER pro tempore. Is a second demanded?

Mrs. MORELLA. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. DYMALLY] will be recognized for 20 minutes and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

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

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

Mr. Speaker, I would like to explain briefy the background and intent of S. 1447.

S. 1447 was introduced by Senator SHELBY to designate Morgan and Lawrence Counties in Alabama as a metropolitan statistical area. This bill would provide relief to these two counties, which have exhausted their administrative remedies.

Three years ago, the officials of Lawrence and Morgan Counties began an effort to have their area designated as a metropolitan statistical area. This effort has been based upon the fact that Decatur, AL. is 1 of the 366 urbanized areas officially designated by the U.S. Bureau of the Census.

The problem which has been brought to our attention concerns the inability of Lawrence and Morgan Counties to qualify as an MSA under the present OMB regulations, due to the inclusion of the unpopulated Bankhead National Forest area in the

computation of the population density.

An important factor which calls for passage of this bill is the decline of certain industies in areas adjacent to the counties in question. MSA status would encourage a measure of economic recovery to this area.

Economic recovery, however, would not mean any additional financial burden on the Federal Government. Due to the great measure of discretion given to Federal agencies in the allocation of funds, there is no evidence that designation as an MSA would increase Federal funding to that area. Designation, however, would bring an added competitive edge.

I also want to commend Congressman RONNIE FLIPPO for introducing the House companion bill, H.R. 2466. This is an important effort and deserves our consideration.

Mr. Speaker, the officials of these counties have sought our help. I urge passage of this bill to give them the relief they need and deserve.

□ 1300

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

Mr. Speaker, I would like to express a few reasons why I oppose the passage of S. 1447.

This bill would require the Director of the Office of Management and Budget to consider the designation of Morgan and Lawrence Counties in Alabama as a single metropolitan statistical area without regard to the portion of the Bankhead National Forest located within Lawrence County. Thus, a different set of standards would be used for Morgan and Lawrence Counties than in all other areas of the country to determine whether this area should be designated as a single metropolitan statistical area.

The usefulness of the metropolitan statistical area definitions depends on all MSA having similar characteristics which distinguish them from other areas. The criteria are established by a process which included public notice and comment. It is necessary periodically, to review the criteria to make certain that it is consistent, relevant and objectively measured. The review process is published in the Federal Register and the public is invited to comment and recommend changes. The comments are then reviewed by the Federal Committee on Metropolitan Statistical Areas, which includes representatives of 12 Federal agencies who use the MSA definition for statistical and nonstatistical purposes and for determining eligibility and benefits for certain Federal programs. The recommendations of the MSA are then published in the Federal Register prior to each decennial census. As an aside, I should mention that the current MSA criteria were published on January 3, 1980, and the next review will take place in the next 2 years.

The Office of Management and Budget has often received request from areas to make exception to the MSA definition but has remained firm in its denial because granting the request would impair the comparability of historical and statistical data. It is important that the criteria remain constant for a period of time.

Census figures indicate that there is a real possibility that Morgan and Lawrence Counties may soon become an MSA on their own merits and under existing MSA criteria. At the same time, this bill would encourage other areas to seek exceptions to become MSA legislatively, rather than statistically.

As the ranking Republican on the subcommittee which considered this legislation, I would like to just briefly state that I do not want to hold any area back from economic growth and prosperity—which is one of the main reasons for being designated a MSA; however, changing the criteria for eligibility as a single metropolitan statistical area on a piecemeal basis undermines the Government statistical standard for the use of census data. Comprehensive change, published in the Federal Register, can be better utilized by all areas seeking the designation.

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

Mr. Speaker, before I yield time to the gentleman from Alabama [Mr. FLIPPO], let me say that during the period of the past year or 15 months this is the first time the gentlewoman from Maryland and I have disagreed on an issue. We have to take what she has to say very seriously, but one witness whom she quoted, I felt, was somewhat arrogant, and if I may put it very politely, in response to the congressional mandate, what he says in effect is, "If the Congress passes this law, I am going to ignore it."

Can we imagine that? Can we imagine the Department of Justice saying, "If you pass a piece of legislation here, we are going to ignore it"? or can you imagine the President saying that? I thought it was, to put it mildly and politely, a very arrogant response to the passage of legislation. The other issue was, I said to him, "It seems to me this enhances what you are doing. The marketing survey you are involved in, and for radio stations, this bill enhances your position." So it was a personal quirk on his part. It did not present, in my judgment, meritorious arguments against this bill.

Having said that, Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. FLIPPO].

(Mr. FLIPPO asked and was given permission to revise and extend his remarks.)

Mr. FLIPPO. Mr. Speaker, today the House considers S. 1447, a bill to designate Morgan and Lawrence Countries in the State of Alabama as a single metropolitan statistical area, without regard to the portion of the Bankhead National Forest located in Lawrence County.

The House Committee on Post Office and Civil Service has reported this bill by voice vote after taking into consideration testimony given at hearing before the Subcommittee on Census and Population. North Alabama community leaders, with the support of myself and Senator RICHARD SHELBY, have presented clear evidence that Morgan and Lawrence Counties would qualify for MSA status under current regulations were it not for the statistical distortion caused by the portion of the Bankhead National Forest extending into Lawrence County.

This measure is identical to the bill I introduced during the first session of the 100th Congress, and addresses an issue which continues to be of great concern to the citizens of Morgan and Lawrence Counties. Like the constituents of each Member of the House, the people of Morgan and Lawrence Counties believe strongly in working hard to improve their communities and to make their homes and towns better places to live in for themselves and their children.

The people of Morgan and Lawrence Counties understand that hard work and dedication do not mean instant reward. They have exhibited steady and patient dedication during over 3 years of laboring to gain MSA status.

Both the Subcommittee on Census and Population and the full Committee on Post Office and Civil Service have recognized the merit of this unique case. Decatur, AL, in Morgan County, is the only urbanized area in the Nation which has been deprived of MSA designation solely because of OMB's stubborn insistence that a federally owned and controlled natural preserve, the Bankhead National Forest, be included in the measurement of population density.

Only the presence of this national forest extending into the lower quarter of Lawrence County interferes with the prompt recognition of Morgan and Lawrence Counties as an MSA. On the basis of every other criteria cited by OMB, the counties of Morgan and Lawrence fully deserve and should be granted MSA status.

Over the past few years community leaders in Decatur, AL, and Morgan and Lawrence Counties, with the strong support of the North-central Alabama Regional Council of Governments, have pursued every possible avenue of administrative appeal to overcome the opposition of OMB. They have compiled overwhelming evidence to show that their situation is truly unique and merits special consideration. They have shown convincingly that the cohesive nature of the Morgan and Lawrence Counties' urbanized area constitutes, in every real and meaningful way, a single metropolitan statistical area.

And still, after nearly 3 years, the people of Morgan and Lawrence Counties have had to contend with the bureaucratic intransigence of OMB.

The citizens of Morgan and Lawrence Counties have gained a familiarity with the ways of Washington. They have witnessed firsthand the politics of delay. It may be suggested to the Members of the House that these people should wait still a bit longer, and perhaps things may change. Yet, fairness should dictate that this issue be judged on its merit and not left to the chance of what the future may or may not bring.

The people of Morgan and Lawrence Counties have exhausted the available administrative routes, and now seek legislative redress. The Senate has already acted favorably on this question. Both the Subcommittee on Census and Population and the full committee have approved this measure by voice vote. A fair examination of this effort to attain MSA status shows that there is good and abundant cause to disregard the Bankhead National Forest since its special status unfairly distorts the integrated, urbanized identity of Morgan and Lawrence Counties.

The people of Morgan and Lawrence Counties have long looked forward to this day when the U.S. House of Representatives, the peoples' Chamber, would favorably resolve this issue of great economic impact to the communities of the area. MSA status has long been recognized as a vital, necessary element of plans for overall economic growth and development in Morgan and Lawrence Counties. Therefore, I strongly urge my colleagues to vote in favor of this measure so that Morgan and Lawrence Counties may be justly designated as a metropolitan statistical area.

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

Mrs. MORELLA. Mr. Speaker, will the gentleman yield?

Mr. DYMALLY. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Speaker, I want to reiterate what the chairman of the Subcommittee on Census and Population stated. We are almost always unanimous in agreement on issues, and it has been an extreme pleasure working with him at the helm. However, on this particular issue, I have a real concern about the precedent that is going to be set, with the floodgates that are going to be opened. He mentioned that the statistician whom I quoted said they would not recognize this area statistically as an MSA and what they are concerned about is the purity of the statistical system. Even though Congress may change it, they do not see a change in the criteria; they see an exception being made that is not warranted.

My concern also is this: How about those other areas that would like also to have a special exception? There are many of those. There would be requests for amendments to be added to the legislation that has been established.

Finally, I just want to point out that there was an article in the Wall Street Journal of September 22, 1987, entitled "What's a Metropolitan Area? Whatever Congress Says It Is." Just extracting the language from that article, it says: "When metro areas become politically instead of statistically defined, they have less and less value."

□ 1315

And then it goes on and it indicates with this particular case in mind, this particular bill:

If the proposed Alabama metro area is approved, "The dam will be broken, and you'll see all sorts of junk going on," says Edward Spar, president of Market Statistics, a New York demographic consultant. "I see the potential destruction of the metro-area concept," he adds.

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

Mr. DYMALLY. I yield to the gentleman from Alabama.

Mr. FLIPPO. Mr. Speaker, the gentlewoman quoted the Wall Street Journal in her remarks about this matter. In that same article, it did talk about a change being made in the CR last time in Harvey County, KS.

The gentlewoman noticed that in that same Wall Street article that she is quoting.

Another change was made and it points out that changes in that same article the gentlewoman refers to, and it refers to several instances when even President Nixon suggested changes in the criteria because Long Island, NY, did not fit that particular definition; so the article, while it does make the points that the gentlewoman is talking about, also contains specific instances when the criteria and definition of the MSA have been changed when circumstances justified those changes.

Mrs. MORELLA. Mr. Speaker, may I respond to the gentleman? Will the gentleman yield?

Mr. DYMALLY. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. There is opportunity for change in the criteria set at a certain time and it will go into the Federal Register and there is time for comment and whatever, and that is when there are if necessary certain changes because of growth and changes in our society. That is when it should take place.

When the other situation was examined, can we not see the problem of opening the floodgates, seriously?

Right now we have a lot of other places that would like to use this.

Mr. FLIPPO. Would the gentlewoman name one specific urbanized area that would become an MSA as a result of this bill, other than Lawrence County?

Mrs. MORELLA. No.

Mr. FLIPPO. Well, the gentlewoman said she would let down the floodgates. Name one that it would let down the floodgate on.

Mrs. MORELLA. The request that has been made and those that are now coming to the floor when people realize that this bill is before us to say, "We think we should apply for special exceptions."

If we grant it to Alabama, why can you not grant it to another area? Therein lies the problem. A precedent is being set, and how do you extricate yourself from that and say to another area, "No, no way. You can't do that."

Mr. DYMALLY. Mr. Speaker, reclaiming my time and before recognizing my friend, the gentleman from Alabama [Mr. HARRIS], I just want to bring to the attention of my friend, the gentlewoman from Maryland, that the Senate bill was introduced July 1, 1987, and since that time we have not had another bill on this subject, so the floodgate is closed.

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

Mr. DYMALLY. I yield to the gentleman from Alabama.

Mr. HARRIS. Mr. Speaker, I rise in strong support of this measure and point out that the people of north Alabama look forward to the day when this Congress will favorably resolve an issue which has great economic impact to the communities of this area. The other body has already addressed it and addressed it favorably. I think as a matter of fairness that this House should go ahead and address the matter, and I urge favorable consideration of the bill of my colleague.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DYMALLY] that the House suspend the rules and pass the Senate bill, S. 1447.

The question was taken.

Mrs. MORELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

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

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the Senate bill S. 1447.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT OF 1987

Mr. DANNEMEYER. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. DANNEMEYER moves that the managers on the part of the House at the conference on H.R. 5 and the Senate amendment thereto be instructed to agree to section 7003 of the Senate amendment.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. DYMALLY. Mr. Speaker, could the gentleman from California tell me how much time he will consume of this?

Mr. DANNEMEYER. Under the rules, I have an hour. We are going to use most of that time, I suspect.

Mr. DYMALLY. Mr. Speaker, I thank the gentleman.

Mr. DANNEMEYER. Mr. Speaker, this issue came to the attention of the House 21 days ago when this Member sought recognition to make this motion. On that day another motion was recognized by the Speaker to be made, and under the rules of the House, any time after conferees are appointed another motion to instruct can be filed after 20 days. This is the reason this motion is made today.

This issue is very simple. It is time that we in the Congress of the United States vote up or down on the issue of whether or not we are going to have dial-a-porn in America. We believe that the law prohibited it at least on the basis of 47 U.S.C. 223, which provides as follows:

Whoever knowingly in the District of Columbia or in interstate or foreign communication, by means of telephone, makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent, shall be fined not more than $500 or imprisoned for not more than six months, or both.

That would appear to be self-explanatory to prohibit dial-a-porn in this country; but the Federal Communications Commission and the Department of Justice declined to enforce section 223 because they interpreted the law to apply only to persons who utter obscene words during calls that they place. In other words, they interpreted this law to say that if the obscene language came from a recording, the law did not prohibit it.

This Member does not read the language the way the Justice Department and the FCC did, but that is the conclusion they came to.

As a result of that interpretation, Congress in late 1983 amended section 223 trying to strike a balance on this issue and by an act of Congress at that time it made it a crime to make any obscene or indecent communication for commerical purposes to any person under 18 years of age or to another other person without that person's consent.

Now, that is the difficulty we had because we thought we prohibited dial-a-porn with respect to children under 18 or persons who did not consent to receive it, but that posed a great difficulty for purposes of implementation, or to be precise, how does anyone know the age of a person making the telephone call? You really do not. You cannot control that.

So as a result of this being the law, that is, allegedly prohibiting obscence calls by any person under 18 years of age, we have developed a great deal of data, constituents communicating to us from all over the country complaining about the fact that telephone calls were being made by members of households, by children and tremendous telephone bills were being run up.

In fact, according to Tele Marketing Inc., dial-a-porn telephone sex has achieved astonishing financial growth and now grosses $2.4 billion a year since 1983. It is an amazing growth of an industry dealing in filth.

In addition, half of all phone calls using California's 976 extra billing prefix are for pornographic tape messages or live pornographic discussion.

According to the California Public Utilities Commission, of the $64.2 million collected by Pacific Bell between July 1986, and May 1987, for 976 calls, $40.1 million went to adult services; yet the PUC is considering methods for complying with State legislation mandating that customers be allowed to block the service from their phones for a minimum fee.

The Senate considered this issue and voted by 98 to 2 to adopt the amendment that I am talking about at this time, that is, to prohibit dial-a-porn in this country.

We would achieve that by amending the section of the law that now prohibits dial-a-porn to any person under 18 years of age or to any other person without that person's consent. We would strike that language out of the law, which would then have the effect of saying in the District of Columbia or in interstate or foreign communications by means of telephone makes directly or by recording device any obscene or indecent communication for commercial purposes, regardless whether the maker of such communication placed the call.

It would also eliminate from the existing law the section that reads as follows:

It is a defense to a prosecution under this subsection that the defendant restricted access to the prohibited communication to persons 18 years of age or older in accordance with procedures which the Commission shall prescribe by regulation.

In other words, that provision making a defense would be eliminated from the law.

The net effect of this motion to instruct conferees would be to make illegal dial-a-porn in America. Any person who was involved in it would then face prosecution by a U.S. attorney or by an appropriate public authority.

It is not pleasant for any of us to read some of the trash that has come into the airwaves or telephone or dial-a-porn, but for Members to have an appreciation of some of the material that is going out over the telephone today, I would like to read just a portion of the information that has been brought to my attention:

I would love to squeeze those nice ——— . . . 12-year-old, 13-year-old virgins and they're so tight . . . took off her training bra and took the little panties off pure virgins . . . I chewed on her little ears, she just cried. She loved it even though she didn't know it.

That was on September 12, 1987.

Then on September 22, 1987, this was recorded:

Yeah, pat baby's little legs and take off my didys. Oh, spank me harder daddy. Baby wants her rattle and you know where baby wants it. ———.

It goes on and on, just plain trash. It does nothing to elevate the status of our society at all. I do not think there is any question that the law of this country proscribes, that is, prohibits pornographic material. The Supreme Court of the United States has made decisions on many occasions affirming that principle, the most noteworthy of which is Miller versus California in 1973, which established that obscenity is not protected by the first amendment.

This motion to instruct conferees, which I repeat was adopted by a vote of 98 to 2 on the Senate side, is supported by the Citizens for Decency Through Law, Inc. They have prepared an extensive brief asserting that the issue is constitutional, that is to say, we may by law prohibit dial-a-porn in this country.

Some of my opponents who discussed this issue 3 weeks ago when the matter came up said, "Well, it doesn't make sense for us to adopt this law prohibiting dial-a-porn, because when we do that it is only going to be tied up in the courts on the issue of whether or not to do so is constitutional."

To my good friends who urge or argue that point of view, let me make this observation. When this provision becomes the law, and I believe that it will, there is little doubt in my mind that the pornography industry in America, one of the major industries in our country, will immediately file suit to enjoin the constitutionality or the enforceability of this provision until such time as the constitutionality is adopted.

□ 1330

That suit will be joined undoubtedly by their colleagues and friends in the American Civil Liberties Union who believe that everybody in America has rights but nobody has duties, every-

body has privileges but nobody has obligations.

They will look around the country and in forum shopping in the court system undoubtedly find a Federal court judge who is sympathetic to that point of view that there should be no restriction on the ability of such material to flow in interstate commerce and undoubtedly they will procure from that judge an injunction or prohibition on the enforcement of the law pending its contest or constitutionality by appeal to the U.S. Supreme Court. I expect that to happen.

Mrs. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. Mr. Speaker, I am happy to yield to the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from California [Mr. DANNEMEYER] for yielding. I would like to inform the gentleman from California that I was informed yesterday in my district where I have written a couple of columns on the dial-a-porn, and the invitation that it extends to young people and what it leads to, and that a local newspaper was notified that the distributors of this material formed a PAC of over a half a million dollars and that they intend to go after any legislators who have raised any kind of objection to what they are doing and what they are distributing.

I just think we should know that.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague, the gentlewoman from Maryland [Mrs. BENTLEY], for pointing that out.

Mr. Speaker, there is little doubt in this Member's mind that the procedure that I outlined before will take place, that is to say an injunction will be obtained by the pornography industry in America to enjoin the enforcement of this law and that will then work its way up through the court system and ultimately be passed upon in terms of constitutionality by the U.S. Supreme Court. This will give the people who argued on the other side of this issue 3 weeks ago an opportunity for pursuing the adoption of the amendment that they think we should adopt in order to avoid the contest over constitutionality and the sense of that amendment would entail in practical effect the continued availability of dial-a-porn in America.

Some of the elements of that amendment they are working on would be that dial-a-porn would be available for a subscriber in a household who asks that it be made available, but the difficulty with that is readily apparent when one reflects on the fact that it is not easy, in fact it is impossible, to prohibit the use of the telephone to somebody under 18 years of age. We all know today that many parents both work outside the home and as a result there are times when that household is left unattended unfortunately and kids can use that telephone in a household where the subscribers ask for the availability of dial-a-porn.

Another element of it would make it limited only to those using a credit card.

Mr. Speaker, I believe the correct policy alternative for us to be pursuing is to just prohibit it. I think that says an eloquent statement as to whether or not this trash should be available.

Mr. Speaker, these are the reasons that I am making this motion to instruct conferees today and I hope that my colleagues will support this motion and prohibit what most of us believe in our society does nothing to elevate the status of our culture or to suggest that such activities or such comments do anything but say to those of us living today that it is a value system that we approve for ourselves and our children, or a value system that we want to pass on to the next generation. The proper vote today is to prohibit it flat out.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion to instruct offered by the gentleman from California [Mr. DANNEMEYER].

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

Mr. DANNEMEYER. 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.

Mr. 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 274, nays 17, answered "present" 24, not voting 118, as follows:

[Roll No. 14]

YEAS—274

Anderson	Clement	English
Annunzio	Clinger	Erdreich
Applegate	Coats	Evans
Archer	Coble	Fawell
Armey	Coleman (MO)	Feighan
Aspin	Collins	Fields
Bartlett	Combest	Fish
Barton	Conte	Flippo
Bateman	Cooper	Florio
Bennett	Coughlin	Ford (TN)
Bentley	Coyne	Frenzel
Bereuter	Craig	Frost
Bevill	Crane	Gallegly
Bilbray	Dannemeyer	Gallo
Bliley	Darden	Gaydos
Boehlert	de la Garza	Gekas
Boggs	DeFazio	Gibbons
Boland	DeLay	Gilman
Bonior	Derrick	Gingrich
Bonker	DeWine	Glickman
Brennan	Dickinson	Goodling
Buechner	Dicks	Gordon
Bunning	Donnelly	Gradison
Byron	Dorgan (ND)	Grandy
Callahan	Downey	Grant
Campbell	Dreier	Gray (IL)
Cardin	Duncan	Gray (PA)
Carper	Durbin	Guarini
Carr	Dwyer	Hall (OH)
Chandler	Dyson	Hamilton
Chappell	Early	Hammerschmidt
Cheney	Eckart	Harris
Clarke	Emerson	Hastert
Hatcher	Meyers	Schneider
Hayes (LA)	Mica	Schroeder
Hefley	Michel	Schuette
Hefner	Miller (OH)	Schumer
Henry	Miller (WA)	Sensenbrenner
Herger	Mineta	Sharp
Hertel	Moakley	Shays
Hochbrueckner	Mollohan	Shumway
Hopkins	Montgomery	Shuster
Houghton	Moody	Sikorski
Hubbard	Moorhead	Sisisky
Hughes	Morella	Skaggs
Hutto	Morrison (WA)	Skeen
Hyde	Mrazek	Skelton
Inhofe	Murtha	Slattery
Ireland	Myers	Slaughter (NY)
Jacobs	Nagle	Slaughter (VA)
Jenkins	Natcher	Smith (NE)
Johnson (CT)	Neal	Smith (TX)
Johnson (SD)	Nelson	Smith, Denny (OR)
Jones (NC)	Nichols	
Jones (TN)	Nielson	Smith, Robert (OR)
Kanjorski	Nowak	
Kasich	Obey	Snowe
Kastenmeier	Olin	Solomon
Kennelly	Owens (UT)	Spratt
Kildee	Oxley	St Germain
Kolbe	Panetta	Staggers
Kolter	Parris	Stallings
Konnyu	Pashayan	Stenholm
Kostmayer	Patterson	Stratton
Kyl	Penny	Sundquist
LaFalce	Pepper	Tallon
Lagomarsino	Perkins	Tauke
Lancaster	Petri	Tauzin
Lantos	Pickett	Taylor
Latta	Porter	Thomas (CA)
Leach (IA)	Price (IL)	Thomas (GA)
Lehman (CA)	Price (NC)	Torres
Lehman (FL)	Pursell	Traxler
Lent	Rahall	Udall
Levin (MI)	Ray	Upton
Lipinski	Regula	Valentine
Livingston	Rhodes	Vento
Lloyd	Richardson	Volkmer
Lott	Ridge	Vucanovich
Lujan	Rinaldo	Walker
Luken, Thomas	Roberts	Watkins
MacKay	Roe	Weldon
Madigan	Rogers	Whittaker
Martin (NY)	Rose	Whitten
Martinez	Roth	Williams
Mazzoli	Roukema	Wise
McCandless	Rowland (CT)	Wolpe
McCloskey	Russo	Wortley
McCurdy	Saiki	Wyden
McDade	Saxton	Yatron
McMillan (NC)	Schaefer	Young (AK)
McMillen (MD)	Scheuer	Young (FL)

NAYS—17

Beilenson	Frank	Stokes
Berman	Green	Studds
Brown (CA)	Morrison (CT)	Weiss
Dingell	Rangel	Wheat
Edwards (CA)	Roybal	Yates
Ford (MI)	Stark	

ANSWERED "PRESENT"—24

Atkins	Hawkins	Pease
Bates	Hoyer	Pelosi
Boxer	Leland	Rodino
Dellums	Levine (CA)	Sabo
Dymally	Lewis (GA)	Swift
Fazio	Markey	Synar
Foley	McHugh	Visclosky
Gonzalez	Owens (NY)	Waxman

NOT VOTING—118

Ackerman	Bryant	Flake
Akaka	Burton	Foglietta
Alexander	Bustamante	Garcia
Andrews	Chapman	Gejdenson
Anthony	Clay	Gephardt
AuCoin	Coelho	Gregg
Badham	Coleman (TX)	Gunderson
Baker	Conyers	Hall (TX)
Ballenger	Courter	Hansen
Barnard	Crockett	Hayes (IL)
Biaggi	Daub	Hiler
Bilirakis	Davis (IL)	Holloway
Borski	Davis (MI)	Horton
Bosco	DioGuardi	Howard
Boucher	Dixon	Huckaby
Boulter	Dornan (CA)	Hunter
Brooks	Dowdy	Jeffords
Broomfield	Edwards (OK)	Jontz
Brown (CO)	Espy	Kaptur
Bruce	Fascell	Kemp

Kennedy	Miller (CA)	Smith (IA)
Kleczka	Molinari	Smith (NJ)
Leath (TX)	Murphy	Smith, Robert (NH)
Lewis (CA)	Oakar	Solarz
Lewis (FL)	Oberstar	Spence
Lightfoot	Ortiz	Stangeland
Lowery (CA)	Packard	Stump
Lowry (WA)	Pickle	Sweeney
Lukens, Donald	Quillen	Swindall
Lungren	Ravenel	Torricelli
Mack	Ritter	Towns
Manton	Robinson	Traficant
Marlenee	Roemer	Vander Jagt
Martin (IL)	Rostenkowski	Walgren
Matsui	Rowland (GA)	Weber
Mavroules	Savage	Wilson
McCollum	Sawyer	Wolf
McEwen	Schulze	Wylie
McGrath	Shaw	
Mfume	Smith (FL)	

□ 1355

Mr. EDWARDS of California changed his vote from "yea" to "nay."

Mrs. BOGGS changed her vote from "nay" to "yea."

Mrs. BOXER, Mr. VISCLOSKY, and Mr. WAXMAN changed their votes from "nay" to "present."

Mr. BATES and Mr. LEWIS of Georgia changed their votes from "yea" to "present."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HILER. Mr. Speaker, on rollcall No. 14, I was unavoidably detained. Had I been present, I would have voted "aye."

RESOLUTION PROVIDING FOR CONSIDERATION OF JOINT RESOLUTION TO PROVIDE ASSISTANCE AND SUPPORT FOR PEACE, DEMOCRACY, AND RECONCILIATION IN CENTRAL AMERICA

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-507) on the resolution (H. Res. 390) providing for the consideration of a joint resolution to provide assistance and support for peace, democracy, and reconciliation in Central America, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 557, CIVIL RIGHTS RESTORATION ACT OF 1987

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-508) on the resolution (H. Res. 391) providing for the consideration of the bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964, which was referred to the House Calendar and ordered to be printed.

□ 1400

REPORT ON THE SITUATION IN HAITI, PANAMA, AND CENTRAL AMERICA

The SPEAKER pro tempore (Mr. GRAY of Illinois). Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS of New York. Mr. Speaker, on many previous occasions I have spoken about the fact that the present situation in Haiti is an intolerable one. The present situation in Haiti is closely related to another crisis that we are facing in this hemisphere. The present situation in Haiti is closely related to a very important conference that is being held now under the sponsorship of the White House, a conference for a drug-free America.

The present situation in Haiti is related to what is happening in Panama, the fact that in Panama you have a criminal indictment that has been brought against the Commander in Chief of the Panamanian Armed Forces and the President of that country has chosen to remove him. He has refused that order.

The entire country has been thrown into chaos and nevertheless, General Noriega sits there. On several previous occasions I have linked these elements in terms of what is happening in this hemisphere. The second strongest power in the Western Hemisphere is the South American drug mob. The South American drug mob is closely linked to what is happening in Panama, it is closely linked to what is happening in Haiti and, of course, we know the South American drug mob has killed numerous prosecutors in other Latin American countries. They have also killed judges, they have attempted to take the entire courthouse in Peru with tanks, and 11 judges perished.

The South American drug mob goes riding along without being checked at all by any force in this hemisphere. Instead of checking the South American drug mob, we have found our CIA has made deals with them. Our drug enforcement agents have praised Noriega. We find that members of the State Department are reluctant to apply sanctions against these countries that are conduits for the drugs coming to America and threaten to poison our entire social structure.

Last week in New York City—yesterday in New York City a funeral was held for police officer Edward Byrne. He is a police officer who was gunned down in his own patrol car while he sat guarding a witness in a drug case in southeast Queens.

That case was a message. The South American drug mob was sending a message to the New York City Police Department and the rest of the criminal justice system that they are ready to take them on.

What has happened all over South America has now come home to the United States. We can see more and more, we will see more and more violence perpetuated by the South American drug mob against judges, against policemen, against the entire society.

We must now resolve to act forcefully, united against the South American drug mob. This is a place where conservatives can unite with liberals, blacks unite with whites; we are all threatened by the power of the South American drug mob.

We can begin by saying to the President, "Do not certify the countries in this hemisphere such as Panama, Haiti, and Mexico, do not certify that they are cooperating with the efforts to decrease the drug traffic," when they are not.

It has been recommended by the bureau in the State Department responsible for this activity that they not be certified. Do not certify Haiti, do not certify Panama, do not say that they are doing what they are not doing. Let us cut off aid, let us remove certain privileges, let us stop using the taxpayers' money for the countries that are conduits for the drugs that are coming into this Nation.

Above all, let us take a close look at Haiti. Haiti is under the influence and domination of the commissar for drugs in that country. His name is Col. Jean Claude Paul. There is a threat that he might also be indicted just as Noriega was indicted. But Col. Jean Claude Paul is the commander of the Dessaline battalion in Port-au-Prince, Haiti. He is the person who gives the orders to the army. He is the person that the general who heads the armed forces fears. He is the person behind the massacre of November 29, the massacre of people who went out to vote in Haiti. The bloodstained Government of Haiti now in the palace in Port-au-Prince is there because of Jean Claude Paul. They would not be there if Jean Claude Paul and his murderous brigands had not gone out and murdered people in cold blood at the polls. They won by murdering people in cold blood at the polls on November 29, they won the right to go and run their own elections, their own crooked election, the election which was supported by less than 5 percent of the people. Yet they have installed themselves in the palace as a government. And we are about to recognize that government, not only is the United States going to certify that Haiti is cooperating in the prevention of drug traffic into this country, they are also going to move to the point we are going to recognize this bloodstained government in Haiti as a legitimate government.

What it does is put the South American drug commisars in power as the domineering force in one more country. I hope the gentleman will move to

persuade the President to not certify Haiti, to not recognize the Government of Haiti. The South American drug mob should not be enhanced anymore.

THE UNITED STATES WILL MAINTAIN OUR STATUS IN THE REGION OF THE PANAMA CANAL

The SPEAKER pro tempore (Mr. OWENS of New York). Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, which of the Panamanian hats shall we wear? Should we wear the hat that will demonstrate to the world that the presence of American troops in the Canal Zone, that the Panama Canal itself, which is such a lifeline to the United States of America and to its allies and friends, the very fact that that portion of Central America is important to the whole hemispheric freedoms that we promote, shall we wear that hat? Or shall we wear the other Panama hat, the one which would lead us to indifference and noninterest in that region of the world leading to a devolution of the situation there to such an extent that we will have another uncertainty like Nicaragua on our hands?

I ask us as Members of this body to choose the former hat, to wear the Panama hat, the hardhat that shows that the vital interests of the United States of America are affected and we intend that nothing will occur in that part of the world to make it more difficult to maintain our status in that region.

UNINTENDED RESULTS OF GROVE CITY LEGISLATION

On another matter, Mr. Speaker, pretty soon we are going to be voting on Grove City which will be turning into "Trouble City." Grove City is a problem, and we will not go into the specifics of how that issue came to the floor of the House now, because that would take more than the 5 minutes allotted to me, but because of the insistence of many to try to restore what they feel is the condition of our civil rights laws to the place where they were before Grove City, now the proponents are taking us way beyond Grove City into Trouble City, as I said before. Why? Because a whole series of unintended results, or perhaps intended results would spew forth from this new legislation if we do not take pains to try to deliberate through and debate the issues that will be forthcoming.

For instances, it would be an unintended result that grocery stores, small grocery stores who happen to convenience food stamp recipients by giving their goods and taking food stamps instead of cash moneys from them, would be placed by virtue of this Grove City Reform Act, would be forced to abide by a whole series of new regulations having to do with handicapped and other kinds of renovations and alterations they have to make to their little shops, and paperwork galore just to comply with these new restrictions that this new statute would put into effect; an unintended result.

Not one proponent that I ever heard of for the reform of the Grove City situation mentioned grocery stores. This would be an unintended result. This is just one of them. Why?

Housing, religious schools, education institutions, all across the country will be affected in ways never dreamed of it this bill goes through. Why is this happening? Because the majority, the Democratic leadership refuses to allow an open rule so that we can debate all these issues one by one and come to a consensus.

No, they insist on a closed rule, one in which they will have their way regardless of any opposition, regardless of the rights that we have as a minority to try to demonstrate some of the inequities and the very unintended results that could come about by their own admission to some of these things.

In the Rules Committee, the one answer that was given, "Well, if that is the case, if one of those unintended results might be possible, we are going to cure that by colloquy on the floor."

They had better not bank on colloquies on the floor, or bureaucratic acts anywhere along the line to cure what the statute is going to have as a very deleterious, adverse, unintended result.

PART-TIMERS OR TRAINEES?

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

Mr. MONTGOMERY. Mr. Speaker, I want to share with my colleagues a fine article, written by Lt. Cmdr. Richard J. Feeny, U.S. Naval Reserve. It appeared in the February 1988 edition of Proceedings, a publication of the U.S. Naval Institute.

While I might not agree with every point Lieutenant Commander Feeny makes, I think it offers an interesting perspective on the increased role of our Reserve components in the defense of our country.

PART-TIMERS OR TRAINEES?

(By Lt. Cmdr. Richard J. Feeny, U.S. Naval Reserve)

We cannot continue doing business with the Naval Reserve the way we have since World War II. Today's operational and fiscal realities require a change in the way the Navy takes advantage of the reserve assets that continue to accumulate.

The Naval Reserve has two roles—one potential, one kinetic. Its potential role is the traditional one: to be ready to mobilize and augment the active force in time of war or national emergency. Its kinetic role is relatively new, certainly on such a large and growing scale: to contribute meaningfully—and in several areas, vitally—to the peacetime operation of the active force. Over the years, the Naval Reserve's kinetic role has replaced its potential role in primary importance. Therefore, it should receive primary attention in policy planning and execution.

The Naval Reserve, particularly the Selected Reserve, has always represented the difference between the personnel and equipment the Navy can afford to maintain during peacetime and that needed for wartime operations. But the Naval Reserve today represents the difference between what the Navy can afford during peacetime and what it needs during peacetime, as well as for mobilization.

In its kinetic role, the peacetime reserve provides "mutual support" to the active force on a day-to-day basis. Ostensibly, mutual support is a by-product of reserve training, and it is true that reservists receive valuable training while providing support. However, the Navy has come to expect its reserve component to deliver services in many everyday mission areas, and not just to stand ready to provide assets upon mobilization. As a result, Naval Reserve personnel routinely participate in fleet operations. Nevertheless, the coincidence of service to the fleet as a fortunate by-product of training is a myth no longer worth perpetuating. The reality of the Navy's routine use of the Naval Reserve to carry out its peacetime mission dictates that Navy policy acknowledge that fact—and incorporate it into planning and operations.

It is appropriate for the Navy to rely on its reservists for operational support. However, only in rare exceptions should this reliance be total, in which the Navy finds itself unable to perform a peacetime mission without support from inactive-duty reservists. There must be a balance, to encourage reserve participation in the Navy's operations without creating total dependence on the inactive reserve in any mission area that could develop before mobilization.

The increasingly kinetic nature of the Naval Reserve is the result of a drive during the past several years to bring the Reserve into the Navy mainstream. This has been driven in turn by a combination of high (and expensive) operating tempos—derived from broad-based international responsibilities—and of fiscal constraints, under pressure of nonmilitary priorities.

Congress has perceived an opportunity to reduce overall defense costs by investing more in reserve and less in active components. Congressional pressure on the military services to emphasize reserve forces has also been encouraged by interests such as Reserve and National Guard organizations. Finally, the services have recognized that economies can be achieved by assigning nontraditional missions to reserve components.

The Navy has, in fact, saved money by giving several missions to the Naval Reserve. For instance, if several active ships were transferred to the Naval Reserve, reservists would benefit from improved training, and there would be lower operating and personnel-related costs. The remaining active force would then have to do one or more of the following: reduce commitments, increase frequency or length of deployments for the remaining active-duty ships, or lengthen their operating cycles. These actions are secondary costs that the active force assumes by transferring missions to the Naval Reserve.

The Navy must be ready to tap the Reserve's kinetic energy—because there is a substantial investment of resources and effort in the Naval Reserve—resources that could measurably enhance the Navy's ability to carry out its peacetime as well as wartime missions.

The imposition of the Naval Reserve's potential role as its primary reason for being severely restricts the manning of reserve units. At present, reserve billets or units must be justified by mobilization need—the

traditional approach. But the system cannot provide reserve support for the active Navy's peacetime missions on a nonmobilization basis. In such cases, the Navy either does without the reserve contribution or attains it through a real or contrived mobilization need—then uses it for the original operational purpose. Having to follow this process hamstrings the Navy unnecessarily, and is not a good way to do business.

Limiting the Naval Reserve to its potential role hinders proper development of its kinetic role and denies the Navy legitimate peacetime support. The Navy should seriously consider establishing and maintaining, on a case-by-case basis, reserve billets and units specifically to support the Navy's peacetime operations.

Accessing Naval Reserve assets is not always easy—particularly on short notice. Occasionally, critical missions have been accomplished with volunteer reserve support. Such volunteer response is praiseworthy, but cannot be relied upon during periods of low-level conflict. The voluntary aspect of active duty for training (AcDuTra) presents little impediment when reserve support is scheduled well in advance, for example, in routine maritime patrols or construction battalion activity. But problems occur when assets are accessed on short notice.

"Calling up the reserves" has positive and negative implications. A callup of any kind sends a message that the government is sufficiently concerned about matters to activate its reserve forces. This is acceptable only when the government intends to put its own citizens, its allies, and its adversaries on notice. Historically, that message has been a useful political tool. But today, with the military's assigning much of its capabilities to the reserve components, simply accessing that capability by means of a callup could send the wrong signal or send the correct signal prematurely, threatening the objective.

AcDuTra, whether "annual" or "special," has two major drawbacks. In most instances it is voluntary, therefore not a valid basis for total force policy planning or execution. It also presents difficulties in terms of the status of trainees, especially in actual or potential combat zones. Tapping reserve assets for short-fuzed operations usually means inviting reservists with the appropriate skills to report for a specified—or unspecified—time for AcDuTra. The record of acceptance to these invitations has been laudatory, even encouraging. But, as more situations arise requiring reserve support, it becomes increasingly precarious to depend on enough of the right people being willing and able to volunteer, to leave the real world of family and professional commitments.

The second drawback is the question of whether it is appropriate to assign reservists strictly on "training" duty to fleet operations, where they are actually performing contributory service, especially in the face of a potential or actual hostilities. Can or should "trainees" ever be ordered into hazardous duty? What death or injury benefits do they and their families rate? How often and for how long can AcDuTra orders be extended? Can such extensions be made involuntarily, or can they be accomplished voluntarily without the members' signatures, in the event that the members are not readily available to sign the proper forms? The status of trainees and their benefits would be at least partially addressed by an Army proposal to amend the law to provide for members and their families in the event of death or injuries incurred during training periods, particularly under hostile conditions or in other special situations.

A concept worth pursuing is operational active duty, or contributory active duty (ConAcDu), as opposed to AcDuTra. Placing reservists on active duty to perform needed services for the Navy is legitimate and should be straightforward. ConAcDu could be involuntary in unusual situations. As a practical matter, the service would accommodate the personal schedules of reservists whenever possible, as is the case today with AcDuTra, but the determing factor would be the needs of the Navy to carry out its mission. ConAcDu would satisfy the Selected Reservists' requirements for two weeks of active duty annually, but if necessary could occur for a period or periods exceeding the minimum two weeks.

Existing law does provide for a means to achieve ConAcDu. In recognition of the increased portion of the military force structure assigned to the Naval Reserve components, Congress has provided the president with the authority (10 USC 673b) to order as many as 200,000 Selected Reservists to involuntary active duty for as many as 90 days per Selected Reservist to augment the active force for any operational mission, without emergency mobilization. However, this authority has never been used.

The authority of Section 673b is not intended to be a preliminary step toward mobilization, but unfortunately, military planners insist upon treating it that way. This authority will have to be used for operational needs frequently enough to make such exercises routine. A simple way to accomplish this would be to select units whose periods of active duty have already been scheduled and whose AcDuTra is of a "mutual support" nature—then recall those units to active duty under Section 673b for the same period. This process would desensitize observers who still think every callup is a danger signal, and would help remove the cloak of "training" from operational reserve contributions.

If callups are delayed until the situation requires all 200,000 reservists, the president likely would be petitioned to provide reservists for all the services. The Navy's share would be too small to meet its needs.

If reservists are to be employed to a greater extent in a contributory role, there will also have to be careful public education on the subject. Otherwise it is questionable whether ordering reservists to tours of active duty other than their traditional two-week AcDuTra would be acceptable. Individual reservists, their families, or their employers might balk. The policy could even have a negative effect on reserve retention. In addition it would be impractical for the Navy to implement a ConAcDu program without securing acceptance of the concept from several sources: civilian and military leadership, the news media, and the public.

The Naval Reserve should be officially designated the part-time component of the total force. Whatever specific language this designation takes, such an action would give inactive reservists the status of part-time members, rather than trainees. To a great extent, this would merely formalize what is already common practice. However, by no longer having the official focus on training for mobilization, the Navy could much better exercise the Naval Reserve's kinetic role. At the same time, day-to-day reserve training would continue. Mobilization readiness would, in fact, be enhanced, because being an active participant in the total force before mobilization is the best possible preparation for mobilization.

By prefacing the amount of money appropriated for the Navy Reserve Pay account with direction that the money be used for training reservists, the existing statute emphasizes the "ready in waiting" aspect of reserve forces. Legislative action would be necessary to amend this and any other pertinent language. Congressional approval would be needed to complete official recognition of the part-time status of the reserves. But first, the Navy establishment will have to take a hard look at its reserve component and agree to dispel fond myths.

(Commander Feeny is a Naval Reserve officer on active duty in the office of the Assistant Secretary of Defense for public Affairs. Having enlisted in the Naval Reserve in 1965, he has been on active duty in the Pentagon since 1982, working for the most part in the office of the Director of Naval Reserve.)

CENTRAL AMERICA AND THE CARIBBEAN

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

Mr. WEISS. Mr. Speaker, on February 19 of this year, the AFL-CIO Executive Council adopted a very important statement on Central America and the Caribbean. In clear and blunt language the AFL-CIO expressed specific concerns about conditions in Nicaragua, Honduras, Guatemala, Panama, Haiti, and El Salvador.

As its theme, I think it is worth quoting from page four of the statement where it says, and I quote:

We continue to support the efforts of Speaker Jim Wright to bring peace and democracy to Central America, and to provide the people of Central America the opportunity to determine their own destiny through full exercise of their democratic rights.

While today I am going to be offering the entire statement of the AFL-CIO Executive Council in the RECORD, I want to focus on that part of their statement which addresses the situation from their perspective in Nicaragua.

The statement starts out by saying, and I quote:

The AFL-CIO has consistently supported a peaceful settlement of the Central American conflict based on the goals set forth in the Central American Peace Accord and on the aspirations of the region's democratic trade unions. The major elements of the peace accord include: 1, negotiations between the governments of Central America and their respective oppositions; 2, cessation of outside military aid—including use of territory—to insurgent groups in the region; 3, implementation of democracy, including freedom of association, freedom of the press, and free and honest elections. In addition, the AFL-CIO convention has called for increased economic and development aid to the region through the tripartite Central American Development Organization (CADO) and has supported the call of the Nicaraguan Confederation of Trade Unity (CUS) for the withdrawal of United States military assistance to the Contras as well as the withdrawal of Soviet/Cuban military assistance to the Sandinistas.

Congressional termination of U.S. military assistance to the Contras is one important step toward these goals. The AFL-CIO agrees with President Oscar Arias, the principal author of the Peace Accord, that "now that aid has been cut to the Contras, we must also ask the Soviets as well as the Cubans and all those who have been supporting the guerrillas in El Salvador and Guatemala to cut that aid."

□ 1415

The statement says further:

We support his call for the elimination of Soviet-Cuban military aid to the Sandinista government and urge increased public pressure on the Soviet Union to achieve this goal.

The statement further says:

In meeting these criteria—

The criteria that it spells out—

we note that the Nicaraguan government, in response to great pressure, has released some political prisoners, permitted public demonstrations, and allowed dissemination of news and opinion by several independent radio stations and newspapers. It has also belatedly ended its state of siege.

The AFL-CIO welcomes these steps while recognizing that they are far from comprehensive and are reversible. Moreover, we agree with President Arias' statement on February 6th that "other countries have complied much more with the terms of the Guatemala Accord." Specifically, we condemn the Nicaraguan government's continued imprisonment of several thousand political prisoners, including 16 members of the ICFTU-Affiliated Confederation of Trade Union Unity (CUS). We support the view of CUS that fundamental changes are necessary to ensure the institutionalization of democracy.

Mr. Speaker, I commend the AFL-CIO for its strong and clear statement of principle. I urge my colleagues to study the entire statement very, very carefully. I think, as it addresses Nicaragua and other countries of Central America and the Caribbean, it really sets forth some very, very important guideposts.

Mr. Speaker, the full text of the statement is as follows:

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON CENTRAL AMERICA AND THE CARIBBEAN, FEBRUARY 19, 1988, BAL HARBOUR, FL

The AFL-CIO has consistently supported a peaceful settlement of the Central American conflict based on the goals set forth in the Central American Peace Accord and on the aspirations of the region's democratic trade unions. The major elements of the Peace Accord include: (1) negotiations between the governments of Central America and their repective oppositions; (2) cessation of outside military aid—including use of territory—to insurgent groups in the region; (3) implementation of democracy, including freedom of association, freedom of the press, and free and honest elections. In addition, the AFL-CIO convention has called for increased economic and development aid to the region through the tripartite Central American Development Organization (CADO), and has supported the call of the Nicaraguan Confederation of Trade Union Unity (CUS) for the withdrawal of U.S. military assistance to the Contras as well as the withdrawal of Soviet/Cuban military assistance to the Sandinistas.

Congressional termination of U.S. military assistance to the Contras is one important step toward these goals. The AFL-CIO agrees with President Oscar Arias, the principal author of the Peace Accord, that "now that aid has been cut to the contras, we must also ask the Soviets as well as the Cubans and all those who have been supporting the guerrillas in El Salvador and Guatemala to cut that aid." We support his call for the elimination of Soviet-Cuban military aid to the Sandinista government and urge increased public pressure on the Soviet Union to achieve this goal.

The AFL-CIO endorses the specific criteria for evaluating compliance with the democratization provisions of the Peace Accord established by the Confederation of Central American Workers (CTCA) during its meeting in Managua, Nicaragua, on September 27, 1987, and is pleased that the U.S. House of Representatives, on December 8, 1987, adopted similarly specific criteria. In addition to freedom of the press, freedom of association, full human rights, and free and fair elections, the CTCA criteria include the right of workers of join unions of their own choice, to publish and distribute literature, to choose their own leaders, to strike, to bargain collectively, to organize free of government coercion or interference, to obtain legal recognition, and to mount peaceful public demonstrations. The AFL-CIO fully supports these criteria and favors strict deadlines for compliance and sanctions for non-compliance.

In meeting these criteria, we note that the Nicaraguan government, in response to great pressure, has released some political prisoners, permitted public demonstrations, and allowed dissemination of news and opinion by several independent radio stations and newspapers. It has also belatedly ended its state of siege.

The AFL-CIO welcomes these steps while recognizing that they are far from comprehensive and are reversible. Moreover, we agree with President Arias' statement on February 6 that "other countries have complied much more with the terms of the Guatemala Accord." Specifically, we condemn the Nicaraguan government's continued imprisonment of several thousand political prisoners, including 16 members of the ICFTU-affiliated Confederation of Trade Union Unity (CUS). We support the view of CUS that fundamental changes are necessary to ensure the institutionalization of democracy. The CUS believes that such changes must include: termination of the state security police program of mob harassment, arbitrary arrest, and torture of political dissidents; an independent status for the Sandinista party-controlled trade unions; full freedom of movement and association; the dismantling of "defense committees" and other institutions of political coercion which control access to food and other necessities; and a separation of the military and judiciary from Sandinista party control.

The AFL-CIO supports the efforts of CUS to bring about these changes. We note that their achievement will require internal democratic struggle and international pressure on the Nicaraguan government. The AFL-CIO therefore calls upon the United States and other Western democracies to ensure that any aid programs be conditioned on the democratization criteria of the CTCA. The AFL-CIO also urges that the U.S. Congress and other Western democracies provide increased training and assistance, through private or semi-private organizations, including the National Endowment for Democracy, to the civic, democratic opposition in Nicaragua.

Although Honduras has long abided by most of the democratization criteria established by CTCA, the AFL-CIO is concerned by recent reports of human rights abuses and involvement with drug trafficking by some elements of the Honduran military. We call for a full investigation of these charges. In addition, we support the call of the ICFTU-affiliated Confederation of Honduran Workers (CTH) for full compliance with the Peace Accord, including the denial of use of Honduran territory by the Nicaraguan Contras.

Guatemala continues to restrict severely trade union rights, and death squads too often solve labor and political disputes with murder rather than negotiation. The Ministry of Labor has denied legal recognition to numerous unions, and has twice overturned the national convention elections of the ICFTU-affiliated Guatemalan Confederation of Trade Union Unity (CUSG). Until such intervention ceases, the AFL-CIO will continue to favor Guatemala's exclusion from the Generalized System of Preferences (GSP) list.

In El Salvador, the major threat to democratization comes from an intransigent and violent right that continues to dominate the judicial system and a Marxist-Leninist guerrilla movement that seeks power through armed struggle. The AFL-CIO notes that the government of El Salvador has met most of the criteria for democratization established by the CTCA. However, there are disturbing reports of increases in death squad and political killings and disappearances. We are also dismayed and angered by the government's failure to reform the judicial system and by continuing resistance to prosecution of high-ranking military officers responsible for human rights violations. Specifically, the AFL-CIO vigorously protests the release from prison of two soldiers convicted of the 1981 murders of Michael Hammer and Mark Pearlman of the American Institute for Free Labor Development and campesino union leader Rodolfo Viera. We call on the U.S. government to suspend immediately all further military aid to El Salvador until its judicial system is significantly reformed, and justice is obtained in the Hammer-Pearlman-Viera murder case.

We also decry the lagging performance of the Salvadoran government in the implementation of Phase I and III Land Reform programs, including the apparent sharp decline in the number of families who are to receive definitive titles. The Phase III program should be completed as indicated for 56,000 beneficiary families who have been promised definitive titles as of 1986. The AFL-CIO insists that the government of El Salvador should reinstitute a vigorous implementation of land reform to assure dignity and self-sufficiency to the campesinos and to avoid the continuing threat of the radicalization of the countryside.

We continue to support the efforts of Speaker Jim Wright to being peace and democracy to Central America, and to provide the people of Central America the opportunity to determine their own destiny through full exercise of their democratic rights.

The AFL-CIO joins with the ICFTU in expressing deep concern over the suppression of the free press and the right to peaceful assembly of citizens, opposition parties, and other civic organizations in Panama, whose military forces are exercising an unacceptable role in the political process of that country. The AFL-CIO restates its support for the Panama Canal Treaty and pledges to support the ICFTU-affiliated Confederation of Panamanian Workers (CTRP) in defense of freedom and democracy, while continuing to monitor the situation in that country in coordination with ORIT.

The AFL-CIO salutes the brave citizens of Haiti who attempted to exercise their right to vote on November 28, 1987, only to be shot down by terror squads aided and abetted by elements of the military. We regard the recent presidential elections as an outrageous parody of the democratic process. Until the government of Haiti permits truly free and fair elections managed by an independent elections commission, we urge that Haiti receive no U.S. military aid and be re-

moved from the Generalized System of Preferences and from the Caribbean Basin Initiative.

GIVE AND TAKE AT ATM'S

The SPEAKER pro tempore (Mr. OWENS of New York). Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, dramatic changes in the way that consumers do their banking have occurred with the use of automated teller machines [ATM's]. Banks boasted at the outset that this innovation would be a more cost efficient system for taking care of routine banking transactions than the traditional teller system. This was to be a relief for customers from long lines at the bank, and would allow 24-hour banking.

Many of these high hopes have been realized. Customers may now bank at their convenience not only at ATM's at their banks, but often times may use machines conveniently located in such places as grocery stores and shopping malls. Moreover, many ATM networks make banks accessible across the continent, and soon the use of ATM's internationally will undoubtedly become more prominent. This system has truly revolutionized the banking industry for the betterment of the bank and the customer.

ATM's came with hidden strings, however. They are costing customers more and more money. Originally, bankers believed that these machines would lower bank costs by reducing the number of human tellers needed to provide banking services to customers. Bankers now claim that the machines are costing banks too much money.

Charges for ATM usage are becoming increasingly common. For some time now, banks have charged for transactions on machines which are part of the same network, but are owned by other banks. Recently, however, more banks have begun to charge for transactions on their own machines.

A 1986 survey conducted by the American Bankers Association concluded that the average fee charged per transaction at a bank's own ATM is 21 cents, while the average fee at machines owned by other banks is 62 cents. Of the banks surveyed, 13.1 percent of banks impose these fees for use of their machines, while 45.1 percent charge for use of machines owned by other banks. Why are consumers being charged for something that banks claimed were going to save them money?

An article by Albert B. Crenshaw in the Washington Post on January 19, 1988, explores some of the reasons why the cost of ATM usage is rising. An apparently common view among bankers, according to the article, is that these machines cost more than was anticipated. Bankers claim that there was no way to forecast this outcome. Bank's only choice, in bankers eyes, is to charge for this service.

Banks could seek ways to lower costs of ATM's without charging customers, but imposing fees is an easy out. Banks played this same game when they began to impose fees for credit cards. They enticed consumers with free use of the cards, then slapped them with fees once the credit card business was well established.

Charging for ATM usage is taking a similar course. Banks promised convenience for customers and bragged about the cost efficiency of the machines. Hours at many tellers windows have been reduced, and some drive-through windows have been replaced with ATM's. Thus, customers no longer have the option of driving up to their bank late on a Friday to cash a paycheck at the drive-through window. Instead, they are expected to use—and pay for—the ATM.

Customers are not charged for most transactions at drive-through windows or at tellers windows inside the bank. I do not believe that they should be charged for carrying out comparable transactions at ATM's. Banks are expected to provide services such as depositing and withdrawing money, and the medium through which this is accomplished should not affect the cost to the customers. Charging for ATM use is a disservice to banking consumers.

INTERNATIONAL FUSION RESEARCH COOPERATION

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

Mr. STARK. Mr. Speaker, today Representatives GEORGE BROWN, MANUEL LUJAN, RALPH HALL, JAMES SENSENBRENNER, SID MORRISON, CLAUDINE SCHNEIDER, and I are introducing a resolution expressing congressional support for international fusion research.

Fusion energy offers the potential of safe, clean, unlimited power. Using hydrogen molecules from sea water, it creates energy to run turbines for electrical power. Its byproduct is simple helium—the stuff we fill children's ballons with. It produces no long-lived, high-level radioactive waste; no smog; and no reliance on foreign fuel.

Our fusion energy program has made great advances in recent years, most notably in the field of magnetic fusion. However, fusion power is still in the research stage. A commercially feasible fusion reactor is many years away.

Unfortunately, our progress is now being impeded by lack of money for basic research. We are in danger of falling behind Europe, Japan, and the Soviet Union in fusion research—and eventually being forced to rely on foreign technology to satisfy our future energy needs.

The answer is international scientific collaboration. The Office of Technology Assessment stated in its recent report, Starpower, that the Department of Energy now regards greater international collaboration as a financial necessity. The report warns that if no major collaboration takes place, our fusion program will have to be funded at a higher level—or slowed down.

The United States has benefited from 30 years of international collaboration on magnetic fusion research. Let's continue this process.

We are presently negotiating with other nations to jointly design a test reactor called the "International Thermonuclear Experimental Reactor." Our resolution recommends that the Department of Energy continue to pursue this agreement.

The development of fusion energy is of tremendous value to the United States. We hope our colleagues will support it.

The text of the resolution is as follows:

H. CON. RES. 254

Concurrent resolution recommending that the Department of Energy work more closely with other nations in the field of magnetic fusion research and that the Department continue to pursue an agreement with other nations to jointly design the International Thermonuclear Experimental Reactor

Whereas fusion energy offers the potential of safe, clean power which is unlimited in amount, is free of long-lived, high-level radioactive waste, and can have environmental advantages over other technologies;

Whereas budgetary constraints have forced the Department of Energy to cut back on fusion energy research programs;

Whereas the field of magnetic fusion research has a thirty-year history of successful and mutually beneficial international cooperation;

Whereas the Office of Technology Assessment states in its recent report "Starpower: The U.S. and the International Quest for Fusion Energy" that the Department of Energy now sees more intensive international collaboration as a financial necessity;

Whereas the United States has recently been negotiating with other nations to jointly design a magnetic fusion reactor called the "International Thermonuclear Experimental Reactor", with the costs to be shared by the participants; and

Whereas failure to participate in the International Thermonuclear Experimental Reactor project could place fusion research in the United States far behind such research in Japan, Europe, and the Soviet Union and could force the United States to rely on foreign technology to satisfy the Nation's future energy needs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress strongly recommends that the Department of Energy work more closely with other nations in the field of magnetic fusion research, provided that such collaboration can take place without jeopardizing our national security interests or endangering our domestic fusion program; that the Department foster collaborative research in fusion materials to maximize the environmental advantages of fusion energy; and that the Department continue to pursue an agreement with other nations to jointly design the International Thermonuclear Experimental Reactor.

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

[Mr. LAFALCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

RESOLUTION ON GEOGRAPHY AWARENESS WEEK

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

Mr. PANETTA. Mr. Speaker, I rise today to introduce a resolution declaring the week of November 13 to November 19, 1988, as "Geography Awareness Week." I was proud to be

the original sponsor of this resolution in the House when it was introduced last year for the first time and was passed and enacted as Public Law 100-78. It is intended to draw attention to the importance of this discipline and to increase Americans' awareness of our own and of world geography. My sponsorship of this resolution is another expression of my strong belief in the vital importance of foreign language and international education. I am very pleased to be joined in introducing this resolution this year by my distinguished colleagues, Mr. GREEN and Mr. KILDEE, and to once again be joined by Mr. BRADLEY and Mr. STAFFORD in introducing the companion resolution in the Senate.

As we all know, evidence abounds for the need to increase our attention to this fundamental subject. In 1946, only 46 percent of college students tested in a nationwide survey at one top State university could name all of the Great Lakes. In 1984, the news was even worse: only 12 percent of students surveyed at one top State university could name all of the Great Lakes. In 1950, 84 percent of these college students knew that Manila was the capital of the Philippines; by 1984, this number had shrunk to 27 percent. Furthermore, almost 70 percent of these students could not name a single country in Africa between the Sahara and South Africa.

This news is not only shocking—it is frightening. We depend on a well-informed populace to maintain the democratic ideals that have made and kept this country great. When 95 percent of some of our brightest college students cannot locate Vietnam on a world map, even after our extensive involvement in that country, we must sound the alarm. When 63 percent of the Americans participating in a nationwide survey by the Washington Post cannot name the two nations involved in the SALT talks, we must acknowledge that we are failing to sufficiently educate our citizens to compete in an increasingly interdependent world.

This ignorance of geography, along with a comparable lack of knowledge of foreign languages and cultures, places the United States at a significant disadvantage with other nations economically, politically, and strategically. We cannot expect to remain a world leader if our populace does not even know who the rest of the world is.

In 1980, a Presidential commission found that U.S. companies fare poorly against foreign competitors partly because Americans are often ignorant of things beyond our borders. As Gov. Gerald Baliles said in a Southern Governors Association report, "Americans have not responded to a basic fact: the best jobs, largest markets, and greatest profits belong to those who understand the country with which they are doing business."

One of the key themes and tasks for this Congress is, as you know, restoring America's competitiveness in a highly complex, rapidly changing world. Improving our knowledge of the geography, language, and culture of other lands is a concrete, attainable, and important goal in the context of international trade and our place in the world economy. It is a substantial way to give content to the "buzzword" of competitiveness. As John C. Lowe, chairman of the Geography Department of George Washington University, has commented:

Business schools are beginning to understand that there is a big gap in their international business programs. If you are not aware of the affinities and subtleties * * * of other cultures * * * before you launch into a campaign to market a product, you can fall flat on your nose.

The understanding necessary to accomplish this, as I have said, can come only from knowledge of the peoples, cultures, resources, and languages of other nations. This is the sort of knowledge that the study of geography seeks to impart. However, the discipline of geography is seriously endangered in this country. Departments of geography are being eliminated from many institutions of higher learning, with only 370 colleges and universities in the country now offering geography degrees and less than 10 percent of elementary and secondary school geography teachers having even a minor in the subject.

However, there are a number of hopeful signs that geography education is beginning to experience a long-awaited and badly needed resurgence. The National Geographic Society has instituted a pilot schools program in which schools in different part of the country establish innovative geography education programs to test their effectiveness. One such school, Alice Deal Junior High here in Washington, was named a leading school in the grade 7 competition of the National Council for Geographic Education's 1987 National Geography Olympiad. Another, Audubon Junior High in Los Angeles, was 1 of 11 California winners in its category in the U.S. Department of Education's Secondary School Recognition Program. The Virginia Geographic Alliance is releasing a State map emphasizing Virginia's ties with other parts of the United States and the world, for use in schools throughout the State. The University of Tennessee is instituting a requirement that incoming students there have a certain level of knowledge of geography. This is going to cause elementary and secondary schools throughout the State to beef up their geography education programs. And, in addition to the declaration of a national "Geography Awareness Week," a number of States, including Oregon, Colorado, Alabama, North Carolina, Virginia, and Utah have all instituted such weeks at the State level. These are important occasions for promoting geography education and awareness in each State.

Another very exciting development is happening at the State level in my home State of California. The State had found, in standardized social studies tests, that students were sorely lacking in their knowledge of geography. Therefore, the State board of education adopted a new, statewide history-social studies framework that will integrate the study of geography in the history and social studies curriculum from kindergarten to 12th grade. Under this framework, geography will be studied in specific relation to the history and culture of each country, region and period studied at each level. Texts for the program are scheduled to be ready by 1989, and the State plans to fully implement the curriculum by 1990. The new framework is considered a potential landmark step, one that will hopefully initiate a broad movement for improving geography, and overall social studies, education throughout the country.

Mr. Speaker, we are a nation with worldwide involvements. Our global influence and responsibilities demand an understanding of the lands, languages and cultures of the world. The first "Geography Awareness Week" was an occasion for thousands of activities connected with geography throughout the country, and "Geography Week" this year will no doubt be an opportunity for many more events and efforts to increase awareness of our interdependent world. I was pleased to be joined in cosponsorship of this resolution by over 200 Representatives last year, and hope that my colleagues will once again give their support to this resolution and thereby help the citizens of this Nation better appreciate and function in this beautiful and diverse Nation, and in our much more diverse world.

H.J. RES. 478

Joint resolution to designate the period commencing November 13, 1988, and ending November 19, 1988, as "Geography Awareness Week"

Whereas geography is the study of people, their environments, and their resources;

Whereas the United States of America is a truly unique nation with diverse landscapes, bountiful resources, a distinctive multiethnic population, and a rich cultural heritage, all of which contribute to the status of the United States as a world power;

Whereas, historically, geography has aided Americans in understanding the wholeness of their vast nation and the great abundance of its natural resources;

Whereas geography today offers perspectives and information in understanding ourselves, our relationship to the Earth, and our interdependence with other peoples of the world;

Whereas statistics illustrate that a significant number of American students could not find the United States on a world map, could not identify Alaska and Texas as the Nation's largest States, and could not name the New England States;

Whereas geography has been offered to fewer than one in ten United States secondary school students as part of the curriculum;

Whereas departments of geography are being eliminated from American institutes of higher learning, thus endangering the discipline of geography in the United States;

Whereas traditional geography has virtually disappeared from the curricula of American schools while still being taught as a basic subject in other countries, including the United Kingdom, Canada, Japan, and the Soviet Union;

Whereas an ignorance of geography, foreign languages, and cultures places the United States at a disadvantage with other countries in matters of business, politics, and the environment;

Whereas the United States is a nation of worldwide involvements and global influence, the responsibilities of which demand an understanding of the lands, languages, and cultures of the world; and

Whereas national attention must be focused on the integral role that knowledge of world geography plays in preparing citizens of the United States for the future of an increasingly interdependent and interconnected world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing November 13, 1988, and ending November 19, 1988, is designated as "Geography Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

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

[Mr. FORD of Tennessee addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. SHUMWAY] is recognized for 60 minutes.

[Mr. SHUMWAY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

[Mr. FRANK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE JAPANESE CONSPIRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, a conference committee of this Congress is in the process of working out a trade bill on which we voted last fall. We are all concerned about what is happening to the industrial base of the United States, which is a very important part of our national security.

In connection with my research on the subject of trade and the industrial base, I have come across a book that I believe explains a great deal about what has happened to that industrial base and how it was forced to move overseas. This book is entitled "The Japanese Conspiracy," written by Marvin J. Wolf, an author who lives in Los Angeles. Between his military assignment and civilian life, Mr. Wolf has lived or spent more than a decade in Japan. He starts out his book, and on the cover, as a matter of fact, he calls it "The Plot To Dominate Industry World Wide—And How To Deal With It."

In the beginning, Mr. Wolf points out that Japanese business has come to be universally regarded with a near-mythic mixture of fear and admiration, even envy. Demigods of trade, the Japanese are seen as mysteriously energetic, tirelessly shrewd, part of an irresistible tide. In America, in Europe, Latin America, the Middle East, Southeast Asia, throughout the developed and undeveloped world, the West watches passively as the Japanese seize one market after another.

In scarcely a dozen years Japan has increased its annual exports of high-technology products more than sevenfold, to more than $40 billion.

This book, of course, was written in 1983.

Many estimates, including those by the American Productivity Center and by the Japan Economic Council, predict that Japan will surpass the United States as the world's leading economic power by the year 2000. The JEC, an advisory group to the Prime Minister's office, has already outlined Japan's conquest in simple terms. By the turn of the century, then only 15 years away, the per capita income of the Japanese will be $21,200, compared with only $17,000 in the United States and less in Western Europe.

The trade statistics in Japan's favor are startling and growing in awesome proportions each year. In 1970, Japan's balance of payments surplus with the United States was only $1 billion, a meaningless sum to a nation the size of America, then exporting some $150 billion a year to the world. By 1980, the $1 billion had magically mushroomed to $10 billion, a large, significant trade imbalance, but still not one that threatened the economic sanctity of America, or of the West.

But within 2 years, the force of the Japanese export onslaught would be fully felt throughout the world. In 1982, America's trade deficit would rise to $30 billion, most of which—$21 billion—would be with one nation, Japan. Staggered by that red ink, Americans were soon to learn that 1983 would be considerably worse and each year after, even worse. As Japanese computers, television sets, radios, pharmaceuticals, cameras, cars, video recorders, stereos, bicycles, subway cars, tractors, and motorcycles flooded the American markets, estimates of the 1983 Japanese trade balance with the United States—initially $30 billion—rose to $35, even $40 billion and more.

And last year it is predicted that the final figures will show it is about $60 billion.

Along with these deficits have come increased unemployment in America and Western Europe, as more and more workers move from assembly to unemployment lines. The Japanese trade surplus accounts for the direct loss of over 1 million American jobs, and as many or more in Western Europe. Ultimately the toll is much greater as the industrial infrastructure of the Western world is weakened.

"No industry is immune from trade deficits," Alfred E. Eckes, chairman of the U.S. International Trade Commission, warned in August 1983. Each $1 billion in trade deficits, he reveals, is equal to about 25,000 U.S. jobs lost. "Problems that have hit footwear, apparel, steel, and autos may soon impact the chemical industry, pharmaceuticals, and other high-technology sectors," Eckes says. France, Sweden, West Germany, and other European nations are suffering these same deficits with Japan as that nation assaults their domestic markets.

Surprisingly, many Americans and Europeans believe that the Japanese deserve their success. Almost four out of five polled by the Los Angeles Times in May 1983, felt that the prime reason for the success of Japanese products is "cheaper labor costs," followed by superior management. "Our management is old-fashioned," is the common complaint. If the Japanese are beating the Western nations, this argument states, it is our own fault. We've been unwilling to work as hard; we demand wages that are too high. After all, our Calvinist consciences mutter, the Japanese demonstrate unrivaled energy and skill; it is no wonder their productivity is the envy of the world. They are shrewd bargainers, but outmaneuvering your opponent has always been the essence of good business. We must learn to do better; we must emulate the Japanese, say many. We need to adopt quality circles and other storied Japanese management techniques.

There is obviously much to be learned from the Japanese. But their skill and productivity, though impressive, is not the major reason for their stunning international success. Behind their massive penetration of foreign markets is a system of business activity which can best be described as economic totalitarianism, a government-directed enterprise in which all the energies of Japan have been mobilized to overwhelm the world competition. It is a national conspiracy directed from a central command post, a squat 11-story building in central Tokyo, the headquarters of MITI, the Ministry of International Trade and Industry. The elements that comprise the conspiracy come from every facet of Japanese life: unelected bureaucrats; industrialists; shinko-zaibatsu, the reconstituted cartels; labor union officials; politicians; and submissive workers. Even co-opted Americans and Europeans contribute to the new power of Japan.

The Japanese themselves have termed their centrally run operation the "Bureaucratic-Industrial Complex," one that is becoming as potentially dangerous to world stability as the military-political threat of the Soviet Union. But while Russian dissimulation seems to persuade only the naive, the Japanese have brilliantly disguised their conspiracy in a convincing cloak of free enterprise. They thus confound and confuse those in the West who have become unwitting partners in Japan's economic aggression.

Although Japan now boasts a democratic political system not unlike America's and Western Europe's, its business methods bear little resemblance to free market capitalism, or even the demisocialist-style capitalism of France, Great Britain, and Italy, which still follow the conventions and ethics of international trade.

Business the Japanese way is unique and often difficult to understand for those not familiar with its nuances. From the Western viewpoint, it regularly flouts the rules of ethical behavior, yielding to the obsessive need to win at any cost. Joseph J. Sullivan, a

former employee of Sony, has repeated a telling conversation with Japanese industrialist Akio Morita, president of Sony. "Sullivan San," Morita said, "militarily we could never defeat the United States, but economically we can overcome the United States and become number one in the world."

Individual Japanese industries are efficient, but not to the degree the world has been led to believe. Much of their advantage is based on unsavory practices. Japan has borrowed or copied foreign technology, or acquired it through joint venture agreements which it has later disavowed. When this has failed they have resorted to bribery, industrial espionage and outright theft. Its industries often act in concert, as did the prewar Japanese cartels, the zaibatsu, targeting their competitors in other nations and dumping their products at a temporary loss in order to win larger and larger shares of the world's markets and eventually achieve monopoly positions. The Japanese educate their scientists and engineers in American and European universities; they then return home to use their new skills in a trade war against those who educated them. Japan, it is now becoming clear, is winning the trade war because it refuses to play by the rules.

Mr. Wolf goes on to point out that the desire to become itchiban—No. 1—has created a tense, uneven, and unfair relationship between Japan and its trading neighbors. Not only does Japan insist on imposing Byzantine import barriers to shield its domestic market from outside competition, but its export trade policies include predatory pricing, secret government subsidies, the targeting of advanced technology industries in America and elsewhere, restrictions on direct foreign investments, and a grossly undervalued currency. The currency has been turned around.

In addition, Mr. Wolf notes that intervention by MITI forces Japanese firms to "Buy Japan," to purchase exclusively from domestic suppliers despite price and quality disadvantages, and to pursue an overaggressive export policy with the world. On one occasion, a group of Japanese television manufacturers found cheating the United States Government claimed that MITI had "compelled" them to do it. These, and still other methods, are at the core of a privately owned but state directed form of capitalism modeled after a military campaign.

□ 1430

Japan has been portrayed as a worker's paradise in which employees are perpetually grateful to a benevolent management. In fact, Mr. Wolf notes, Japanese corporations exploit many of their workers, particularly women and millions of temporary and part-time workers who are denied the much-heralded Japanese corporate benefits. Early retirement at age 55 forces skilled, mature workers with inadequate pensions back on the job market, usually starting all over at the bottom. Instead of true labor unions, the Japanese employ company unions, which are used less for collective bargaining than to enforce discipline and boost productivity.

Some in the West—including government leaders who could act to confront this worldwide industrial conspiracy—are reluctant to see our Japanese allies in a negative light. But contemporary history demonstrates that whenever it has been convenient for them, the Japanese have bent, distorted, and abused existing American, European, and Japanese legislation and contractual arrangements in order to gain corporate and national advantage. Where avoidance, obfuscation, and shrewdness have failed, they have lied to achieve the defeat of their industrial partners and to further their quest for what they believe is their national manifest destiny—economic supremacy.

The Japanese industrial conspiracy has numerous layers of complexity, which, as we shall see, involve every aspect of the Japanese and world economy. One is a hypocritical, but effective, policy which insists on free trade for Japan throughout the world, while Japan uses every possible device, from tariffs to truculence, to close its domestic markets. America and the European Economic Community [EEC] have complained, often bitterly, that Japan does not practice what it preaches. Japan's response, for more than 20 years, has been to deny that there are any restrictions, and then to promise to "liberalize" the particular ones that trading partners point out. And we in the United States have certainly experienced that, on item after item.

"Trying to move the Japanese on trade is like peeling an onion," Mr. Wolf quotes, William Piez, who directed the U.S. Embassy's Tokyo trade office in early 1983. "You start taking the layers off, but you're never sure if there will be anything inside at the end. The whole thing is a rather zen experience." Piez was referring to the fact that behind the formal trade barriers that Japan had officially lifted, there is a maze of informal ones, including standards and inspection procedures that crudely, but effectively, block imports.

In 1982, Foreign Minister Yoshio Sakurauchi claimed that "Japan is one of the most open markets in the world." A few weeks after that comment was made, the Japanese ambassador to the United States, Nobuhiko Ushiba, told reporters: "There is no example in recent history of a nation liberalizing trade policy as fast as Japan." What a farce.

The reality, of course, is just the opposite, as Mr. Wolf said. European Economic Community spokesman Gilles Anouilh places it in perspective: "Japan, with a population of 117 million, imports no more manufactured goods than Switzerland, with a population of 6.4 million"—6.4 million versus 117 million. The Japanese answer, sounding ridiculous by contrast, comes from Norishige Hasegawa, chairman of a committee to promote trade with America. "We're already importing what we need; Parker pens, Cross pencils, and French neckties," he says with no trace of irony.

Japan's protectionist policy, which insures the basic strength of its domestic industries against fair competition while it assaults foreign markets with its exports, is not an ad hoc program. It has been carefully orchestrated by MITI, which by persuasion and arm twisting, manipulates Japan's import and export strategy, down to the behavior of customs officials. "We enable the Japanese to bring in everything they want when they don't even give us the right of entry," commented Charles L. Nicolosi, an analyst in the New York offices of Dean Witter Reynolds.

As the world's leading manufacturer of automobiles, for example, Japan sells millions of its cars in the United States and Europe, but imports few. Before a care is shipped to the United States, each Japanese manufacturer certifies that it meets United States product and safety standards; America accepts its certifications and freely admits the Japanese imports. But the Japanese view every import into their market as currency lost in the war of trade balances.

If a foreign product does finally penetrate the protectionist barriers, the Japanese respond with elaborate tactical maneuvers. The cigarette war is an excellent illustration of their ingenuity in blocking imports. Achieving even a minuscule 1.5 percent share of the Japanese cigarette market required American manufacturers to absorb a prohibitive 35 percent tariff. But the official tobacco monopoly was still worried that some Japanese might prefer a foreign cigarette to a cheaper, if inferior, homegrown product.

In a guerrilla war of harassment, certifications by foreign manufacturers are disregarded by Japanese customs. Every car, every baseball bat, every foreign product attempting entry to Japan is subject to elaborate testing, and those not meeting standards must be reworked to meet them before entry is allowed. The handful of United States cars imported in Japan and in 1986 that figure was 2,500, compared with the 3 million or more that they sent in here, are sometimes virtually rebuilt in Yokohama harbor before leaving the Japanese customs area, and that cost, of course, is borne by the importer, and that raises the cost of the car four- or fivefold.

A six-page battle plan was issued by the Japanese cigarette industry to thousands of distributors and retailers, detailing such tactics as placing

limits on the stocking of foreign brands, actually removing them from small vending machines, and eliminating point-of-purchase displays for foreign cigarettes in prominent locations. Compliance by retailers is assured: The Japan Tobacco and Salt Corporation [JTSC] has absolute control over the licensing and supply of all tobacco products in Japan.

In early 1983, in response to American diplomatic pressures, Japan made a great show of lowering cigarette import duties to 20 percent. But Japan's trade defenses are mobile. Almost immediately after this seeming concession, the price of all cigarettes was uniformly raised by 9 cents, wiping out much of the tariff cut's effect on imported cigarettes. The cigarette matter has been straightened out pretty much, but on other things it has not.

Despite facetious comments about "Parker pens," Japan has enormous need for at least one American commodity—food. It would not only help correct the United States trade imbalance, but would be a boon for Japanese consumers, who are victimized by Japan's inefficient agricultural industry. A Tokyo housewife must expect to pay $35 a pound for the best sirloin steak while Japanese ranchers, whose average herd consists of 2.5 cattle, get only 7 percent of that price, or about $2 a pound. The rest of the money is eaten up by an archaic distribution system of as many as 2 dozen middlemen, most of whom have never seen a live cow, a beef carcass, or even a raw steak. If a foreign supplier of beef—American, Australian, Argentine, or otherwise—should attempt to maneuver past these legions of middlemen, Japan has a final revetment: import quotas on foreign beef are kept so low that Japanese farmers sell virtually all their production at exorbitant retail prices, and it is, of course, the Japanese consumer who pays.

The Japanese face no such restraints in their trade with the West, who openly welcome most Japanese imports because of their price and quality, unaware of the permanent disruption it creates in their economies.

Mr. Wolf goes on to point out that Japan starts out with an enormous advantage in reaching its goal of industrial conquest. Unlike America, Germany, France, the Soviet Union, or Israel, Japan does not pay for most of its own defense. Former U.S. Senator Paul J. Fannin, of Arizona, calls it a $70 billion a year subsidy from the United States, the sum they would spend if we did not protect them from potential aggressors. "With this tremendous advantage," says Fannin, "the Japanese now dominate one after another of our markets. Radio, TV, recorders, small calculators, motorcycles, bicycles, sporting goods, and now the manufacture of automobiles, farm machinery, road equipment and electric generators, is suffering from this subsidized competition."

World reaction to the Japanese capture of world markets has varied from numbness to shock to impotent outrage, and even despair. Responding to a 1983 poll by Opinion Research Corp. of Princeton, NJ, three-fourths of 500 American opinion leaders from business, labor, Congress, academia, and the media stated that Japanese trading policies systematically violate internationally accepted business and trade practices.

More than two-thirds of Americans surveyed by the Los Angeles Times poll said U.S. policy should restrict imports to protect American industry and American jobs. American politicians from the President down have tried to persuade Japan to impose restrictions on its exports and to open their own markets to Americans goods. But it has been to little avail. The Japanese response has been a cascade of cosmetic changes and a public relations blitz incorporating blithe denials of wrong-doing along with righteous indignation. Japanese trade policy, they maintain, is strictly a matter for the Japanese to decide.

Many Japanese, exultant at their new world prominence, are immune to criticism about their business methods, but some do express anguish over Japan's reputation. "Our mercantile image has once again been tarnished," says Kinji Yajima, a retired Tokyo Institute of Technology professor. "We Japanese are now being regarded as a scheming bunch of villains around the United States. it will take years for us to improve our image to what it had been before."

Mr. Wolf goes on to point out that Japanese political commentator Akira Sono has warned his fellow Japanese of the friction that their economic war is beginning to generate worldwide. Trade relations between the United States and Japan, he says, have deteriorated to the point where "the Japanese people are reminded of the pre-World War II ABCD [American-British-Chinese-Dutch] encirclement of Japan, and European Community nations are taking an equally high-handed posture."

□ 1445

This has happened, Sono explained, because "Japan has been treating foreign products like unwanted stepchildren. Japanese politicians and bureaucrats seem incapable of demonstrating a spirit of fair play. Consumers seldom criticize the economic structure that causes them hardship through high commodity prices. The people cannot appreciate economic democracy because they have not assimilated the political democracy that was forced on them as a result of defeat in war."

Sono adds: "Perhaps the Japanese will reach maturity for the first time when foreign countries shut out Japan's exports. Recent Japan-United States relations resemble those of the spring of 1941. The free nations of the world might come to look upon Japan as an outcast. The result might be more disastrous than the defeat in World War II."

The seriousness of the problem and the need for a Western counterattack to protect its own economic health is the thesis on Mr. Wolf's book. To understand the dimensions of the problems, we need to see the Japanese conspiracy at work, as it targets one world industry after another for conquest.

Mr. Speaker, I intend from time to time to make those presentations on this floor.

The SPEAKER pro tempore (Mr. OWENS of New York). Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

[Mr. GAYDOS addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MOORHEAD] is recognized for 60 minutes.

[Mr. MOORHEAD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

[Mr. GONZALEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

[Mr. DORNAN of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE COMMUNITY REVITALIZATION TAX ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 10 minutes.

Mrs. KENNELLY. Mr. Speaker, today I am introducing legislation with my colleagues Messrs. SCHULZE GUARINI, RANGEL, COYNE, FOGLIETTA, and Mrs. BOGGS designed to revitalize and reinvigorate the Rehabilitation Tax Credit and Low-Income Housing Tax Credit Programs and to encourage the participation of nonprofit organizations in low-income housing production. My bill, the Community Revitalization Tax Act of 1988, would provide access to the investment capital required by both the Low-Income Housing and Rehabilitation Credit Programs, thus allowing the programs more effectively to meet the needs that prompted Congress to create them. In addition, it would remove several existing barriers to nonprofit organizations' participation in creating affordable housing opportunities for their communi-

ties. Identical legislation is being introduced today in the Senate by Senators DANFORTH, MITCHELL, BOREN, DURENBERGER, and HEINZ.

Title I of the bill will encourage the preservation of the Nation's historic buildings and the production of low-income housing using the rehabilitation and low-income housing credits. These credit were created by Congress in an effort to revitalize aging downtowns and neighborhoods and provide increased access to affordable housing for Americans nationwide. The programs were established to encourage investment in areas and projects that Congress considered desirable, but unlikely to attract capital on their own because of their high risk, high cost, and low projected rate of return. Unfortunately, because of their interaction with the passive loss rules, enacted as part of the Tax Reform Act of 1986, neither program is currently functioning as intended.

The passive loss rules marked a dramatic change in Federal tax policy. The rules were designed to prevent individual taxpayers from using losses from certain passive activities to shelter income from wages, salaries, and other types of investment income. The rules addressed a significant increase in the use of losses from certain investments, typically investments stemming from transactions involving heavily leveraged investments in real estate, to offset active income. These transactions, often structured as limited partnerships, would allow investors to take advantage of generous depreciation deductions available for real estate as well as deductions for interest expense to create extensive tax losses in the early years of an investment.

The passive loss rules restrict the use of certain credits, primarily the rehabilitation tax credit and the low-income housing credit, as well as passive losses. Under the rules, a taxpayer generally may use the credits only to offset tax liability from passive activities. Recognizing that the passive activity rules could have a significant negative impact on the Rehabilitation and Low-Income Housing Credit Programs, Congress provided a special exception for both in the 1986 act, permitting taxpayers with adjusted gross incomes of less than $250,000 to use up to $7,000 of either credit annually to offset nonpassive income. This limited exception phases out as an individual's income exceeds $200,000, creating two major problems in the financing of low-income housing and rehabilitation projects.

Such projects have traditionally been structured as private placements under the regulation D exception to public offering registration requirements of the SEC. Generally, regulation D requires that all but 35 investors in a project be accredited investors—individuals with annual income of over $200,000 or net worth over $1,000,000. Since virtually all such accredited investors do not qualify for the credit exception to the passive activity rules because of the income cap, project sponsors are increasingly hard pressed to find accredited investors who can utilize these incentives in a private placement. The main investment alternative, a registered public offering, requires extensive Federal submissions and individual submissions in every State in which the investment is to be marketed. These requirements make such an approach prohibitively expensive for all but the largest low-income and rehabilitation projects.

Recently available data demonstrates that the exception to the passive loss provisions has not achieved its purpose. The most recent National Park Service study of historic rehabilitations reveals that historic rehabilitation activity in 1987 declined to the lowest levels since the first year of the Rehabilitation Tax Credit Program. Applications for rehabilitation certification nationwide declined by 35 percent between 1986 and 1987. Applications for approval of rehabilitation work since 1986 are down 52 percent from the level of a 12-month period in 1985 prior to congressional action on tax reform. Worse yet, the National Park System expects that those levels will show further decline in 1988.

Although initial statistics on use of the low-income housing credit are just coming in, it appears that the market for those projects has been severely restricted by the passive loss limitations as well. A recently released MIT/Harvard study concluded that the Low-Income Credit Program is falling far short of its projected goals, with many States likely to use no more than a quarter of the credit authority that the law provides for 1987.

Vitality and viability must be restored to both the Rehabilitation and the Low-Income House Credit Programs. Under the Community Revitalization Tax Act of 1988, this would be accomplished by shifting the credit use limitations for these programs from the passive loss rules into the general rules that limit use of business credits.

The Community Revitalization Tax Act of 1988 would increase the pool of investors eligible to use the rehabilitation and low-income housing credits and expand the number of practical financing mechanisms available to project sponsors. Additionally, the bill would allow a more coordinated use of the at-risk rules by conforming the rules for the low-income credit to those applicable to the rehabilitation tax credit.

The bill would have the additional benefit of simplifying the tax law since it would modify the passive activity rules to limit their scope to include only losses, not credits.

More specifically, section 2 of the bill would tighten the limitation as it applies to individuals to limit the amount allowable for a taxable year to the sum of the first $20,000 of a taxpayer's net tax liability plus 20 percent of liability exceeding $20,000. As an additional check on tax avoidance, taxpayers attempting to "zero out" through use of the credits are also subject to the alternative minimum tax system, where credits cannot be used to reduce alternative minimum tax liability.

Section 5 of the bill would remove disincentives to nonprofit sponsorship of rehabilitation and low-income housing by adjusting and clarifying provisions of the law that currently restrict the ability of nonprofit housing sponsors to join with private investors in initiating and financing affordable housing projects. Nonprofit participation in these projects is particularly desirable since many nonprofit organizations have both low-income housing management expertise and a longstanding commitment to their communities. They accordingly add an element of stability in the low-income housing market, and their participation will help guarantee continued housing affordability.

Section 5 makes four clarifications of current law as it applies to the participation of tax-exempt organizations in rehabilitation and low-income housing activities. First, it would clarify that credits from both programs earned by tax-exempt organizations could be used to offset any unrelated business income tax liability of a tax-exempt organization. Second, it would clarify that interest income foregone on below-market loans to organizations operating qualified low-income housing buildings can be treated as a qualifying distribution for purposes of the annual payout requirements of a foundation. The foregone interest could be calculated either annually or on a present value basis. Third, the bill would provide that the tax-exempt entity use restrictions do not apply to leases of a rehabilitation program building which is also a qualified low-income housing building within the meaning of section 42. Finally, the bill would clarify the pooled income fund rules to provide that a corporation can be an income beneficiary—with a 20-year life—in situations where the pooled fund's investments consist of qualified low-income housing buildings.

Mr. Speaker, Congress reaffirmed its commitment to affordable housing and community revitalization by creating the low-income housing credit and preserving the rehabilitation credit in the 1986 Tax Reform Act. These credit programs have been carefully monitored since that time and clearly a steady decline in the effectiveness of the rehabilitation tax credit and a disappointing start for the low-income housing credit has occurred. Simply put, if Congress is to make good on its commitment to create housing opportunities for our most needy citizens and revitalize our neighborhoods, we must ensure the vitality of the low-income housing and rehabilitation credits and encourage nonprofit participation in providing affordable housing. I am convinced that the Community Revitalization Tax Act of 1988 can meet those goals. I urge you to join my colleagues in sponsoring and supporting this legislation.

FEILOA'IGA "WINNIE" APISALOMA

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

Mr. SUNIA. Mr. Speaker, I rise today to note the passing of history of American Samoa. When Florence Nightingale was carrying out her saintly acts of caring and compassion for the sick, the people of American Samoa had never seen a nurse. When Clara Barton became the most famous and celebrated of American nurses during the Civil War, American Samoa was not yet on the world map.

In their annual meeting on October 13, 1913, the Governor and the chiefs in American Samoa agreed on the creation of a nursing school to train local young ladies in this very important calling. In 1914, three graduates of the London Missionaries Society's Atauloma Girls' School were chosen to become the first student nurses at the Samoan Hospital in Malaloa Fagatogo. They were Feiloa'iga Malama Iosefa, Pepe Iotamo Iosefa, and Initia Taveuveu.

On February 21, 1916, the first graduation exercises of the Samoa Hospital Training School for Nurses was held at the naval Enlisted Men's Club in the township of Fagatogo. The three first students graduated with honor and distinction and were immediately assigned to the three districts of American Samoa. In his graduation speech that day, Governor Poyer noted that the territorial population had grown from 5,663, when the U.S. flag was raised in April of 1900, to 7,251.

On October 13, 1987, Feiloa'iga "Winnie" Apisaloma, died at the Seaton Medical Center in Daly City, CA. She was the last surviving of the three founders of the nursing profession on American Samoa.

Feiloa'iga was born on October 15, 1896, in Papua, New Guinea, where her parents had been sent as church missionaries from Samoa. Her parents were Iosefa Malama of Olosega and Ologa Sala of Fagasa. She entered Atauloma Girls' School at age 10 in 1906 and was graduated in 1912. For 2 years, she remained at Atauloma as an assistant teacher and in 1914 was chosen with her cousin Pepe and close friend Initia to start the nursing program. Because doctors had problems with her name, they called her "Winnie", a name by which she became widely known.

Winnie married Apisaloma Lemaveve of Matautu, Savaii in 1921, and they moved to the Gilbert Islands, now Kiribati, as Samoan missionaries. Returning to Samoa in 1931, they were assigned to a 1-year pastroage at Olosega in 1932. In 1933 they returned to the Gilbert Islands, where Apisaloma died in 1938. The next year Winnie returned to her nursing career and served there until her retirement in 1972. During her last 7 years of nursing she was the housemother at the student nurses' dormitories.

I had the opportunity as a young person, and later as a government official to witness this great and gentle person in the performance of her calling. I must say that she, because of her character and natural talents, was well-fit for the hospital. She was so caring and so natural in the role of a nurse and later as "mother" to the young nurses that young Samoan nurses who graduated from that program left with lasting impressions of this pioneer-nurse in their lives.

During the funeral service in San Francisco, which was well-attended by Samoans from all parts of the country and delegations from the territory, a legislative resolution memoralizing her career of service to the people was presented to her surviving children: Merina, Apisaloma, Uperesa and Eliu. High Orator Sala Samiu, who so eloquently officiated, noted that we were "seeing the passing of history" of our people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORD of Tennessee (at the request of Mr. FOLEY), for Wednesday, March 2, and Thursday, March 3, on account of official business.

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 Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.

(The following Members (at the request of Mr. TALLON) to revise and extend their remarks and include extraneous material:)

Mr. WEISS, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. FORD of Tennessee, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, each day, today and March 3.

Mrs. KENNELLY, for 10 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SUNIA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and include extraneous matter:)

Mr. DAVIS of Michigan.

Mrs. MARTIN of Illinois.

Mr. HORTON.

Mr. KONNYU.

Mr. ROTH.

Mr. PARRIS in two instances.

Mr. ROGERS.

(The following Members (at the request of Mr. WEISS) and to include extraneous matter:)

Mr. WILSON.

Mr. FRANK in two instances.

Mr. GARCIA.

Mr. FAUNTROY.

Mr. DORGAN of North Dakota.

Mr. MAZZOLI.

Mr. LANTOS in two instances.

Mr. LIPINSKI in two instances.

Mr. FLORIO.

Mr. PEPPER.

Mr. CHAPPELL.

Mr. MCHUGH.

Mr. STOKES.

Mr. SWIFT.

Mr. EDWARDS of California.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 59. Joint resolution to designate the month of May 1988 as "National Foster Care Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 199. Joint resolution to designate the month of May 1988 as "Trauma Awareness Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 212. Joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 216. Joint resolution approving the location of the Black Revolutionary War Patriots Memorial; to the Committee on Interior and Insular Affairs.

S.J. Res. 225. Joint resolution approving the location of the Korean War Memorial; to the Committee on Interior and Insular Affairs.

S.J. Res. 227. Joint resolution to express gratitude for law enforcement personnel; to the Committee on Post Office and Civil Service.

S.J. Res. 229. Joint resolution to designate the day of April 1, 1988, as "Run to Daylight Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 234. Joint resolution designating the week of April 17, 1988, as "Crime Victims Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 237. Joint resolution to designate May 1988 as "Neurofibromatosis Awareness Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 240. Joint resolution to designate the period commencing on May 16, 1988, and ending on May 22, 1988, as "National Safe Kids Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 244. Joint resolution to designate the month of April 1988 as "National Know Your Cholesterol Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 247. Joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 249. Joint resolution designating June 14, 1988, as "Baltic Freedom Day"; to the Committees on Post Office and Civil Service and Foreign Affairs.

S.J. Res. 250. Joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988"; to the Committee on Post Office and Civil Service.

S.J. Res. 251. Joint resolution designating March 4, 1988, as "Department of Commerce Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 252. Joint resolution designating June 5-11, 1988, as "National NHS—Neighbor Works Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 253. Joint resolution designating April 9, 1988, as "National Former Prisoners of War Recognition Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 254. Joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 255. Joint resolution to authorize and request the President to issue a proclamation designating April 24 through April

30, 1988, as "National Organ and Tissue Donor Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 257. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day", a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces; to the Committee on Post Office and Civil Service.

S.J. Res. 260. Joint resolution to designate the week beginning April 10, 1988, as "National Child Care Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 262. Joint resolution to designate the month of March 1988, as "Women's History Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 265. Joint resolution to designate March 20, 1988 as "National Agriculture Day"; to the Committee on Post Office and Civil Service.

BILL PRESENTED TO THE PRESIDENT

[Inadvertently omitted from the Record of Monday, July 13, 1987]

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 558. An act to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children.

ADJOURNMENT

Mr. SUNIA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 2, 1988, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2999. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a transaction involving United States exports to the Republic of Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3000. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting a draft of proposed legislation to extend the authorization of appropriations for the Neighborhood Reinvestment Corporation; to the Committee on Banking, Finance and Urban Affairs.

3001. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed lease of defense articles to Denmark (Transmittal No. 5-88), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

3002. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed lease of defense articles to Denmark (Transmittal No. 4-88), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

3003. A letter from the Director, Federal Emergency Management Agency, transmitting the Agency's annual report on its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3004. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the 1987 annual report of the Commission's compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3005. A letter from the Executive Secretary, National Security Council, transmitting the Council's annual report on its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3006. A letter from the Administrator, Small Business Administration, transmitting the Administration's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3007. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3008. A letter from the Administrator, General Services Administration, transmitting prospectuses for the fiscal year 1989 General Services Administration's Public Buildings Service Capital Improvement Program, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3009. A letter from the Comptroller General, transmitting a report on United States-supported drug control efforts in Burma, Thailand, and Pakistan (February 1988, GAO/NSIAD-88-94), pursuant to 22 U.S.C. 2291 notes, jointly, to the Committees on Government Operations and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONIOR: Committee on Rules. House Resolution 390. A resolution providing for the consideration of a joint resolution to provide assistance and support for peace, democracy and reconciliation in Central America (Rep. 100-507). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 391. A resolution providing for the consideration of S. 557, an act to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964 (Rep. 100-508). 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. AuCOIN (for himself and Mr. WAXMAN):

H.R. 4040. A bill to amend the Public Health Service Act to establish a grant program to provide for educating and counseling certain youths with respect to acquired immune deficiency syndrome; to the Committee on Energy and Commerce.

By Mr. BUECHNER (for himself and Mr. ACKERMAN):

H.R. 4041. A bill to require the Secretary of Energy, when transporting certain radioactive materials, to use packages that the Nuclear Regulatory Commission has certified for that purpose; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. COOPER (for himself, Mr. BOUCHER, Mr. SCHUMER, Mr. PERKINS, Mr. GORDON, Mr. GARCIA, Mrs. COLLINS, Mr. BATES, Mr. LELAND, Mr. CARPER, Mr. WALGREN, and Mr. WEISS):

H.R. 4042. A bill to establish labeling and advertising requirements for food or drink which are labeled "lite" or "light" or which make similar comparative claims to describe fat, sodium, or calorie content and for other purposes; jointly, to the Committees on Energy and Commerce, Agriculture, and Ways and Means.

By Mr. DORGAN of North Dakota:

H.R. 4043. A bill to amend the Food Security Act of 1985 with respect to wetlands, and for other purposes; to the Committee on Agriculture.

By Mr. ENGLISH:

H.R. 4044. A bill to amend the Natural Gas Policy Act of 1978 to protect consumers who use natural gas as fuel for agricultural irrigation pumps from certain price increases; to the Committee on Energy and Commerce.

By Mr. FAUNTROY (for himself and Mr. GARCIA):

H.R. 4045. A bill to amend the Bank Holding Company Act of 1956 and the Community Reinvestment Act of 1977 to allow bank holding companies whose bank subsidiaries have acceptable community benefit performance ratings to engage in certain securities activities through separate nonbank subsidiaries of such holding companies, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. GRAY of Pennsylvania:

H.R. 4046. A bill to amend the Department of Energy Organization Act to prescribe testing for the use of alcohol and controlled substances by employees of refineries and nuclear powerplants; to the Committee on Energy and Commerce.

By Mr. KANJORSKI:

H.R. 4047. A bill to direct the Secretary of Commerce to allow the city of Hazleton, PA, to use the proceeds from the sale of the Hazleton Municipal Complex building for economic development projects in the city of Hazleton, and for other purposes; to the Committee on Public Works and Transportation.

By Mrs. KENNELLY (for herself, Mr. SCHULZE, Mr. GUARINI, Mr. RANGEL, Mr. COYNE, Mr. FOGLIETTA, Mrs. BOGGS, and Mr. MOODY):

H.R. 4048. A bill to amend the Internal Revenue Code of 1986 to eliminate tax credits from the passive activity rules, to modify the business credit limitation provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. LELAND (for himself and Mrs. SCHROEDER):

H.R. 4049. A bill to promote the integration of women in the development process in developing countries; to the Committee on Foreign Affairs.

By Mr. McCANDLESS:

H.R. 4050. A bill for the relief of certain persons in Riverside County, CA, who purchased land in good faith reliance on an existing private land survey; to the Committee on Interior and Insular Affairs.

By Mr. ROSE (for himself, Mr. JONES of North Carolina, Mr. VALENTINE, Mr. LANCASTER, Mr. PRICE of North Carolina, Mr. NEAL, Mr. COBLE, Mr. HEFNER, Mr. McMILLAN of North Carolina, Mr. BALLENGER, and Mr. CLARKE):

H.R. 4051. A bill to require the Secretary of Labor to permit North Carolina to continue to employ 17-year-old school drivers under certain conditions until June 15, 1988; to the Committee on Education and Labor.

By Mr. KOLBE:

H.J. Res. 477. Joint resolution commemorating January 28, 1989, as a "National Day of Excellence" in honor of the crew of the space shuttle *Challenger*; to the Committee on Post Office and Civil Service.

By Mr. PANETTA (for himself, Mr. GREEN, and Mr. KILDEE):

H.J. Res. 478. Joint resolution to designate the period commencing November 13, 1988, and ending November 19, 1988, as "Geography Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. DREIER of California (for himself, Mr. MACK, Mr. HUNTER, Mr. BOULTER, Mr. DANNEMEYER, Mr. SHUMWAY, Mr. WILSON, Mr. SWINDALL, Mr. BALLENGER, Mr. MOORHEAD, Mr. SOLOMON, Mr. OXLEY, Mr. WEBER, Mr. DORNAN of California, Mr. KYL, Mr. LAGOMARSINO, Mr. BADHAM, Mr. SHUSTER, Mr. McEWEN, Mr. EMERSON, Mr. NIELSON of Utah, Mr. INHOFE, Mr. HYDE, Mr. HASTERT, Mr. PORTER, Mr. RITTER, Mr. BIAGGI, Mr. SIKORSKI, Mr. HOLLOWAY, Mr. HILER, Mrs. BENTLEY, Mr. JENKINS, Mr. ARMEY, Mr. PARRIS, Mr. FLIPPO, Mr. FAWELL, Mr. COURTER, Mr. BROOMFIELD, Mr. BUNNING, and Mr. McCOLLUM):

H. Con. Res. 252. Concurrent resolution expressing the sense of the Congress that United States military and humanitarian assistance to the Afghan resistance should be maintained until the Soviet Union completely withdraws its troops from Afghanistan; to the Committee on Foreign Affairs.

By Mr. COELHO:

H. Con. Res. 253. Concurrent resolution expressing the sense of Congress that youth connections between the United States and other nations should be encouraged and supported because they promote international peace and understanding; to the Committee on Foreign Affairs.

By Mr. STARK (for himself, Mr. BROWN of California, Mr. LUJAN, Mr. HALL of Texas, Mr. SENSENBRENNER, Mr. MORRISON of Washington, and Miss SCHNEIDER):

H. Con. Res. 254. Concurrent resolution recommending that the Department of Energy work more closely with other nations in the field of magnetic fusion research and that the Department continue to pursue an agreement with other nations to jointly design the international thermonuclear experimental reactor; to the Committee on Science, Space, and Technology.

By Mr. SOLOMON (for himself, Mr. GILMAN, Mr. LAGOMARSINO, Mr. McCOLLUM, and Mr. CRANE):

H. Res. 392. Resolution to express the sense of the House of Representatives on United States policy toward Afghanistan, especially toward the possibility of a Soviet troop withdrawal; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

275. The SPEAKER presented a memorial of the Legislature of the State of Washington, relative to opening the ANWR Coastal Plain to environmentally responsible oil and gas exploration, development, and production; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DONNELLY introduced a bill (H.R. 4052) for the relief of James L. Cadigan; which was referred to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. OBEY.

H.R. 42: Mr. FIELDS.

H.R. 115: Mr. CLAY.

H.R. 302: Mr. LOWRY of Washington.

H.R. 303: Mr. LEHMAN of California, Mr. OWENS of Utah, Mr. PETRI, Mr. CALLAHAN, Mr. RODINO, Mr. DE LA GARZA, Mr. HUCKABY, Mr. ESPY, Mr. McHUGH, Mr. CHAPMAN, and Mr. HOLLOWAY.

H.R. 956: Mr. FLAKE, Mr. LELAND, and Mr. STUDDS.

H.R. 1174: Mr. LAGOMARSINO, Mr. BOEHLERT, Mr. HORTON, Mr. SOLARZ, Mr. FAZIO, Mr. WALGREN, Mr. GILMAN, Mr. HAMILTON, Mr. DYMALLY, Mr. DEWINE, Mr. FISH, Mr. MANTON, Mr. ROSE, Mr. JONES of North Carolina, Mr. TORRICELLI, Mr. CLAY, Mr. PRICE of Illinois, Mr. DAVIS of Michigan, Mr. TALLON, Mr. TAUZIN, Mr. RAVENEL, Mr. FRANK, Mrs. COLLINS, Mr. SWIFT, Mr. LEHMAN of California, Mr. BONIOR of Michigan, Mr. BORSKI, Mr. LEWIS of Georgia, and Mr. SISISKY.

H.R. 1353: Mr. HANSEN.

H.R. 1632: Mr. WALGREN.

H.R. 1920: Mrs. SAIKI.

H.R. 1974: Mr. RINALDO.

H.R. 2091: Mr. KONNYU.

H.R. 3133: Mr. LELAND, Mr. JONTZ, Mr. BARNARD, Mrs. BOXER, Mr. COELHO, Mr. BOEHLERT, Ms. PELOSI, Mr. WALGREN, and Mr. NEAL.

H.R. 3241: Mr. CAMPBELL, and Mr. MURPHY.

H.R. 3250: Mr. MOODY.

H.R. 3312: Mr. GILMAN.

H.R. 3348: Mr. MARTINEZ and Mr. GILMAN.

H.R. 3375: Mr. LEVIN of Michigan.

H.R. 3392: Mr. DELLUMS and Mr. BRYANT.

H.R. 3410: Mr. DYMALLY and Mr. WISE.

H.R. 3518: Mr. HORTON.

H.R. 3553: Mr. THOMAS of Georgia, Mr. SWIFT, and Mr. WILSON.

H.R. 3619: Mr. SOLOMON, Mrs. BENTLEY, Mr. EVANS, Mr. DYMALLY, and Mr. BERMAN.

H.R. 3663: Mr. LEHMAN of California, Ms. PELOSI, and Mrs. ROUKEMA.

H.R. 3719: Mr. DUNCAN, Mr. COELHO, Mr. ACKERMAN, Mr. MOAKLEY, Mr. STARK, Mr. BUSTAMANTE, Mr. VANDER JAGT, Mr. OWENS of New York, Mr. MAZZOLI, Mr. HORTON, Mr. PERKINS, Mr. KANJORSKI, and Mr. WILLIAMS.

H.R. 3764: Mr. DONNELLY, Mr. SOLOMON, Mr. CRAIG, and Mr. HORTON.

H.R. 3791: Mr. TAYLOR, Mr. GARCIA, Ms. PELOSI, Mr. OBERSTAR, Mr. ARMEY, Mr. WOLF, Mr. HANSEN, Mr. DWYER of New Jersey, Mr. FAWELL, Mr. MARTINEZ, Mr. TRAXLER, Mr. McCURDY, Mr. MATSUI, and Mr. MARTIN of New York.

H.R. 3794: Mr. RITTER, Mr. DAVIS of Illinois, Mr. MILLER of Washington, Mr. BROWN of Colorado, Mr. LAGOMARSINO, Mr. BUNNING, Mr. FIELDS, Mr. SHUMWAY, Mr. WORTLEY, and Mr. ARMEY.

H.R. 3814: Mrs. BENTLEY.

H.R. 3815: Mr. BILIRAKIS.

H.R. 3816: Mr. SOLARZ, Mr. EDWARDS of California, Mrs. BOXER, Mr. DELLUMS, Mr. PANETTA, Mr. SABO, Miss SCHNEIDER, Mr. PEPPER, and Mr. MARTINEZ.

H.R. 3828: Mr. COELHO, Mr. LEVINE of California, Mr. MARTINEZ, Mr. TORRES, Mr. BROWN of California, Mr. SIKORSKI, Mr. LUJAN, Mr. RICHARDSON, Mr. MANTON, Mr. TOWNS, Mr. OWENS of New York, Mr. GARCIA, Mr. CHAPMAN, Mr. DE LA GARZA, Mr. LELAND, Mr. ORTIZ, Mr. ATKINS, and Mr. WAXMAN.

H.R., 3865: Mr. BILIRAKIS, Mr. PURSELL, Mr. CALLAHAN, Mr. FIELDS, Mr. GINGRICH, Mr. MAZZOLI, Mr. SUNDQUIST, Mr. FISH, Mr. BOEHLERT, Mr. HUTTO, Miss SCHNEIDER, Mr. NICHOLS, Mr. CAMPBELL, Mr. MOLLOHAN, Mr. ROBERT F. SMITH, Mr. HOLLOWAY, Mr. LEATH of Texas, and Mr. HUCKABY.

H.R. 3870: Mr. CRAIG.

H.R. 3883: Mr. WEISS, Mr. SKELTON, Mr. YOUNG of Alaska, Mrs. BENTLEY, Mr. FISH, Mr. EVANS, Ms. PELOSI, and Mr. PEASE.

H.R. 3893: Mr. MICHEL, Mr. DENNY SMITH, Mr. EMERSON, Mr. MARTIN of New York, Mr. SLATTERY, Mr. TAUZIN, Mr. LATTA, Mr. BROWN of Colorado, and Mr. HEFNER.

H.R. 3907: Mr. DE LA GARZA, Mr. HARRIS, Mr. FLIPPO, Mr. MONTGOMERY, Mr. BOUCHER, Mr. DONALD E. LUKENS, Mr. LEWIS of Florida, Mr. HUBBARD, and Mr. PERKINS.

H.R. 3916: Mr. SWINDALL and Mr. DONNELLY.

H.J. Res. 289: Mr. BENNETT, Mr. BIAGGI, Mr. EVANS, Mr. FISH, Mr. HARRIS, Mr. HOLLOWAY, Mr. HOWARD, Mr. HOYER, Mrs. KENNELLY, Mr. KOLBE, Mr. KOLTER, Mr. LEHMAN of Florida, Mr. LEWIS of Georgia, Mr. LIVINGSTON, Mr. DONALD E. LUKENS, Mr. McGRATH, Mr. MAZZOLI, Mr. MILLER of California, Mr. MONTGOMERY, Mr. OWENS of Utah, Mr. RAHALL, Mr. SOLOMON, and Mr. TALLON.

H.J. Res. 380: Mrs. COLLINS, Mr. WAXMAN, Mr. McDADE, Mr. PURSELL, Mr. WORTLEY, Mr. OWENS of New York, Mr. MOORHEAD, Mr. LOTT, Mr. DWYER of New Jersey, Mr. WILSON, Mr. AKAKA, Mr. DE LA GARZA, Mr. STOKES, Mr. NIELSON of Utah, Mr. TRAFICANT, Mr. WOLF Mr. ESPY, Mr. THOMAS of California, Mr. WOLPE, Mr. ERDREICH, Mr. ATKINS, Mr. DIOGUARDI, Mr. NEAL, Mr. TOWNS, Mr. BOUCHER, Mr. WHITTEN, Mr. PORTER, Mr. PACKARD, Mr. CRANE, Mr. RUSSO, Mr. McEWEN, Mr. FIELDS, Mr. BRUCE, Ms. PELOSI, Mr. HAYES of Louisiana, and Mr. SPENCE.

H.J. Res. 398: Mr. WOLF, Mrs. BENTLEY, Mr. FISH, Mr. WORTLEY, and Mr. OWENS of New York.

H.J. Res. 403: Mr. DEWINE and Mr. McEWEN.

H.J. Res. 429: Mr. MOORHEAD, Mr. FISH, Mr. ROSE, Mr. McDADE, Mr. HERTEL, Mr. VENTO, and Mr. DYSON.

H.J. Res. 438: Mr. MAVROULES, Mr. GINGRICH, Mr. EVANS, Mr. RHODES, Mr. VENTO, Mr. VALENTINE, and Mr. McEWEN.

H.J. Res. 447: Mr. GORDON, Mr. WHITTEN, Mr. MONTGOMERY, Mr. TAYLOR, Mr. SPRATT, Mrs. BOXER, Mr. THOMAS of California, Mr. SCHUMER, and Mr. WOLPE.

H.J. Res. 453: Mr. McEWEN, Mr. LUJAN, Mrs. MEYERS of Kansas, Mr. CLARKE, Mr. GEJDENSON, Mr. McDADE, Mr. ASPIN, Mr. DWYER of New Jersey, Mr. SMITH of New

Jersey, Mr. FRENZEL, Mr. OWENS of New York, Mr. FRANK, Mr. FASCELL, Mr. GUNDERSON, Mr. TRAFICANT, and Mr. SPENCE.

H.J. Res. 462: Mr. WEISS, Mr. KOLTER, Mr. TOWNS, Mr. FAUNTROY, Mr. OWENS of Utah, Ms. PELOSI, and Mrs. COLLINS.

H.J. Res. 464: Mr. FROST, Mr. SAWYER, Mrs. LLOYD, Mr. MARTIN of New York, Mr. TOWNS, Mr. OWENS of New York, Mr. LEHMAN of California, Mr. WOLPE, Mr. HAYES of Illinois, Mr. FAWELL, Mr. DWYER of New Jersey, Mr. GARCIA, Mr. LAGOMARSINO, Mr. WORTLEY, Mr. LIPINSKI, Mr. CHAPMAN, Mr. BOLAND, Mr. KOSTMAYER, and Mr. RAHALL.

H.J. Res. 473: Mr. FOGLIETTA, Mr. DEFAZIO, Mr. FROST, Mr. MAZZOLI, Mr. BORSKI, Mr. LELAND, Mr. BONIOR of Michigan, Mr. CHAPMAN, Mr. WHEAT, Mr. LIPINSKI, Mr. STUDDS, Mr. MILLER of California, and Mr. BUNNING.

H. Con. Res. 28: Mrs. MEYERS of Kansas.

H. Con. Res. 194: Mr. DORNAN of California and Mr. BILIRAKIS.

H. Con. Res. 229: Mr. DIOGUARDI.

H. Con. Res. 238: Mr. DAVIS of Illinois.

EXTENSIONS OF REMARKS

THE WAR POWERS RESOLUTION DOESN'T WORK

HON. PETER A. DeFAZIO
OF OREGON
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. DEFAZIO. Mr. Speaker, 15 years have passed since the War Powers Resolution was enacted into law. The effectiveness of the resolution has been tested many times since. But beyond a certain political utility, it has proven to be seriously flawed.

The War Powers Resolution doesn't work. It's that simple. Presidents have ignored its requirements, and courts have refused to enforce its provisions.

The framers of the Constitution granted the power to initiate war exclusively to the legislative branch of government. The sole exception to that grant lies in the President's right to repel sudden attacks on the United States. The President is named the Commander in Chief and as such, his authority is limited to the conduct of wars authorized by Congress. Alexander Hamilton wrote:

The President is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the Confederacy, while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

In a similar vein, James Madison wrote, in a letter to Thomas Jefferson:

The constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war and most prone to it. It has accordingly with studied care, vested the question of war in the Legislature.

The framers of our Constitution would have turned green if they had known that Presidents, 200 years in the future, would routinely initiate foreign wars and undertake risky military adventures without prior congressional authorization.

On February 18 I introduced House Joint Resolution 462, a bill to substantially revise the War Powers Resolution. It's an ambitious undertaking. My amendments incorporate the original Senate language placing prior restraints on the President's war-making power. The War Powers Resolution, as it stands today, allows the President to get the Nation 90 days into a war before Congress has any authorizing role. This stands the constitutional scheme on its head.

Further, I am trying to resolve the sticky issue of enforcement. What happens when a President refuses to abide by a law passed by Congress, in this case, let us say, initiating a war without prior statutory authorization? Is Congress obliged to pass another law, over that President's veto, to enforce compliance with a law it already passed?

Common sense suggests the answer should be, "No."

No law passed by Congress can be binding upon an unwilling President unless the courts are willing to step in and settle the dispute. Too often, however, the courts have found it expedient to refuse to review cases brought by Members of Congress.

Over 100 of my colleagues and I recently brought suit against the President for his blatant violation of the requirements of the War Powers Resolution in the Persian Gulf. The President said he welcomed the opportunity for a ruling on the constitutionality of the War Powers Resolution. Unfortunately, his lawyers, rather than arguing the case on its merits, asked the court to dismiss the action on procedural grounds. The court agreed with the defendants, ruling that the case presented a nonjusticiable political question.

The political question doctrine, as it is generally applied in a case involving the execution of the Nation's foreign policy, is an example of extraordinary judicial discretion. The courts, wary of the possible effects of a ruling in a foreign affairs question, have declined to decide these issues, deferring instead to the political branches. There is legal precedent for directing the courts to proceed to the merits of such a case, however.

The Hickenlooper amendment to the Foreign Assistance Act of 1964 directed the courts to proceed to the merits of certain cases involving foreign expropriation of U.S. assets without recourse to the Act of State doctrine. The Act of State doctrine holds that the "courts of one country will not sit in judgement on the acts of the government of another done within its own territory." The amendment caused the Federal court of appeals to reverse itself and rule that an expropriation of United States assets in Cuba was illegal under international law.

The court case—Banco Nacional de Cuba versus Farr—serves as a precedent for legislation compelling judicial review in foreign affairs cases. Its application to the political question doctrine depends on whether the courts view the doctrine, or its application in a specific case, as a prudential matter—one where the courts are exercising their own discretion to avoid embarrassing the political branches in their exercise of foreign affairs—or as an interpretation of the Constitution's separation of powers, in which case an attempt to direct the courts to disregard it would constitute an unconstitutional legislative interference with the judicial power. I, of course, argue that the political question doctrine, as applied in cases such as Lowry versus Reagan, is a case of extraordinary judicial abstention, and thus can be legislated.

My bill states that the court shall not decline to rule on the merits of an action brought to enforce compliance with this resolution on the ground that the issue is a political question or is otherwise nonjusticiable. Additionally, the bill specifically confers standing to sue upon Members of Congress. It will ensure that any violation of this law will receive judicial review. Courts will still be entirely free to dismiss a case as lacking in merit, or refuse to grant the relief requested.

Another shortcoming of the current War Powers Resolution is the absence of any definition of the terms "hostilities" and "imminent hostilities." My legislation corrects that, providing direction to both the executive and judicial branches regarding the meaning of these terms.

The last 40 years have demonstrated the need for an effective War Powers Resolution. Unfortunately, what we have is almost worse than no War Powers Resolution at all. It gives the President too broad a grant of power and gives Congress the illusion that it still retains some control over the power to plunge the Nation into war.

My legislation will strengthen and improve the War Powers Resolution. It clearly defines the respective warmaking powers of the executive and legislative branches of Government and it provides for judicial review of alleged violations by the executive branch. Must we wait until this President, or another, sends United States troops to Nicaragua, to Panama, or to the Persian Gulf, without our approval, before we act? I hope not. The tools belong to those who will take them up and use them. It's time to take this one back.

What follows is a section by section analysis of House Joint Resolution 462:

SHORT TITLE

Section 1 cites this bill as the "War Powers Amendments of 1988".

PURPOSE; CONGRESSIONAL LEGISLATIVE AUTHORITY

Section 2 describes the purpose of the legislation and provides the constitutional authority for such legislation. The purpose is identical to that of the original War Powers Resolution. Authority is derived from article I, section 8 of the Constitution, which specifically provides that Congress shall have the power—

(1) to declare war; and

(2) to make all laws necessary proper for carrying into execution not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

USE OF THE ARMED FORCES IN HOSTILITIES

Section 3 describes, in detail, under which circumstances the President shall be allowed to introduce United States Armed Forces into hostilities without prior statutory authorization. Generally, these are instances where no prior congressional authorization is possible or prudent. The power to repel or forestall attacks on the United States or its armed forces is acknowledged, as is the President's historic right to rescue U.S. citizens whose lives are threatened. This section also imposes a prohibition on the expenditure of appropriated monies for any use of armed force not provided for in this section.

CONSULTATION BETWEEN THE PRESIDENT AND CONGRESS

Section 4 enlarges upon what the consultation requirements in current law by specifying what is meant by "consultation" and by providing for the creation of an "Executive-Legislative Consultative Group."

REPORTS TO THE CONGRESS

Section 5 incorporates the provisions of section 4 of the original War Powers Resolution, with one improvement. It requires that any report submitted cite the specific paragraph of section 5(a) that requires such a report. The necessity for such a provision has been repeatedly demonstrated by presidential reports to Congress that are "consistent with the requirements of the War Powers Resolution." By refusing to cite the relevant paragraph of section 4(a), these reports avoid starting the 60 day clock, the main enforcement provision of the Resolution.

CONGRESSIONAL ACTION WITH RESPECT TO HOSTILITIES

Section 6 retains the provision requiring the automatic removal of United States Armed Forces from any hostile situation after 60 days unless Congress authorizes their continued presence. The 60 day clock commences upon introduction of such armed forces, not upon receipt of a presidential report. It applies, of course, only to situations covered by section 3(a) of this resolution. Any other introduction of United States Armed Forces into hostilities, without prior statutory authorization, would be illegal. Section 6 makes no change in the procedures providing for priority consideration of any joint resolution authorizing the use of United States Armed Forces beyond the sixty day statutory limit. Section 5(c) of the original War Powers Resolution is dropped.

JUDICIAL REVIEW

Section 7 specifically confers standing to sue upon Members of Congress if any provision of the Resolution is violated by the President or the Armed Forces. It also directs that the court shall not dismiss any such action on grounds of justiciability. The effect of this section will be to provide for judicial review in any instance where a Member of Congress claims a violation of this law. The court will still be entirely free to dismiss such a claim as lacking merit, or to refuse to grant the relief sought.

RULES OF INTERPRETATION

Section 8 specifically states that authority to introduce the Armed Forces into hostilities shall not be inferred from any provision of law (including appropriations bills), or from any treaty, unless that treaty is implemented by legislation authorizing the subsequent use of the Armed Forces. Section 8 also permits continued cooperation between high level command units for the purpose of abiding by treaty commitments.

DEFINITIONS

Section 9 defines the terms "hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances", "Armed Forces", and "introduce". Both the courts and the Executive branch have complained that current law lacks any clear definition of these terms.

SEPARABILITY CLAUSE

Section 10 retains the language from the original War Powers Resolution declaring that if any provision of this joint resolution is held invalid, the remainder of the resolution shall not be affected thereby.

CONGRATULATIONS TO GIL SANTOS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. FRANK. Mr. Speaker, one of the most important voices of public opinion in my district is the newspaper O Jornal, published by Ray and Cathy Castro. This newspaper, published in Portuguese, serves as an excellent source of information for and about the Portuguese-American community of southeastern Massachusetts and Rhode Island. Ray and Cathy Castro, who put out this newspaper, are also leading members of the Greater Fall River community, and make important contributions in a number of ways to the political, cultural, and economic life of our area.

One of the most important events in which they are involved is the annual dinner honoring leaders of the Portuguese-American community and sending an award to the Portuguese-American Citizen of the Year. I have been privileged to be able to be a regular attendee of these dinners, at which leading citizens in various aspects of public and community life have been very deservedly honored. This dinner is an important part of the work that the Castros do in celebrating the significant contribution which Portuguese-Americans make to the United States in general, and to southeastern Massachusetts in particular.

I want to congratulate Gil Santos, the sportscaster for the Boston Celtics, who has had a distinguished broadcasting career and who is the recipient of this year's Portuguese-American of the Year Award. Gil Santos is very, very good at what he does, and he has understandably a very large and enthusiastic following among sports fans in the Massachusetts and Rhode Island areas.

The others who will be given awards for their outstanding work at the 10th annual dinner to be held on Sunday, March 6 are:

Robert M. (Jack) Barboza., the founder of the Barboza car dealerships. Jack Barboza will recieve the special award for achievement in business, an award which he has earned by hard work and responsible citizenship.

Celestino D. Macedo, who is vice president for student services at Southeastern Masachusetts University has made very important contributions to the educational life of our area. Southeastern Massachusetts University is a very significant institution, a public university which provides an excellent education to young people from all economic and cultural backgrounds. Mr. Macedo is an extremely able and diligent administrator whose work is quite valuable to the young people of southeastern Massachusetts.

The Cardinal Humberto S. Medeiros Award, named for the late and revered Cardinal Medeiros will be presented to Deacon Manuel H. Carmara, Jr., Mr. Camara, who has been a permanent deacon in the Diocese of Fall River since 1980, has served ably as a public official and now performs important work for the diocese.

Andrea Costa wins the special award for Achievement in Sports. Although she is only 21, she has compiled a very impressive record of athletic accomplishment, including being named to the Boston Globe All-Scholastic softball team and to the second team in volleyball for the All-America selections.

Mr. Speaker, I insert the article from O Jornal which gives more detail about these very meritorious recipients of these important awards.

And I want to extend my congratulations to the award winners, for their deserved recognition, and to Ray and Cathy Castro for the excellent work they continue to do on behalf of the Portuguese-American community of southeastern Massachusetts:

COMMUNITY LEADERS HONORED BY "O JORNAL" AT PORTUGUESE-AMERICAN DINNER

As part of the 10th annual Portuguese-American Award Dinner to be held on March 6th honoring verteran television sportscaster, Gil Santos, four members of the community will be singled out for their contributions in various fields.

The first honoree, Robert M. (Jack) Barboza, founded the Barboza Car dealerships in 1958. Barboza Enterprises started as a small auto body repair shop and has grown to become a national leader in the automobile industry. The company now represents sixteen franchises, employs 800 people throughout Massachusetts and is currently on a national expansion program, which will take it to Florida and other southern states.

"Jack" Barboza, who was born in Berkley, Massachusetts is married and the father of three children. He will receive the O Jornal's special award for Achievement in Business.

Celestino D. Macedo, Vice-President for Student Services at Southeastern Massachusetts University will be honored for his long and devoted career in the field of education. Born in New Bedford, the son of immigrants from Povoacao on the Island of Sao Miguel in the Azores, Macedo served in the Navy in World War II and returned to graduate on the GI Bill from Stonehill College with a Bachelor's Degree in 1953 and from Boston College in 1954 with a Masters Degree.

Macedo has been a part of SMU since 1955 when he was an instructor at the old New Bedford Institute of Technology. He later became Director of Student Financial Aid when New Bedford and Bradford Durfee College of Technology merged in 1966. He was named Dean of Students in 1968. Throughouts this time, he continued as a member of the Department of English, teaching as well as carrying on his administrative duties.

Macedo has served as the University's first Vice-President for Student Services since 1985; and is one of the ranking members of the SMU administration. He is a widower (husband of the late Elizabeth Ann Heywood); and the father of four children.

The Jornal's recipient of the Cardinal Humberto S. Medeiros award for work in the field of social service is Deacon Manuel H. Camara Jr., who has served as Senior Inspector of Food and Milk for the Division of Health and Human Services in the city of Fall River for the past twenty-six years. Mr. Camara was ordained as a Permanent Deacon for the Diocese of Fall River in 1980, and is presently assigned to Pastoral Ministries at St. Anthony of Padua Church and Sacred Heart Church. He served as an Administrative Assistant to former Fall River Mayor, Attorney Roland Desmarais; and has been a member of numerous charitable Boards and Foundations throughout his years in public service.

The son of immigrants from Agua Retorta, Sao Miguel, Manuel Camara is married, the father of three, and the grandfather of eight children.

Andrea Costa, who is the 1987 winner of the Special Award for Achievement in Sports, is a graduate of BMC Durfee High School and is a senior at Eastern Connecticut State University. At the tender age of 21, she has stacked up a winning record—not only in one sport but in several—that would be the envy of many champions. Andrea was named in 1984 by the Boston Globe to their All-Scholastic Softball Team; and in 1986, was named to the 2nd team All-America in Volleyball, the only all-America at that time in Eastern Connecticut State University history.

Andrea is the only female ever to start in two sports for four years (volleyball and softball); and she has set a record as a starter on seven NCAA (National Collegiate Athletic Association) post-season tournament teams in two sports.

The daughter of Joseph E. Jr. and Claire Costa, Andrea is one of seven children. Her grandfather, the late Joseph E. Costa Sr. was well known as a labor leader in the greater Fall River area.

Anyone wishing tickets for the dinner, may contact O Jornal at 410 Second Street, (617) 675-0321.

Sportcaster Gil Santos Named Portuguese-American of the Year

Gil Santos, play-by-play television sportcaster for the Boston Celtics, has been named Portuguese-American of the Year 1987 by the Portuguese-language weekly, O Jornal. Santos, a native of Acushnet, Massachusetts, has a long and distinguished career in media, starting with his early days at local radio stations WNBH, WBSM and WSAR. He began his successful relationship with WBZ Radio-TV in 1971; and throughout the years, has received numerous prestigious awards including UPI's Best Sports Reporter for Radio in the United States in 1986; UPI's Best Sports Reporter for Radio in New England 15 times; and AP's Best Sports Reporter for Radio in New England 12 times. Santos was the 1986 second-place winner in a World-Wide Radio Society Competition.

Like many in his field, Santos has run the gamut of sports announcing from local high-school and college basketball teams to coverage for ABC Radio of the 1984 Winter Olympics. And he loves it all.

"From the time I was a little kid, listening to radio sports, I knew it was what I wanted to do with my life," he told O Jornal. "I've been very lucky. I've met a lot of good people along the way—some of them my childhood idols like Mel Allen—and I have many people to thank for my success, including my family."

On learning of his selection as Portuguese-American for 1987, Santos commented that ". . . it is always an honor to be recognized for your life's work; but this award, coming from people of my own ethnic background, is all the more rewarding."

Santos, who is the son of Portuguese immigrants, will be honored at a dinner to be held at the Venus de Milo Restaurant on Sunday, March 6th. He resides in Raynham, Massachusetts with his wife, Roberta and two children, Mark and Kathleen.

For ticket information, please contact O Jornal.

COMMEMORATING JIM GRIGSBY FOR HIS OUTSTANDING SERVICE TO NEVADA

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. BILBRAY. Mr. Speaker, I rise today to bring to the attention of my distinguished colleagues the valiant life of Jim Grigsby, an outstanding firefighter who worked for 26 years with the city of Las Vegas. Jim was a first rate engineer and respected by all who knew him. He was my classmate in high school and a good friend.

Last year Jim passed away, a victim of Lou Gehrig's disease. It was tragically ironic that the disease that killed him is the same one Jim fought against for others all his life. Jim was instrumental in establishing the Muscular Dystrophy Boot Drive which began in Nevada and spread throughout the entire continent.

This year, the third annual Jim Grigsby Golf Tournament will be held as a memorial to Jim's courageous battle against muscular dystrophy. The money raised from this tournament will go into a trust fund from which his two sons and the retirees of the Las Vegas Fire Department benefit.

Jim Grigsby was an outstanding Nevada civic activist and an exceptional humanitarian. His legacy is one in which all Nevadans may take pride.

Mr. Speaker, I ask my colleagues to join with me now in recognizing Jim's commitment to the betterment of humanity—both in life and in the contributions of his memory.

ROBERT DELSON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. STOKES. Mr. Speaker, recently, Mr. Robert Delson, a distinguished New York attorney and commentator on arms control issues, published an article in Disarmament, the United Nations' periodical, entitled "Unilateral Reciprocated Disarmament." Mr. Delson proposes that the superpowers reduce their strategic nuclear arsenals to a minimum deterrent level through a series of reciprocated unilateral stages. His proposal has been endorsed by a number of distinguished American arms control experts. As the United Nations convenes its annual Conference on Disarmament in Geneva, I would like to call Mr. Delson's recommendations to the attention of my colleagues as a contribution to the ongoing debate over how to achieve meaningful reductions in superpower nuclear arsenals. I insert at this point a short summary of Mr. Delson's 1987 article:

Unilateral Reciprocal Reductions in Nuclear Weapons—A Challenge to the Superpowers

(By Robert Delson)

Here is a proposal so dramatic, so much more sweeping than the freeze, that it may arouse even wider public support, and create an irresistible tide for nuclear disarmament.

I propose that both the Russian and American people demand that their governments initiate unilateral reciprocal reductions in their strategic nuclear arsenals until they reach the minimum deterrent level. This would take place during a period of approximately 10 years, during which one government would take the first step by initiating a reduction of its own arsenal, which the other power could reciprocate. This would proceed as long as reciprocity continued.

Such reductions would make possible a major breakthrough in arms reduction by lessening the tensions and suspicions which motivate both sides to create and expand their nuclear arsenals. Professor Charles Osgood, the prime initiator of the concept of Graduated Reciprocal Initiatives in Tension Reduction (GRIT), has demonstrated that the reduction in tensions need not precede cuts in nuclear weapons, but would be a product of arms reductions.

This is consistent with the philosophy enunciated by Jesse Jackson that "The weapons are in the mind." The diminution of tensions would continue at an accelerated rate if the superpowers established expanded relations in all fields of mutually beneficial interests. This would give them a vested interest in peace, with the gradual elimination of nuclear arsenals, and a higher standard of life for their people, reaching the stage which, without cynicism, could be called "constructive engagement," so that they would not need to rely upon nuclear weapons as a deterrent against aggression.

The interaction between the reduction in tensions and in armaments would mutually reinforce and stimulate the pace at which each of these steps would go forward. This could create the conditions for further unilateral actions, including a freeze on production, modernization and deployment of nuclear weapons, the cessation of nuclear testing, and renunciation of first use against conventional attack.

In view of the general agreement that the nuclear stockpiles contain many times more weapons than are required for retaliation against a first strike, it cannot reasonably be argued that such reductions could jeopardize national security.

Until such time as nuclear weapons are abolished, or at least until the minimum deterrent level is reached, which would be sufficient only to assure a survivable arsenal capable of inflicting unacceptable damage on the adversary in a retaliatory attack, both sides might believe they should rely on nuclear weapons as the principal element in maintaining deterrence. Since possession of such weapons does not give any assurance that the danger of a nuclear incident can be avoided, or even sharply diminished, it is indispensable to reduce the danger by pursuing unilateral initiatives. In that event, the principal component of deterrence increasingly would become not the capacity to retaliate, but the rapid extension of the mutual relations of the superpowers, until they reached the stage I have referred to as "constructive engagement."

Recent indications of tension reductions between the superpowers may make possible substantial progress toward strategic arms reduction agreement at the proposed summit, but there are many obstacles to achieving such an accord.

These include the insistence on achieving agreement on parity, not only in the main categories of weapons, but on the sublimits within each category, such as the American insistence on and the Russian resistance to, separate sublimits for land-based missiles (on which the USSR basically relies) and heavy missiles; and the extremely difficult task of achieving a compromise on the Star Wars issue.

The process of ironing out all the details of such an arrangement might extend over a period of years, during which the expansion and modernization of nuclear arsenals would vastly increase the dangers of a nuclear exchange.

Professor George Kennan has enthusiastically endorsed my proposal for unilateral reciprocated reductions, and I believe would support it, in addition to his suggestion that the 50 percent reduction, (which he advocated long before it was accepted in principle by the two sides), should take the form of an across-the-board reduction of all nuclear armaments. This would terminate the endless haggling about how to achieve parity, which in Professor Kennan's view, is not essential to security.

Unilateral measures and bilateral negotiations could be pursued simultaneously. Even if the two governments did not undertake such initiatives, wide popular support for unilateral initiatives could stimulate the pace of negotiations and acceptance of compromises essential to a bilateral agreement.

While France and Britain maintain substantial conventional and nuclear forces, does anyone fear that either would launch a conventional or nuclear attack against Western Europe or the U.S.? Of course not, because instead of hostility or suspicion, these governments have full confidence in each other's peaceful intentions, and maintain extensive and mutually beneficial relations in all areas of common interest. To begin to achieve such a relationship between the superpowers the risks, if any, of unilateral initiatives are not too great a price to pay.

EAGLE SCOUT ROBERT J. MIZERA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. LIPINSKI. Mr. Speaker, it is with great pleasure that I call to the attention of my colleagues an exemplary young citizen, Robert Mizera. He will be recognized on Saturday, April 16, for achieving the highest rank in Scouting, Eagle Scout.

In becoming an Eagle Scout, he will join the ranks of a very select group. The individual tasks which he had to complete are impressive alone. These tasks challenged every facet of his personality—mental, physical, psychological, and more. His accomplishment becomes even more notable when it is viewed cumulatively. That is, the entire sum of achievements and the perserverance of character demanded illustrate just what high caliber young man Robert is.

In today's society, our youth are truly bombarded with a variety of lifepaths to choose from. While the freedom of choice is in itself good, too often we hear of young people who are led astray by the ignorance of their years to a lifestyle they do not deserve. It is always refreshing to recognize young men who choose a constructive way of life and also excel at it. Though credit is certainly due to the family of this young man and to the Scout leaders who provided support, Robert today knows that he can participate independently in society in a manner that will benefit himself as well as his community.

The achievement of attaining the rank of Eagle Scout lays an excellent base for a productive future. I'm sure my fellow Members of Congress join me in wishing Robert the best of luck in his future endeavors.

TRIBUTE TO MR. VICTOR E. FROLUND

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. TRAFICANT. Mr. Speaker, it is with pride and admiration that I stand before you today to pay tribute to the late Mr. Victor E. Frolund, of Youngstown.

Mr. Frolund was born September 17, 1900, in Youngstown, OH. He worked in the open hearth department of the Youngstown Sheet & Tube Co.'s Campbell Works for 33 years, retiring in 1966.

During his life, Victor was a member of the Western Reserve Baptist Church, the Curbstone Coaches, the Chatterbox Men's Club, the Pro Football Researchers, the Swedish Central Society, the Boardman Booster Club, and the Order of Protestant Men. Clearly he was a very giving man, generous with his time and efforts. We are saddened by his parting.

I am pleased to honor this great man for his kindness and unselfish contributions to the people of Ohio. Let Mr. Victor E. Frolund stand as an example to us all of the giving and love we are capable of. I am honored to pay tribute to such an outstanding citizen. All of us in the Mahoning Valley will miss him. Mr. Speaker, at this time I would like to also extend my sincere sympathies to the family of Victor Frolund. I know he will be warmly remembered by both family and friends.

A CONGRESSIONAL SALUTE TO EDITH "JOY" DOWELL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to honor Edith "Joy" Dowell, a distinguished political and civic leader in my district. Joy will be honored on March 4, 1988, by the Long Beach Democratic Women's Study Club as the Democratic Woman of the Year. I am happy to have this opportunity to publicly express my gratitude for the work she has done on behalf of the Democratic Party and the city of Long Beach.

Joy has been a Democrat all her life, probably spawned by her memories of the Depression and the New Deal of President Franklin Delano Roosevelt. She is a stalwart member of the party, having worked on the campaigns of many Democrats, including John Kennedy, Walter Mondale, Tom Bradley, Mark Hannaford, and Fred Chel. Joy has also been active in the Los Angeles County Democratic Central Committee, and the California State Democratic Central Committee. In addition to this, Joy has held every office in the Long Beach Democratic Women's Study Club, and currently serves as president of that organization.

Somehow, Joy has found the energy to give her time to many community organizations, including the Long Beach Senior Advisory Commission, the Golden State Humane Society, the Girl Scouts, and the Cub Scouts.

Joy is a woman of boundless enthusiasm and energy, dedicated to her party and her community. She has enriched both with her time and her many talents. My wife, Lee, joins me in extending our warmest congratulations to her on this auspicious occasion. We wish Joy all the best in the years to come.

RETURN "SWAMPBUSTER" PROGRAM TO CONGRESSIONAL INTENT

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. DORGAN of North Dakota. Mr. Speaker, I am introducing today a bill to bring the Swampbuster Program back in line with what Congress intended, and thereby relieve farmers in my part of the country of the fear of losing all of their farm program benefits because they inadvertently drain a small temporary depression in a field that has always been cropped.

Right now, farmers are afraid that they have an army of Federal bureaucrats looking over their shoulders, watching every move they make. My legislation, the Wetlands Conservation Amendments Act of 1988, would enable farmers to manage their own land without fear of reprisal by the Government, as long as they do not bring any new land into production.

In my opinion, the intent of the Swampbuster Program, enacted as part of the 1985 farm bill, was to prevent farmers from draining wetlands for the purpose of getting farm program payments. The intent was to prevent new land from coming into production through the loss of wetlands.

NUISANCE SPOTS AND POTENTIAL WETLANDS

But Swampbuster is being implemented in a way that goes beyond this intent. There is language in the law that defines wetlands as land that "under normal circumstances . . . supports hydrophytic vegetation." This is being interpreted to mean that any land with the potential to support hydrophytic vegetation qualifies as a wetland.

As a result, farmers are prevented from cleaning up nuisance spots in their fields. These are small areas that are wet in the spring for a week or two longer than the rest of the field. Farmers normally seed around these areas, and then come back later to seed the nuisance spot. Because this land has the potential to support water-loving plants, it is being called a wetland and farmers are not allowed to improve its drainage, despite the fact that they have always farmed it.

Some have asked, if the farmer has always farmed it like that before, why doesn't he just continue to do it the same way? Why does the farmer need to drain it, or why didn't he do it earlier? There are a couple of answers. First, to improve the drainage of nuisance spots increases the efficiency of a farm's operation. The motivation is not to increase production or add to the surplus, but to reduce costs. To drive around a wet spot when the field is seeded, and then come back 10 days later to plant the rest, is expensive and time-consuming. At a time when there is continuing pressure on farm prices and farm incomes, some

of it from reductions in farm program benefits, we should not prevent farmers from reducing their costs.

As to why a farmer didn't drain the land before 1985 if it is so important to do so, the answer is that farmers need to improve drainage in many places on their land. There is a period of a week or two each fall, after harvest and before the ground freezes, when farmers have an opportunity to do drainage work. So over the years, farmers have been proceeding with their work, but many have not yet finished. Furthermore, the level of the water table can change over time, and an area that was not wet enough to be a problem five years ago may have become a nuisance spot in the meantime.

EXCESSIVE PENALTIES

The other major problem with the existing legislation is that it does not distinguish between a minor and a major violation. Any infraction, even an inadvertant draining of a half-acre wetland by pulling a plow the wrong way through a small depression, can result in a farmer losing all benefits of Federal farm programs, which can add up to tens of thousands of dollars. Drainage of wetlands can be discouraged without resorting to excessive penalties, but current law applies to every one the same sentence without regard to the nature of the violation.

A TWO-PART PROPOSAL

My legislation addresses these two problems in current law. First, the bill would clarify that land is to be defined as wetlend only if it supports hydrophytic vegetation under current land use practices, in others words, only if it really is a wetland, not just a potential wetland. The bill would exempt from Swampbuster any land which has been successfully cropped in a majority of years for which evidence is available, provided there is at least 5 years of evidence. With this change, Swampbuster will still prevent new land from coming into production, but will allow farmers to clean up the nuisance spots in their fields and improve the efficiency of their operations.

Second, the bill would provide for Agricultural Stabilization and Conservation Committees in each State to set penalties commensurate with the presence or absence of intent. if a producer knowingly violates the Swampbuster statute, the State Committees would be required to impose the full penalty provided by current law.

USDA HAS DONE A GOOD JOB

It is important to point out that the Agricultural Stabilization and Conservation Service and the Soil Conservation Service, both of the Department of Agriculture, have done their very best to implement this program in a way that farmers find reasonable while still protecting wetlands. It's a difficult path to walk, and I appreciate their efforts. The SCS has just completed surveying a large part of North Dakota where the outcry has been the most vocal. SCS feels once farmers see what has been determined a wetland and what has not, that much of the controversy will abate.

I sincerely hope the SCS officials are right. But there are other problems in the legislation which are beyond USDA's ability to control. The law states clearly that there is only one degree of penalty: loss of all farm program benefits, and USDA can't change that. As I pointed out above, this and other provisions in the law need to be changed, and I will continue to work for those changes.

Mr. Speaker, there will almost certainly be some who will attack this legislation. They will say that it would result in the loss of more vital wetlands; they will say that it undoes a key compromise in the 1985 farm bill. Neither statement is true. The 1985 farm bill never envisaged protecting nuisance spots that have traditionally been cropped. The shallow depression that is wet for a couple of weeks in the spring is not what I think of when someone says "wetland" and it's not what most Members of Congress thought of when they voted for the 1985 bill.

This legislation is a reasonable approach to bringing the Swampbuster program back in line with congressisonal intent. It will continue to protect America's most valuable wetlands, while allowing farmers the flexibility to manage their property and reduce their operating costs. Swampbuster has caused a storm of controversy in my region of the country, and I think its time to bring it back within reason. I urge my colleagues to support this important legislation.

LEGISLATION TO EXPAND WOMEN'S ROLE IN U.S. DEVELOPMENT EFFORTS

HON. MICKEY LELAND
OF TEXAS
HON. PATRICIA SCHROEDER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. LELAND. Mr. Speaker, 15 years ago, Congress passed into law the Percy amendment to the Foreign Assistance Act. That amendment directed the Agency for International Development to "integrate women into their national economies." In those past 15 years, much has been said and written about integrating women into development, but far too little has been done.

Today we are introducing legislation to refocus and revitalize AID's program for integrating women in our assistance programs and to authorize funding for the two critical organizations which coordinate the integration of women in the United Nations' efforts. I feel that these steps are necessary and urgent. Until women are incorporated fully in our development programs—from participation in the design, implementation and management of programs to the receiving of assistance from those programs—our efforts at promoting development will continue to be inequitable and ineffective in reaching those who most need our assistance.

Several facts about the role of women in the Third World serve to highlight their importance to the development process. Women are the poorest, hardest-working, least educated and most unhealthy people in the developing world. They perform two-thirds of the world's work, receive one-tenth of its income and own only one one-hundredth of its property. Studies have shown that rural women work, on average, 2 to 4 hours more per day than their male counterparts.

Worldwide, one-third of all households are headed by women; in Latin America the figure is as high as 50 percent. These households are the poorest in the developing world with the most children, the least access to productive resources and the smallest capacity for income-generating activities.

Women are the food producers of the developing world. In Africa, women are responsible for 80 to 90 percent of the food grown for home consumption. They are the sustainers of life and the key to alleviating hunger.

Furthermore, women are vital to the informal economy, the 30 to 60 percent of economic activity and employment which is not officially recognized. In the Philippines, for example, four-fifths of the street food vendors are women. Most experts believe that the informal sector will be the greatest source of new employment in the coming decades.

Despite these realities, women continue to be underrepresented or excluded in development programs. A recent study of U.N. development assistance efforts showed that in 1982, only 1 percent of all U.N. funds spent for increasing agricultural production were allocated to women. Similar problems can be found in AID's programs. In AID-funded training programs in developing countries, women's participation is as low as 15 percent in Asia and only 28 percent in Latin America.

In a time of reduced foreign aid budgets, we cannot afford to neglect women's role in the development process. AID studies have shown that the failure to integrate women has resulted in failed projects and wasted resources. It is time to include women fully in our assistance programs and to use our foreign aid dollars more wisely.

The legislation we are introducing today calls on the Administrator of AID to take several steps to better incorporate women in our development programs. AID will be required to make women both participants in the planning, design, implementation, and evaluation of all development activities and recipients of assistance through those activities. In all aspects of a project. AID shall aim to include women in proportion to their traditional participation in the activity or their proportion of the population. These participation targets are not to serve as strict quotas in all of AID's activities, but as benchmarks for which the Agency should aim. The legislation calls for full implementation by 1994, but allowances are made for the obstacles that will be faced in efforts to fully incorporate women. Should the AID staff responsible for designing a project or program find that it is impossible to meet the benchmark—because of cultural and institutional barriers, traditionally low levels of participation by women in a given activity, or any other legitimate obstacle—they will then identify the obstacle in their project or program document. They will also identify what steps they intend to take to overcome the obstacle, or, if they will not be taking steps as might be the case with entrenched cultural barriers, they must fully explain the circumstances. This will allow the Agency the flexibility it needs while at the same time giving its efforts to integrate women new life.

The bill identifies several other steps that the Agency must take. Wherever possible, data must be broken down by gender. Project evaluations must include an assessment of how effectively the project integrated women into the development process. Personnel evaluations must look at the same criteria at the staff level. AID must increase the number of, and the level of responsibility of, women in

Washington and in mission-based professional positions in the Agency. AID's participant training programs must have as many women as men enrolled by 1992. Finally, AID will establish a task force with representatives from the WID office and from each of the regional and technical bureaus to oversee the implementation of this legislation, to assist mission staff in overcoming the obstacles to integrating women and to establish criteria to measure the Agency's performance in incorporating women in development activities.

In order to fund these increased activities, funding for the WID office will be changed from the "up to $10 million" earmark that is current law to "not less than $10 million." This will allow the office to provide greater levels of technical assistance to the missions and to maintain a larger staff, while continuing to carry out their current activities.

The legislation also provide funding for two U.N. organizations. UNIFEM would be authorized to receive $4 million to carry out its efforts to mainstream women into the U.N.'s efforts. UNIFEM has been a small but very effective voice working to incorporate women into every aspect of the U.N.'s development programs. The bill also calls for $1 million for INSTRAW, the U.N.'s organization which carries out research on women essential to the efforts of the U.N. and many other development organizations to incorporate women. These modest contributions will have enormous impact when they are used to leverage funds from the UNDP's budget.

We urge our colleagues to support this bill. If we want to spend our foreign aid dollars fairly and wisely, we must ensure that women are fully integrated as participants and recipients of development assistance. This bill is a clear and determined step in that direction. It deserves your support.

THE FINANCIAL REFORM AND COMMUNITY PROTECTION ACT OF 1988

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. FAUNTROY. Mr. Speaker, I join my distinguished friend from New York in introducing the Financial Reform and Community Protection Act of 1988, a bill to amend Glass-Steagall, the Bank Holding Company Act and the Community Reinvestment Act of 1977. This bill allows bank holding companies whose subsidiaries have acceptable community benefit performance ratings to engage in certain securities activities through a securities affiliate.

While the limited expansion of powers in this bill is not unique, the linking of these powers with the community reinvestment performance of banking institutions owned by the applicant holding company clearly distinguishes this bill from all other bills proposed during the current debate.

COMMUNITY REINVESTMENT

The bill contains a provision which links the application for additional powers by a bank holding company with the community performance of subsidiary banks. The community reinvestment record of the applicant's subsidiary banks will be examined by the Federal Reserve Board prior to the granting of securities powers. If one or more subsidiary banks do not achieve a rating of "good" or better, securities powers will be denied—in the case of a BHC with five or more subsidiary banks, one rating of "average" is acceptable, though the bank must make a written commitment to improve its rating.

The bill leaves the current CRA rating system in place, though it strengthens the system for applicant bank in holding companies in the following manner. During the 6-month period following passage of this bill, the Federal Reserve Board will be required to establish regional criteria under which to evaluate the community performance of subsidiary banks. In establishing these criteria, the Fed must solicit and incorporate comments from participants in the communities included in the district. Criteria will be established for each of the 12 districts in the United States.

As the statute is currently enforced, CRA is at best, ineffective. At least 96 percent of all banks currently receive ratings of "good" or better. Thus, under the current system, one can assume that virtually all bank holding companies would receive approval. This bill, I am pleased to say, begins to change this de facto approval process by substantially enlarging the role of the community in CRA enforcement. Under the new system, community groups will be involved in establishing the criteria to be used by the Fed and by participating in any public hearings concerning the application. All CRA ratings will be publicly disclosed.

Ten years of CRA experience has demonstrated that the regulators, perhaps because of lack of time, have not taken their responsibilities seriously. The few cases which have been brought before the regulators have all occurred at the behest of groups active in specific communities, and this bill enhances the role of these groups in the process. The groups active in specific communities are brought into the review process early and will, I am certain, remain active throughout the entire process.

If we are going to grant the banks additional powers, we must obtain something in return for the communities in which the banks operate. I believe that this bill uniquely accomplishes this objective. The role of the communities is essential to strengthening CRA enforcement, as it is provided for applicant bank holding companies in this bill. It is my fervent hope that this approach will eventually be applied to all banks. I look forward to working with other supporters of CRA to fashion a system which accomplishes this goal.

The bill contains other community and consumer provisions which apply regardless to whether a bank holding company intends to seek new powers. These provisions include: language requiring banks to offer low cost deposit and transactions accounts; an amendment to the Home Mortgage Disclosure Act providing for similar disclosure of commerical lending activities; and a notice requirement for financial institutions intending to close a branch.

ENUMERATED POWERS

As mentioned at the outset, the community reinvestment language is linked with the granting of additional securities powers. An applicant bank holding company, if and when approved, could establish a securities affiliate which will be permitted to sell mortgage-backed and asset-backed securities, commercial paper, and municipal revenue bonds.

These powers are included inasmuch as they present minimal risk to the safety and soundness of the financial system. Securities activities will be undertaken by an affiliate of the bank holding company, thus providing a firewall akin to that included in many other pieces of legislation.

The bill recognizes the need to construct a careful balance between acting in recognition of the changing nature of these financial services system and the need to recognize that banks are indeed "special." There may be public policy consequences to allowing too rapid an expansion of powers.

BANKS ARE STILL SPECIAL

The bill intentionally does not authorize banks to engage in either mutual funds or in corporate equities. Banks are federally insured depository institutions and thus, must not be confused with other noninsured entities. They are as well fundamental to the implementation of monetary policy. Banks must observe their fiduciary responsibilities—their depositors' wealth and capital must not be subject to excessive risk—I believe that granting banks the right to sponsor mutual funds and/or underwrite corporate equities confuses the role of banks at great potential risk to the safety and soundness of the financial system.

Many will say that this definition of a bank is archaic, that the financial system has evolved since 1929 and that we risk a loss of competitiveness if we choose not to act immediately to repeal Glass-Steagall. It is clear that the recent trend has been towards securitization, and that the banking system has lost much of its business to securities firms. Corporations have turned to the commercial paper market in place of their former reliance on bank lending, simply because the costs of securitization are less than those associated with borrowing.

We recognize the changes in the financial services system, but these concerns must be balanced with public policy objectives. Banks are "special," they are federally insured, they are essential to monetary policy and we err in viewing them as identical to investment firms.

We could have chosen to draft a bill which repeals Glass-Steagall and many of my colleagues have elected this path. Nevertheless, the recent stock market crash serves as an invaluable reminder of the inherent riskiness of investment activities in today's economy. While I wholeheartedly believe the claims of the bankers in the District of Columbia that they would behave responsibly as investors, I can not bring myself to support the repeal of Glass-Steagall, certainly not at this point.

A LESSON FROM HISTORY

Those supporting complete repeal of Glass-Steagall advocate that the commingling of banking with securities did not cause the depression; and thus that Glass-Steagall was never needed. While it is increasingly clear that the commingling was not the sole cause

of the Great Depression, it is equally clear that many of the 10,000 banks that failed did so due to investments in securities and stock market activities. With the most recent stock market crash only several months behind us, we must not act too hastily in addressing the bank powers issue.

We need a strengthened and more competitive financial services industry, but the costs must be carefully determined, and not under the constraints of the moratorium. I believe this bill represents an appropriate balance between domestic and international priorities, between the interests of communities and those of banks, and I move for its adoption by the Congress.

PAY EQUITY FOR FEDERAL EMPLOYEES

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. HORTON. Mr. Speaker, as a member of the Post Office and Civil Service Committee, I have studied, worked on and been frustrated by a number of pay proposals for the Federal work force. Quite simply, Federal salaries have not kept pace with the private sector. Last year we considered salary recommendations for senior Federal employees, Members of Congress and Federal judges. These recommendations were contained in the regular salary report of the quadrennial commission, whose charge is to report and make recommendations on salaries of senior Federal executives.

We adjusted pay for Cabinet officers, Federal judges and ourselves, and I supported those adjustments. However, we neglected senior Federal executives who are and have been capped at the executive level IV $72,500 annual salary. To add insult to this, we denied these executives even the 2-percent cost-of-living adjustment granted to other Federal workers on January 1.

I have been a strong and sometimes outspoken proponent of pay equity for the Federal work force. I will continue my commitment. Today, however, I would like to inform my colleagues of a letter I received from a committed and dedicated employee of the Department of Education. Richard Hastings has served since 1981 as Director of the Education Department's Debt Collection and Management Assistance Service. I have worked with him on a number of issues, and I know personnally the long hours he spends at his job and the hectic travel schedule he follows.

He is leaving public service. His letter speaks to the issue of pay equity, and of the frustrations shared by many in senior Federal positions. Dick Hastings makes a valuable contribution to the public service. Yet we are forcing him and people like him from public service—qualified, competent, intelligent and dedicated men and women. I would like to insert for my colleagues the letter I received from Mr. Hastings, and I want to publicly thank him for the many contibutions he has made and wish him well in his future endeavors. I'm sorry to see him leave.

Following is the text of the letter I received from Richard Hastings, Director of the Department of Education's Debt Collection and Management Assistance Service:

10307 CEDAR KNOLL COURT,
Upper Marlboro, MD, February 15, 1988.
SEA PAY PROJECT,
P.O. Box 7610,
Washington, DC.

GENTLEMEN: George Sotos from the ED chapter of the SEA asked that I fill out the enclosed questionnaire when he discovered that I would be leaving shortly. I thought it might be useful if I also added a few more words.

I have been an SEA member for the past several years and have been following the general subject of executive compensation with great interest in your periodic publications. Unfortunately, I have come reluctantly to the conclusion that nothing is going to change this mess until a significant number of us who can do so finally call the bluff of the President and the Congress.

A bit about my career might be of interest.

In 1967 when I joined the Federal civilian service at HEW as a management intern, a GS 7 earned $6,451/yr and I believe that GS 18's were earning a maximum of $36,000.

After perfoming a three-year internship at NIH, in the Office of the Secretary, HEW, and in the Office of Education, I moved into a permanent position, in OE's legislative office. By 1975 I was a GS 15 when I was offered Schedule C position as Deputy Assistant Secretary for Legislation in HEW.

When the Carter Administration came in I moved back to the civil service as a GS 14 and joined the SES ranks in 1982. Since 1981 I have served as Director of ED's Debt Collection and Management Assistance Service.

In this job I've been responsible for letting the first Federal contracts with private collection agencies to reduce the backlog of uncollected defaulted student loans. Our efforts have been recognized government-wide as one of the finest collection efforts within the government. I have received both Presidential rank awards, an SES bonus in all other years, and was honored by Secretary Baker with a special Treasury award last spring.

Several times during the past few years, I have been approached by firms in the private sector with offers of employment. Although the offers were attractive, I did not accept any for two reasons.

First, I love government service. I recognized that it is very difficult to find private sector jobs with the scope and impact of a good senior executive position within the Federal government.

Second, I actually believed that the recommendations of the quadrennial commission would be taken seriously by the President and the Congress.

Well, time has revealed just how naive I was!

When the Congress further rubbed salt into this wound by its most recent hypocritical action to deny a miserable 2 percent increase to judges and SES members because it received a $15,000 increase last year (while we got $3,000), I decided that enough was enough.

Consequently, on February 27, 1988, I will be leaving Federal Service after 23 years (including military) and at age 45. Under the least optimistic circumstances, the taxpayers could have expected at least another 10 years of service from me. I won't even dwell upon the potential value I might have added during that period of time.

Some have recently pronounced publicly that the government should not attempt to recruit and retain the "best and the brightest". Along with Messrs. Volcker and Richardson, I happen to believe that this shortsighted policy will create serious problems for this country. That is why I am taking this time to explain why I will be leaving in two weeks.

It may be that I can be of greater assistance outside the government to those who wish to ensure that we have a trained, dedicated and experienced corps of senior executives. I don't know.

The best of luck to you all. We'll all need it!

Sincerely,

RICHARD A. HASTINGS.

JOHN HANCOCK CO. BELIEVES IN COMPETITION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. FRANK, Mr. Speaker, one of the clearest, most consistent, and in my view most persuasive voices in the debate over financial services regulation has been that of the John Hancock Co. I have had the opportunity to talk often with the officials of John Hancock, and I am very favorably impressed with their commitment to competition, and their willingness to fight for it. I wish other entities in the financial services industry shared in practice the commitment to competition of free enterprise that they often voice in principle. John Hancock is an excellent example of consistency in this regard.

Jim Morton, the chief executive officer at John Hancock, has been an especially forceful advocate of a truly competitive system in the financial services industry. As one who supports making the tenets of free enterprise a reality in the financial services area, I have appreciated the work that Mr. Morton and his colleagues at John Hancock have done on this issue.

Recently, George Malloan wrote an interesting article in the Wall Street Journal about the position of John Hancock and I ask that this article, because it is very relevant to our current debate on financial services, and because it presents to people an excellent example of a company that genuinely believes in competition and welcomes the chance to compete, be printed here.

[From the Wall Street Journal, Feb. 16, 1988]

WHAT TO DO WHEN YOUR OWN LOBBY IS AGAINST YOU

(By George Melloan)

When E. James Morton, chief executive of John Hancock Financial Services, testified recently before the Senate Banking Committee in favor of the "D'Amato-Cranston" banking-reform bill, he had some impressive backing. The bill was written by the Financial Services Council, an 18-company group that includes not only John Hancock but American Express, Citicorp, Ford Motor, J.P. Morgan, Merrill Lynch, Sears Roebuck, and 11 other stalwarts.

But lined up on the other side were some very influential trade associations, such as the American Bankers Association, the Se-

curities Industry Association and Mr. Morton's own American Council of Life Insurance. In short, 18 of America's financial giants had been forced to form a new lobby to push for legislation their own trade associations oppose.

"I'm not shooting at them," says Mr. Morton as he reflects on this political anomaly in his office atop Boston's Hancock Tower. "Those associations are formed pretty much on a product-line basis and they're trying to protect their product area. There are many issues where they do speak for us. But on many, including this one, they don't. Yet sometimes it makes us wonder why we are paying dues to an organization that lobbies against us."

Of course, this is yet another manifestation of the increased complexity of Washington's huge legislative mill, where some 3,100 organizations employing 80,000 lobbyists try to bring their influence to bear on senators and representatives. Given that huge army, and the many thousands of things it tries to write into legislation, the mathematical probability is fairly high that some companies at some times—and individuals as well, for that matter—will be paying people to lobby against them.

In no arena is that more likely to be true than in the committee herings where banking-deregulation bills are once more facing deadline pressure. The moratorium imposed by Sen. Proxmire last summer on further "non-bank banks" expires at the end of this month and the senator had hoped to have more comprehensive legislation to put in its place, defining more clearly who can own banks and what banks can and cannot do. But Mr. Proxmire may have been over-optimistic, given the number of institutions that feel their interests to be affected by whatever legislation finally emerges.

The Financial Services Council bill, which Sens. D'Amato and Cranston introduced in the Senate and Rep. Doug Barnard (D., Ga.) sponsored in the House, is a model of simplicity. Titled the "Depository Institution Affiliation Act" it allows any company, financial or nonfinancial, to become a Depository Institution Holding Company, enabling it to affiliate with any federally insured bank or thrift institution. In other words, ownership would be deregulated, but functions would continue to be regulated as they are now, with banks supervised by the current list of oversight agencies and thrifts retaining the overseers who wrestle with their problems now, etc.

Mr. Morton thought he detected some sympathy from Sen. Proxmire and his Republican colleague, Jake Garn, for this simple way of meeting the March 1 deadline. If not sympathy, he at least detected some exasperation among the senators with the narrow arguments the opposing trade associations were bringing up. The difficulties of writing a bill that would please everyone were evident years ago, which is one reason Congress stood by for so long and allowed the financial-services industry, in crude and complex ways, to engage in de facto deregulation.

Congress and trade associations function in similar ways. They count votes. The giants of the financial-services industry may swing a lot of weight in the world's money markets, but in their own trade associations their votes count for no more than that of the smallest bank, securities firm or insurance company. The small firms are the ones that feel most threatened by deregulation, fearing as they do that it might bring new competition into their communities. They are inclined to cast their votes for the status quo, and that vote frequently translates into a majority vote within trade associations. The smaller firms also very often outweigh their giant brethren in local-level political influence. A congressman is far more likely to listen to a banker from his district than to a lobbyist for Citicorp.

John Hancock over the past 20 years has expanded on its life-insurance base to become a diversified financial-services firm. In addition to insurance, it has mutual funds, employee-benefit services, venture capital and securities operations, leasing services and, since 1985, a bank. Taking advantage of the narrow legal definition of what constitutes a bank—the acceptance of demand deposits and issuance of commercial loans—it set up its own nonbank "consumer" bank in North Hampton, N.H., to offer broad retail banking services, such as consumer loans, to its insurance customers. It just barely made it under the wire before Sen. Proxmire's moratorium but still faces considerable limitation on what it can do.

The D'Amato-Cranston bill is of special importance because John Hancock is a mutual company. That is to say, it is owned by its life-insurance policyholders and does not have stockholders. Therefore, any legislation requiring a parent holding company would be of no use to John Hancock, because, since it has no stock, it cannot have a parent. It can only be a parent. About half the life-insurance industry has the same problem. Converting a mutual company to a stock company presents complex difficulties, given the long-term nature of life-insurance contracts. The other, stockholder-owned, half of the life-insurance industry is of course in no hurry to see deregulation legislation that would help the mutual companies solve their special problem.

"We have managed to do just about everything we wanted to do," says Mr. Morton. "But we've had to walk our way around all this. We've got a lot of lawyers trying to keep us out of trouble because of this maze of regulations and laws. We've got to deal with the bank holding company act, the Glass-Steagall act and other things as well as this state regulation, the blue sky laws. So we just think it is important to rationalize the system."

In his speeches, Mr. Morton cites the example of John Hancock's 1983 attempt to acquire an Ohio savings and loan company, Buckeye Financial. Given the problems Ohio savings industry had been having about that time, a good case could be made that having Buckeye Financial in stronger hands would have been a benefit to its depositors. But, for some reason, the state of Pennsylvania decided to bar John Hancock from doing business in the state if it completed the purchase. Given the vagaries of state insurance regulation, Mr. Morton would like to see insurance put on the basis as banks, with a national charter available to those companies that wanted to substitute national for state regulation.

But Hancock, for the time being, would settle for D'Amato-Cranston. Its best chance lies in the possibility that everyone in Congress is getting tired of hearing about who gets what protection in the financial-services industry.

COMMEMORATING MARJORIE BARRICK, NEVADA DANCE THEATER WOMAN OF THE YEAR

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. BILBRAY. Mr. Speaker, I rise today to call the attention of my colleagues to the work of an outstanding Nevada community and cultural leader, Mrs. Majorie Barrick. On Friday, January 15 of this year, Mrs. Barrick was honored as the Nevada Dance Theater's "Woman of the Year" at the prestigious Black and White Ball.

Few individuals have exhibited such generosity and compassionate understanding of her fellow Americans as has Mrs. Barrick. She originated and maintains the Barrick lecture series at the University of Nevada-Las Vegas, a series of free lectures open to citizens of all backgrounds. Mrs. Barrick is instrumental in the selection of each speaker and has brought such notable personalities as President Gerald Ford and former Secretary of State Henry Kissinger.

Mrs. Barrick's contributions have not been limited to the areas of the arts and education alone, serving as one of Nevada's leading philanthropists by giving unselfishly of herself to our State and Nation.

Mrs. Barrick was also one of the leading forces behind the establishment and continued operation of Nevada's leading educational television station, KLVX Channel 10. Even while pursuing these exhausting and most worthwhile activities, Mrs. Barrick nonetheless gives generously of her time and energies, having served as president of Variety Club and sponsor of the Nevada Dance Theater's first full length production.

It is for these reasons that I ask my colleagues to join with me now in recognizing this outstanding Nevadan. Mrs. Marjorie Barrick is one of America's finest humanitarians, a woman whose efforts have deeply enriched the lives of thousands of Nevadans.

A TRIBUTE TO MRS. CHARLOTTE BOOKER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. STOKES. Mr. Speaker, it is an honor and privilege for me to salute Mrs. Charlotte Booker, a resident of the 21st Congressional District of Ohio who will celebrate her 104th birthday on March 3, 1988.

Mrs. Booker was born and spent her early childhood and young adult years in Marian, AL. She married Robert Booker at the age of 20 and the family later relocated to the Cleveland area. Mrs. Booker worked for many years as a domestic worker in the Cleveland community. For the past 13 years, she has been a resident of the Forest Hills Nursing Home.

Mr. Speaker, all who have come to know Mrs. Booker will attest to the beauty, vitality, and warmth of this remarkable individual. She is a great source of price and inspiration in our community.

I would like to take this opportunity to join Mrs. Booker's relatives, Mrs. Altameza Stokes, Mrs. Harvester Foster and her host of friends in wishing her a very happy and joyous birthday.

EAGLE SCOUT PATRICK J. ROMCOE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. LIPINSKI. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the achievements of a fine young man from my district, Patrick J. Romcoe. Patrick will soon be honored for achieving the highest rank in scouting, that of Eagle Scout, at a private ceremony on April 16, 1988.

The path to Eagle Scout is truly a long and difficult one. It requires an extraordinary amount of dedication and determination not usually seen in youths of this age. The tasks which must be completed to become an Eagle Scout cover virtually every realm of human experience. Some require intellectual and creative abilities while others call for physical agility and strength. Some tasks help integrate the young man into society through community action that benefits his neighborhood and world. Still other acts are performed alone to assist his growth and maturity as a person. The central challenge is, however, to set and strive for goals through initiative and diligence.

Young men like Patrick are leaders. The achievement of Eagle Scout is likely to be only the beginning of a future full of accomplishments, for this young man has shown that he can perform exceptionally well without a compelling hand of authority over him. I say this not to downplay the importance of the encouragement he received from his family and Scout leaders but, rather, to assert the independence and self-motivation he has already shown.

Patrick, your achievement of becoming an Eagle Scout is praised and applauded. It is with sincere pleasure that I commend you, Patrick J. Romcoe, before my fellow Members of Congress.

TRIBUTE TO THE TRUMBULL COUNTY COACHES ASSOCIATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. TRAFICANT. Mr. Speaker, it is with great pride that I stand before you today to pay tribute to the Trumbull County Coaches Association.

This most honorable association began November 12, 1968 with the gathering of nearly 75 coaches representing 25 schools. Established to represent the coaching profession which has given so much to its fellow coaches and athletes of Trumbull County, the organization has now been in full operation for 20 years.

The organization seeks to promote high school athletics in Trumbull County and camaraderie among high school coaches. The association provides a $1,000 scholarship each year to the child of a member coach. It also selects a coach of the year to represent each of the major sports. Among the organization's many services, it provides a sports medicine clinic which is open to all coaches in northeastern Ohio.

I am very proud to represent such a fine organization and extend my best wishes for their continued success. It is with great appreciation that I pay tribute to the Trumbull County Coaches Association for their efforts to maintain the quality and integrity of Ohio's high school athletic system.

A CONGRESSIONAL SALUTE TO ROBERT CHOW

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding citizen in my district, Mr. Robert Chow. Mr. Chow will be honored by the Los Angeles Department of Water and Power at a retirement luncheon on March 3, 1988, for 38 years of service to the Los Angeles community.

The son of Chinese immigrants, Bob was born in Los Angeles in 1924. In 1932, Bob's father decided that his large family could better survive the Depression in China, and moved home. War sent the Chow family back to the United States in 1939 and Bob was forced to relearn English in junior high school. After a brief stint in the Army, Bob finished high school at John Francis Polytechnic, and attended the University of California at Berkeley. Bob is currently a mechanical engineer with the L.A. Department of Water and Power.

Southern California is a particulary arid region of the country, and the residents must go to great lengths to obtain and store water. Bob Chow has spent the last 38 years working to ensure a supply of water to the people of Los Angeles County. He is responsible for the design and construction of many of the city's water wells, emergency supply equipment and pumping stations. He has worked on projects from Bishop, CA all the way down to San Pedro. His most recent project is the multimillion dollar Los Angeles Filtration Plant in the San Fernando Valley.

Bob Chow epitomizes the term "public servant". He has given his entire career to the County of Los Angeles. He is a man of dedication, energy, enthusiasm, and talent, and the citizens of Los Angeles are lucky to have such a man in their midst, My wife, Lee, joins me in extending our warmest congratulations to Robert Chow on this auspicious occasion. We wish Bob, his wife June, and their children, Emily, Cathy, Mike, Dan, and Bill all the best in the years to come.

FREEDOM NOW FOR THE SOVIET REFUSENIKS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. LANTOS. Mr. Speaker, during the holiday adjournment, I met in Moscow with a group of 35 Soviet refuseniks in the apartment of Vladimir Kislik. It struck me that while I could meet with them in their country, they could not meet with me in mine. Professionals all, their Government was denying them the basic human rights to live where they choose, to practice their callings, to worship in the manner of their forefathers. While they are less restricted they were 3 or 4 years ago, they are still not free. Partial freedom is a contradiction in terms.

For the RECORD, Mr. Speaker, I hereby insert the names of the refuseniks I met:

Bella Guiko, Vladimir Kislik, Yuriy Semenovskiy, Igor' Uspenskiy, Yuriy Ziman, Eugene Grechanovskiy, Evgenia Shvartzman, Tanya Rosenblit, Olga Grossman, Matus Pobereyskiy, Tanya Kolchinskiy, George Samojlovich, Vladimir Meshkov, Mikhail Feodorov, Sergey Mkertchyan, Yuliy Kosharovskiy, Nataliya Khassina.

Gregory Rosenstein, Boris Cherobilskiy, Yuriy Chernyak, Benjamin Charnyy, Naum Meiman, Gennadiy Resnikov, Sulamith Reznikov, Anatoliy Shvartsman, Evgenia Nenomnyaskaya, Judith Lurie, Emmanuel Lurie, Anatoliy Genis, Tsilya Reitburd, Vladimir Dashevskiy, Alexander Feldman, Igor Gurvich, Irena Gurvich, Yakov Strelchin.

There are many more refusenik cases which have been of concern to me in recent weeks involving individuals I was unable to meet with during my visit to Moscow. At this time, I am especially concerned about: Elena Keis-Kuna, her husband George and her son Andrei, Pyatras Pakenas, Mikhail Shteynber, George Karaskashev, Isaac Tsitferblit, Mikhail Beliakov, Leonid and Sergei Dikii, the Garber family, the Gornshtein family, Lev and Marina Furman, Vladimir Kislik and Bella Frantsevna, and Vladimir and Izolda Tufeld.

GREAT LAKES WEEK

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. DAVIS of Michigan. Mr. Speaker, yesterday began the third annual Great Lakes week where we welcome representatives from our fourth coast to Washington, DC. The purpose of Great Lakes week is to educate us in the Congress and in the legislative branch about policy issues of consequence to the Great Lakes.

According to a front page article in The Great Lakes United newsletter, the citizens of the Great Lakes are concerned about Federal budget support for Great Lakes programs; the impact of airborne toxic pollution on the water quality of the lakes; contaminated sediments and related problems in toxic hot-spots across the Great Lakes Basin; and land use programs to protect sensitive shoreline environments.

These issues are of great concern to me, and have guided me in my work during this Congress. I have joined my colleagues on the Merchant Marine and Fisheries Committee in testimony before the House Appropriations Subcommittee on Commerce, State, and the Judiciary to make sure that the Great Lakes receive their fair share of money authorized for the National Oceanic and Atmospheric Administration. This includes adequate funding for the Great Lakes Environmental Research Laboratory, one of the only scientific bases for Great Lakes research. I have also introduced legislation, H.R. 2808, reauthorizing the National Sea Grant College Program, one of the primary sources of money in the Great Lakes

States for pollution research and coastal erosion studies. This bill was incorporated into Public Law 100-272 signed by the President last December.

I am also acutely aware of the impact that toxic pollutants from the air are having on the water quality of our Great Lakes, especially Lake Superior, which runs along the northern coast of my district. I have supported amendments to the Clean Air Act which would be a first step in reducing these contaminants. I hope that my friends on the House Energy and Commerce Committee will be successful in seeing this important bill enacted.

Last June, I introduced three bills designed to help Great Lakes residents deal with the devastating high water levels in the lakes from a shoreside perspective. The first of these, H.R. 2707, created a new grant program under the Coastal Zone Management Act for States to pass on for erosion and flood control projects. My second bill, H.R. 2809, authorized the National Oceanic and Atmospheric Administration and the U.S. Geological Survey to update coastal maps of the Great Lakes—some of which are over 50 years old. These maps are to be used by the Federal Government, Great Lakes States and private citizens to help plan for and prevent future shoreline damage. This bill was also incorporated into Public Law 100-272.

Finally, H.R. 2810 directs the Secretary of the Interior to recommend areas along the Great Lakes shoreline which are eligible for inclusion in the coastal barriers resources system. Areas in the system are no longer eligible for certain types of Federal financial assistance, including Federal flood insurance, which promote development inappropriate for these undeveloped, unstable coastal areas.

The problems with polluted sediments in the 42 Areas of Concern identified by the International Joint Commission as poisonous hot spot under the Great Lakes Water Quality Agreement is also apparent in my district. Unfortunately, one of the 18 worse of these spots is located in the St. Mary's River, a narrow international channel dividing Sault Ste. Marie, MI from Sault Ste. Marie, Ontario. The St. Mary's suffers from not only sediments laced with deadly PCBs and PAHs, but also heavy metals and conventional pollutants which are affecting our fish and wildlife and endangering a source of drinking water for thousands of United States and Canadian citizens. The cleanup plan for the St. Mary's River—a remedial action plan, or RAP, under the Water Quality Agreement—is now being developed by the Province of Ontario and the State of Michigan. Because one of the clogs in the system in completing this plan is a lack of information about the types and amounts of contaminants which are currently being added to the Great Lakes, I have introduced a bill, H.R. 3715, which requires the preparation of a Great Lakes pollution inventory. It is hoped that this computerized, easily updated information will prove valuable to those drafting the St. Mary's River RAP, as well as the other areas which are yet to be cleaned up.

I have detailed part of my commitment to face the problems concerning members of Great Lakes United and other Great Lakes groups. I hope others will join me in creating solutions. I applaud the efforts to educate others about the national resource we have in our Great Lakes. They deserve our national attention.

ETHIOPIA'S PLIGHT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. ROTH. Mr. Speaker, day after day, month after month, year after year, we hear of the tragic conditions that confront the over 40 million people of Ethiopia. Two months ago the Ethiopian Government resumed its brutal forced resettlement program which has already uprooted 600,000 people against their will, resulted in tens of thousands of deaths, destroyed ancestral homes, separated families, and created thousands of orphans. Using the pretext of famine, the government has targeted another 900,000 people to move into "resettlement" camps. Two weeks ago, government troops rounded up over 3,000 "volunteers" for resettlement. When they refused to be crammed into 17 trucks, soldiers began firing into the crowd, killing dozens and wounding many others. The "volunteers" then began filing into the trucks to be hauled away hundreds of miles, never to see their families again.

We have read about this scene in our history books and we have said "Never again!" Yet it happens. The accounts are written up in our papers. And still we do nothing.

Yonas Deressa, a patriot who is known by many of us on Capitol Hill for his untiring efforts, asks the question "Is Anyone in the U.S. Listening?" I urge my colleagues to read his penetrating article just published in the January 30, 1988 edition of Human Events:

ETHIOPIA'S PLIGHT: IS ANYONE IN U.S. LISTENING?

(By Yonas Deressa)

To a visitor from the Third World, it's puzzling that the United States finds it so difficult to help people around the world who are fighting for the ideals that have made it great. Even after they are able to gain Administration backing, people like the Afghans, Angolans and Nicaraguans fighting against Soviet imperialism in their own countries are often lost when it comes to getting guarantees of help from their natural allies, because America often seems unable to recognize its own self-interest.

When I founded the Ethiopian Refugees Education and Relief Foundation, this was the problem I faced. I set out only to get help for the victims of a ruthless Stalinist regime, but to educate Americans to the threat it poses to their own security.

If you look at a map, the threat is not hard to understand. The Soviets are using their client state of Ethiopia as a base in their efforts to control one of the most important areas in the world.

Ruled by a cold-blooded Communist regime headed by military strongman Col. Mengistu Haile Mariam, Ethiopia dominates the strategically vital Horn of Africa, and with its fellow Soviet colony South Yemen threatens the entrance to the Suez Canal and the oil fields of Saudi Arabia. Its army at half-a-million is now the largest in Africa, and the Soviets have supplied it with over $5 billion in weapons.

America's ally, the Sudan, is being torn apart by a Communist insurgency backed by Ethiopia. Somalia, another ally, is under attack by Ethiopian-armed guerrillas. And Ethiopian troops are taking the place of Cubans in the effort to crush pro-democratic forces in mineral-rich southern Africa.

The humanitarian issue is even more compelling. Americans weren't told the facts behind the famine of 1984-85. The American news media didn't tell them that Ethiopia has the worst human rights record in the world—that torture, arbitary executions, mass forced relocations, and concentration camps had turned the country into a living hell. They weren't told that the mass starvation was not merely the product of drought, but the result of a deliberate policy: a carbon copy of Stalin's infamous murder by starvation of the Ukrainian peasants in the 1930s. Crops were confiscated and burned, livestock killed by soldiers, and relief aid hindered or expropriated by the state—all in order to quell resistance.

Like so many Third World freedom fighters who have come here for help, I thought all that would be necessary would be to present the facts to the news media and the government for the proper action to be taken.

Surely when the press was shown that American food was being kept from the starving and used by the regime to feed the army, it would jump on the story.

Surely, when the U.S. government was given evidence that some of its half-billion dollars in aid was being used in a massive campaign to kidnap hundreds of thousand of poor farmers and "resettle" them in forced labor camps—killing over 150,000 of them in the process—it would admit that it was being made the fool.

But it wasn't that easy. The news media couldn't have cared less. The State Department looked the other way. A few members of Congress were willing to help—most especially Rep. Toby Roth (R.-Wis.), along with Representatives Dan Burton (R. Ind.) and Bob Livingston (R.-La.) and GOP Senators Orrin Hatch (Utah), Malcolm Wallop (Wyo.) and Gordon Humphrey (N.H.)—but it was up to me to get out the word.

It took more than two years, and visits to half the 50 states. No city was too far away, no college, university, or church audience was too small. I spoke to any gathering that would listen, was interviewed on radio and television, wrote articles and letters to the editor. But as people out in America's heartland learned the truth about Ethiopia, they began to put pressure on their representatives in Washington. Resolutions by state legislatures helped, too. And the federal government and the news media began to pay attention.

The first result was a bill passed by Congress in 1986. Introduced by Rep. Roth, it called for sanctions against the dictatorship if it did not stop starving its own people. The Roth amendment forced the regime to let food shipments into the rebel-held areas in the north. Over a million lives were saved.

Now a new drought has combined with the regime's destruction of Ethiopia's agriculture to bring on a new famine that threatens to be even worse than the last. But this time it will be harder for the regime to con the West.

Now Americans know about Mengistu's atrocities, and the American news media have finally begun to ask the right kind of questions. It was a small but important victory when Ted Koppel on "Nightline" grilled Ethiopia's charge d'affairs to the U.S. on the regime's actions in causing famine and in preventing its relief.

There is a new, stronger bill now before the House of Representatives. Introduced by Congressmen Roth and liberal black Democrat William Gray (Pa.), Chairman of the Budget Committee, HR 588, the Promotion of Democracy in Ethiopia Act, calls for the Mengistu regime to grant basic human

rights to its people, end forced relocation, free political prisoners, and establish democracy.

If these conditions are not met within a year, the bill revokes Ethiopia's most favored nation trading status and prohibits new American loans and investment in Ethiopia. It bans the import of Ethiopian coffee—which at $62.8 million made up 86 per cent of U.S. imports with Ethiopia in 1986. The bill also calls for the United States to oppose any new assistance by such organizations as the World Bank. The World Bank has loaned over $837 million worth of aid to Ethiopia's Communist dictatorship.

Detractors of the bill claim that withdrawing non-relief aid and loans to Ethiopia will only make matters worse in a country that cannot feed itself. But the dictatorship uses loans and gifts from the West not for constructive purposes, but to consolidate its power and carry out its murderous policies.

In 1985, Dr. Claude Malheuret, former head of the relief agency Doctors Without Borders—now France's minister for human rights—pointed out that Western aid was being used in the infamous "resettlement" campaign, an effort that he calls "one of the greatest slaughters in the history of the 20th Century."

Money from the World Bank and other Western sources is also used to acquire weapons and brand-new Boeing airliners, to buy luxuries like Mercedes-Benz cars for party officials, and for espionage in neighboring countries.

Hard currency is used in the West by agents provocateurs, who, like their Cuban counterparts, bribe members of the exile community and set up false anti-regime organizations in an effort to keep opposition movements fragmented. An Ethiopian agent on such a mission was caught a few years ago red-handed in London with a briefcase stuffed with hundreds of thousands of dollars.

Even Randall Robinson, the head of TransAfrica, has called for sanctions against the Ethiopian regime in an article in the Washington Post. The Promotion of Democracy Act has broad support in the House, with 86 cosponsors ranging from conservative Republicans to members of the Black Caucus such as Congressmen William Gray, Louis Stokes, John Conyers Jr., Walter Fauntroy, Mike Espy, Charles Hayes, and Congresswoman Cardiss Collins. But despite the overwhelming arguments in its favor, the bill is bottled up in three committees: Foreign Affairs, Banking, and Ways and Means. Until it is voted out of these committees, all the support in the world won't get it anywhere.

And meanwhile, the situation is building to a head in Ethiopia. Mengistu is hanging on to power by his fingernails. His sole base of power is terror. The dictatorship is universally hated, and dissent and unrest grow daily in every sector of the population—encouraged by a new underground radio station operated by the pro-democratic resistance.

An endless civil war with separatist guerrillas in the north is draining the resources of the dictatorship. In Addis Ababa, the capital, local Communist party organizations have been saddled with the task of impressing 16,000 boys into the army. The regime imprisons the mothers of draft-dodgers, yet parents willingly pay bribes of $1,500 to keep their sons out of military service—a fortune in a land where the annual per-capita income is $110.

The immense army is itself on the verge of revolt—entire brigades of 5,000 men have already deserted, and the fear of an outright mutiny last September forced the regime to give in to demands for a pay raise far higher than it can afford. Even this concession brought little relief: Now civilians in the cities are demanding pay raises as well, and the authorities cannot rely on the military to crush the riots that may result.

The time is ripe for the United States to help eliminate the cause of so much suffering, and to help its own interests in the process. For only $15 to $20 million—a mere pittance in comparison to the $600 million spent on the Afghan resistance or the $100 million voted this year for the Nicaraguan Contras—the pro-Western, pro-democratic resistance movement now operating out of the Sudan could feed and clothe the tens of thousands of soldiers waiting for the chance to defect. Together they can topple the most brutal dictatorship on earth.

I have learned from history and by my own experience, though, that America will not come to our aid unless we ourselves convince her citizens to bring pressure to bear on their leaders. It's time to hit the road again.

FIX THE BUDGET PROCESS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. CHAPPELL. Mr. Speaker, in last week's issue of Defense News was an editorial entitled "Fixing Budget Mess Top Priority."

As chairman of the Defense Appropriations Subcommittee, I agree with this premise. I am certain many other Members of Congress feel the same way.

Our budget process has become unworkable and this editorial points out the pitfalls associated with waiting until the last minute to make important decisions affecting our Nation's defense. It is simply irresponsible for us to pass the bill funding the Department of Defense for a given fiscal year nearly 3 months after the start of that year. I feel it is even more irresponsible to lump this legislation with every other appropriations bill and not afford the full House the opportunity to give it separate and thorough consideration on its own merits.

I hope my colleagues will read this editorial, and I hope the administration and Senate will take note as well. It is imperative that we all work together as soon as we can to consider the President's budget proposals, craft a budget resolution, and pass the authorization and appropriations bills individually and on time. A thorough revamping, or at minimum some streamlining, of our budget process should be a top priority for Congress later this session.

[From the Defense News, Feb. 15, 1988]

FIXING BUDGET MESS TOP PRIORITY

Congress should concentrate during the coming year on cleaning up a budget process that has become an absolute mess.

The 1989 defense budget should be signed into law before the 1989 fiscal year begins Oct. 1, not on Dec. 22, as was done last year. This should be a year when the defense budget lives or dies on its own merit. It should not be thrown into a giant continuing resolution that contains every other appropriation bill in the congressional universe.

Continuing resolutions are unwieldy. Provisions cannot be debated in a timely fashion, and any president who opposes just one line in the package must be prepared to veto the entire resolution and risk shutting down the federal government. Incidently, that is just what President Reagan vowed in his latest State of the Union Address he would do this year if he is asked to sign another massive resolution.

The degeneration of the budget process on Capitol Hill is not entirely Congress' fault. Former defense secretary Caspar Weinberger's penchant for submitting budgets that dared action by Congress inevitably sparked long, arduous debates and ended in big, $30 billion cuts.

That should not happen this year. One of the interesting results of last year's prolonged budget summit between the Reagan administration and congressional leaders was an agreement to cap 1989 defense spending at $299.5 billion in order to meet targets designed to balance the budget by 1993.

The ceiling has forced Defense Secretary Frank Carlucci to order big reductions, to the tune of $33 billion in military spending. Cuts are being made that people notice.

The Air Force says it is willing to do with fewer wings of tactical jet fighters. The Navy is considering whether to defer plans for a 600-ship fleet. The Army cut in half its prized new helicopter program, the Light Helicopter Experimental. Entire security assistance accounts for some friendly nations are in jeopardy.

The reductions represent real pain to the services. They also suggest that the services are acting in good faith to limit their spending.

Congress should act in kind and not tinker with the agreed-upon budget ceiling unless the size of the deficit grows dramatically beyond projections. Any deviation from the ceiling will surely smack of a congressional double-cross and disrupt any hope of timely budget approval.

By putting aside the annual battle over the size of the defense budget, Congress affords itself an opportunity to restore some degree of institutional integrity to the budgetary process. We should not have to witness another round of hastily crafted compromises of the sort that lead to last year's premature authorization of $6 billion never requested by the Navy for two new aircraft carriers.

Providing the $6 billion, which will take years to spend, was based purely on the need to rush out a large enough budget to meet the terms of the summit agreement without hiking actual spending and increasing the deficit. The result of such gimmickry will be a lack of flexibility needed to face some tough choices on weapons programs in the future.

We do not expect any overhaul of the budgetary process to take precedence over thoughtful consideration of other weighty matters. Congress must ensure that the 1988 budget adequately bolsters NATO defenses in light of a decision to withdraw intermediate-range nuclear missiles from Europe. It must make sure that the Pentagon has its priorities straight. The legislators also must look carefully at the fine print in this year's slimmer, trimmer defense budget to see what implications this budget might have on future spending.

NAVY TIMES BACKS MALPRACTICE SUITS FOR SERVICE PEOPLE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. FRANK. Mr. Speaker, last month, the House for the second time passed legislation which would allow active duty members of the Armed Forces to bring law suits under the Federal Tort Claims Act if they are victims of medical malpractice. For the second time, well over 300 Members of the House voted to extend to the men and women who defend this country a basic right which every other citizen has. Unfortunately, the administration remains opposed to this bill for reasons which are unpersuasive and the Senate has yet to act on the matter.

One of the least persuasive arguments made against this bill is that it would undermine military discipline and there are those who have made the even less persuasive argument that it is somehow antimilitary to confer this basic right on those who are voluntarily serving our country. I was therefore very pleased to read a recent editorial in the Navy Times, a newspaper dedicated to the interests of the Navy, the Marine Corps, the Coast Guard and those who serve in those important entities, supporting our action and passing this bill. This editorial specifically refutes the argument that our legislation would in any way undermine military discipline, noting "The limited measure passed by the House poses no such threat."

This endorsement by the Navy Times, a newspaper whose dedication to the interests of the men and women serving our country in the Navy, Marines and Coast Guard cannot be questioned, is further evidence of the correctness of the House position on this legislation.

I am grateful to Mr. William Cavanaugh, one of the founders of the Committee Against Military Injustice, who has been a dedicated fighter for better rights for the young people who serve our country for sharing this editorial with me.

[From the Navy Times, Feb. 29, 1988]

THE RIGHT TO SUE

Military members lack the right of other Americans to file medical malpractice claims against the government. Congress may end that inequity soon—and about time.

Most citizens, including service dependents and retirees, gained such rights in 1946 with passage of the Federal Tort Claims Act. The exclusion of active service members from the act's coverage was affirmed in 1950 in the Supreme Court's landmark Feres decision. There, the high court said the government cannot be sued for injuries to members arising out of "activity incident to service."

So the rule has stood for 38 years. However, the House of Representatives has just voted overwhelmingly to allow certain malpractice claims by service members. The House passed a similar bill in 1985 which died in the Senate, but the majority control has since shifted to the Democratic leadership. Thus, the proposal this time may become law.

For a long time, the traditions and reasoning behind the Feres doctrine were strong enough to deter any changes. A major concern was discipline. The armed forces are a team whose members' lives frequently depend on the competence of their comrades, leaders and units. Any law change would be destructive of discipline if it subjected decisions and performance to critical secondguessing by casualties of military training or combat.

The limited measure passed by the House poses no such threat. The bill would allow military people—or their spouses in the case of wrongful death—to sue the government for medical and dental malpractice in service hospitals in peacetime. Such conditions are remote from battle discipline and the chain of command.

What changed the legislative outlook was a series of horrifying examples in recent years of improper treatment in service facilities, with widely publicized cases of victims who suffered death or ghastly disabilities.

Defenders of Feres contend such victims and their families are adequately compensated by existing provisions for payment of disability retirement or veterans' benefit. But if those benefits are adequate for the commonplace accidents and natural ills of life—a thesis we do not fully accept—they are not so when the case involves incompetent or inept treatment under the controlled conditions of an established medical facility.

Implicit in the existing benefit system is the assumption that a line-of-duty disability can occur despite good medical care, and deserves compensation. Logic suggest a higher range of compensation is warranted when negligence or malpractice is proven. And, in this respect, we see no reason the legal rights of a military member should be inferior to others.

EAST TIMOR: A CONTINUING TRAGEDY

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. McHUGH. Mr. Speaker, for many years now I have been following the human tragedy of East Timor, a former Portuguese territory annexed by Indonesia in 1975. Those of us in the House who have taken an interest in this issue are hardly alone.

Recently, for example, Pope John Paul II, speaking to Indonesia's new Ambassador to the Holy See, stated that "the church's universal mission of service leads her to hope that particular consideration will be given to the protection of the ethnic, religious, and cultural character of the people of East Timor."

In a similar vein, the administrative board of the U.S. Catholic Conference noted that the situation in East Timor has begun to receive "the attention it deserves" but also added that this attention had not been "translated into the action needed to right the wrongs which continue to this day." It underlined its hope that "a just and authentic peace" might one day become a reality in East Timor.

That day may be far off, Mr. Speaker, but at the very least we have a responsibility to try to insure that the human needs of the people of East Timor are addressed.

For the benefit of those of our colleagues who may not be fully familiar with the situation in East Timor, I am inserting an article into the RECORD that originally appeared in the Boston Globe.

[From the Boston Sunday Globe, Dec. 13, 1987]

A "HIDDEN HOLOCAUST" IN THE PACIFIC

(By Richard H. Stewart)

It has been called the "hidden holocaust," so far removed from the world's consciousness that only a handful of people are aware of the tragic events that have ravaged the population of the little-known Pacific island of East Timor.

It has been estimated that as many as 200,000 people out of a population of nearly 700,000 have perished from violence, starvation and disease since the 1975 invasion by troops of Indonesian dictator General Suharto.

Based on a population comparison, this would be comparable to 36 million deaths in the United States.

International human-rights organizations such as Amnesty International and Asia Watch as well as a coalition of international church groups have provided reports of the brutality inflicted on the Timorese by Indonesian forces, including summary executions, beheadings, torture, imprisonment without trial and the use of civilians as human walls in front of Indonesian troops battling guerrilla forces.

Some civilians who have "disappeared" from their villages have been reported by several independent sources to have been dropped to their deaths from helicopters. There have been reports of a photograph in an Indonesian newspaper showing Indonesian soldiers holding up the heads of their Timorese victims.

Exact death tolls can only be estimated because the Indonesians have virtually shut off the island to access by outsiders. But sources with contacts in East Timor insist the reports of inhuman treatment by the Indonesians are not exaggerated.

THE STAGGERING STATISTICS

The International Committee of the Red Cross has been able to provide food and medical aid to limited parts of the island and is the only humanitarian organization allowed access to the island, even on a restricted basis.

Some evidence of the human suffering can be surmised from the report in 1985 of East Timor Gov. Mario Carrascalao, who said that 100,000 East Timorese had died since 1975 and the island had 20,000 orphans, 13,000 widows and 8,000 crippled or maimed.

The 12-year agony of the Timorese began Dec. 7, 1975, when Indonesian troops invaded the island under the guise of preventing a communist takeover. They claimed that the East Timorese had sought integration with Indonesia.

According to Massachusetts Institute of Technology professor Noam Chomsky, President Gerald Ford and Secretary of State Henry Kissinger had advance knowledge of the invasion and authorized it. More than 90 percent of the invading troops carried American weapons, Chomsky has written.

In the aftermath of the invasion, the United States protested its illegality by announcing an embargo on the sending of American weapons to Indonesia. The embargo was nothing more than a political smokescreen. Professor Benedict Anderson of Cornell University, an Asia expert, discovered from a Pentagon report that the flow of arms to Indonesia had never been halted.

Prior to 1975, East Timor had been under Portuguese rule for 400 years, but the Portugese government had all but abandoned the island in the wake of domestic political problems at home, leaving it vulnerable to Indonesian expansionist interests.

Ten days before the invasion, the East Timorese declared themselves independent from Portugal under the rule of a political party known as The Revolutionary Front for the independence of East Timor, which became better known as Fretilin.

To counter Indonesian forces, Fretilin leaders formed an armed guerrilla force, which has harassed the Indonesian military ever since.

Most recent estimates are that nearly two-thirds of the island, about the size of New Jersey, still has not been secured by Indonesian troops.

Last August, 40 U.S. Senators protested conditions in East Timor and wrote to Secretary of State George Shultz that Indonesian forces were engaged in "a renewed offensive" against Timorese insurgents. Similar protests have been lodged by 144 members of Congress.

A former apostolic administrator (the Catholic diocese is being administered from the Vatican rather than from Indonesia) from 1977 to 1983. Msgr. Martino da Costa Lopes, outlined the conditions of the population in a private letter last year:

"In the interior, in many villages and concentration camps, the people lack the conditions of life to enable them to survive as a people * * * the people live in a state of permanent encirclement. They are not allowed to go more than three kilometers outside their villages. In addition, they always have to have a pass issued by the Indonesian military authorities.

"It happens easily that East Timorese are accused of having contact with the guerrillas and then they become victims of torture, massacres, etc."

Major Costa Lopes has testified that, when foreign visitors requested a meeting with him at his East Timor home, his home was first searched and Indonesian intelligence officers were often present during the discussions.

East Timor is predominantly Catholic. Indonesia is a Moslem nation.

CONDITIONS IN EAST TIMOR

Sources recently in contact with East Timor offer this picture of current conditions there:

A knock on the door is enough to make people afraid. Homes are raided and searched. People suspected of sympathizing with or supporting the guerrillas are arrested, often at night. People are afraid to be seen talking in groups.

It is illegal to listen to foreign broadcasts. People are arrested for having aerials. When foreign broadcasts do refer to East Timor, military vehicles tour the capital city of Dili with loudspeakers denouncing the broadcasts as lies.

Most jobs and places in schools go to Indonesians who have been moved into the island. Indonesian culture and language is being forced on the Timorese.

On the rare occasions when foreigners are allowed to visit, they are restricted in their movement. Indonesian soldiers are dressed in civilian clothes, and military vehicles are taken off the streets.

When foreign journalists visited the island during Indonesian elections in April, people were forced to take part in pro-Indonesian demonstrations. Even the prison population was released to swell the ranks of the demonstrators.

People who did not vote could not get identification cards, which are required for jobs and other means of survival.

Prisoners are held in secret prisons, which the Red Cross is not allowed to visit. Prisoners are beaten and tortured and some have been murdered.

Restrictions on movement make it difficult to grow crops, and severe malnutrition has resulted in some rural areas. Indonesia has taken control of the lucrative coffee crop.

Food shipped in from Indonesia is too expensive for many of the Timorese. There is a high mortality rate for children up to age 5.

Indonesia has instituted a highly-active birth-control program, particularly in the interior, where guerrillas are most active, using Deprovera, a vaccine banned in most Western countries. The birth-control program is financed by the World Bank. Some men and women have been sterilized without their knowledge during medical treatment.

Medicines are so scarce that hospitals have a shortage. Medicines are also so expensive that much of the indigenous population can't afford them. Birth control is free.

The current apostolic administrator, Msgr. Carlos Ximenes Belos, is under close military scrutiny. Military vehicles are frequently positioned outside his home.

Although the United Nations General Assembly condemned the Indonesian invasion soon after it occurred, 38 nations, including the United States, abstained. The resolution has been reaffirmed annually through 1982 but with dwindling support.

Indonesia's anticommunist government, its oil resources and strategic location between the Pacific and Indian oceans give it considerable international clout.

Portugal has neither the political will nor the military power to challenge the Indonesians, although there have been talks between the two nations.

A source in Lisbon said, "Indonesia feels it can keep protests at a lower level and avoid political embarrassment by agreeing to talks and making them drag on for as long as possible."

DOG HERO OF THE YEAR

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Ms. MARTIN of Illinois. Mr. Speaker, there is an old adage that goes: "A man's best friend is his dog." It is no hollow saying but a fact demonstrated many times by the heroic acts of canines.

I would like to describe the action of one very special dog from Sepulveda, CA. The dog's name is Jet. She is a mild-mannered six-year-old doberman pinscher.

Jet was home with her owner Candy Sangster one day last October. Ms. Sangster is a diabetic and must take regular insulin injections to maintain her body chemistry. On this day she slipped into a life-threatening diabetic coma.

Jet, sensing something was wrong with her owner, managed to open the Sangster door and run outside. A neighbor, Ms. Hazel Lavin, noticed that the usually quiet Jet was running about furiously and barking loudly. Hazel called Candy, and when she received no answer, she called paramedics. They found Candy in a coma and rushed her to the hospital where she later recovered.

Jet's heroism was recognized by the citizens of this Nation this year when they selected Jet the Ken-L Ration "Dog Hero of the Year" in a recent election from among five national finalists. Similar stories were told about each of the finalists, and all are deserving of our thanks and gratitude. But I suspect that Jet had the distinct advantage of having been raised on Ken-L Ration dog food which was manufactured in Rockford, IL.

There appears to be a mysterious, but loving bond between dog and owner, one that continues to prove an old saying true.

Jet is part of a lineage of dogs which have gone above and beyond the call of duty as man's best friend. For this reason, Ken-L Ration, the sponsor of the Dog Hero of the Year Award, has asked that the dog-owning public observe the first week in March, from this day forward, as "Dog Hero Week" and recognize their dogs as the heroes they are or could be one day.

INCREASING VOTER TURNOUT

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. SWIFT. Mr. Speaker, as we are all aware, voter turnout in this country has been less than impressive for too many elections. The Federal Voting Assistance Program within the Department of Defense has attempted to improve those numbers through a variety of projects, including its recently sponsored Voting Slogan Contest. The winning slogans will be used in a media campaign to encourage voter participation in the 1988 elections. This contest always generates a great deal of interest and this year was no exception with over 10,000 entries received.

I was honored to help judge the contest, along with Senator WENDELL FORD, chairman of the Senate Committee on Rules and Administration, and Ms. Nancy Neuman, president of the League of Women Voters of the United States. Although selecting the winning slogans out of so many creative entries was difficult, it was a pleasure to contribute to this effort to increase voter awareness.

The first place entry was submitted by U.S. Army Maj. Jay B. Savage of Laurel, MD. Major Savage's winning entry: "Tomorrow will be decided today. Vote."

Second place was awarded to Donald Roberts, a civilian working at Fort Monroe, VA. His slogan: "Vote—It's Good For Your Constitution."

"Count yourself in. Vote.", claimed third place in the contest. It was submitted by John F. Ganaway II, Major, USAF with the 400th Strategic Missile Squadron at Malmstrom AFB, MT.

The fourth place winner, submitted by Lt. John Miller of the USCG, San Leandro. CA was: "Let's Poll Together America—Vote".

Mr. John M. Hendry, who works for the U.S. Post Office in North Hollywood, CA, was awarded fifth place for his winning entry: "Your Vote: America's counting on it!".

Three other entries were outstanding enough to achieve honorable mention. There were: "Have a say, vote your way", by Bill Clement of Portland, OR; "Your opinion matters, but it's your vote that counts", by Jay Robbins of Imperial Beach, CA; and "Don't let the few decide for you—Vote", by Lt. Otis Ransaw from Minot AFB, ND.

I commend the Federal Voting Assistance Program for its continued efforts to increase voter participation, and I congratulate not only the winners, but all who contributed to this worthy endeavor.

TRIBUTE TO SEMCOG

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. PURSELL. Mr. Speaker, I rise today to pay tribute to a unique volunteer organization in southeast Michigan that is comprised of 135 local governments in the seven-county Metropolitan Detroit region. This organization is known as SEMCOG, the Southeast Michigan Council of Governments, and on March 24, 1988, its officers and staff are celebrating its 20th anniversary.

Formed as the result of a unique public/private research and development effort, SEMCOG has provided 20 successful years of progress in regional planning and intergovernmental relations.

The 135 local governments that belong to SEMCOG include all seven counties in the metropolitan Detroit region, cities, villages, townships, intermediate school districts and community colleges. It provides an invaluable process for cooperative, comprehensive and continuing regional planning for southeast Michigan.

In its 20 years, SEMCOG has had many accomplishments, such as the development of a long-range transportation plan which helps guide highway and transit growth. In the past 5 years, an estimated $4 billion has been funneled into southeast Michigan as a result of this planning effort.

Another significant accomplishment was the development of a data analysis and forecasting process. This makes population, household and employment forecasts for all 234 units of local government in the region for a 20-year planning period.

Most recently, in 1987, SEMCOG was in the forefront of efforts to upgrade the State's hazardous waste siting process. It also spearheaded a program to establish the remedial action plan for clean-up of the Rouge River; supported efforts to maintain the State's Auto Exhaust Testing Program; and administered the Lodge Freeway Ability Public Information Program on behalf of the Michigan Department of Transportation.

Mr. Speaker, for the past 20 years SEMCOG has been a valuable resource to the people of southeast Michigan. I ask you, and my colleagues in the House of Representatives, to join me in saluting SEMCOG for its years of outstanding service and wishing it many, many more.

WEST VALLEY IS CELEBRATING 25 YEARS

HON. ERNEST L. KONNYU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. KONNYU. Mr. Speaker, I rise to bring to the attention of my colleagues the 25th anniversary of the establishment of the West Valley-Mission Community College District in Saratoga, CA.

Today, with a student body of over 30,000, the district leads the State of California in the number of students who transfer to four-year colleges. Moreover, its two campuses—West Valley College in Saratoga and Mission College in Santa Clara—provide the community with many valuable, career-oriented, courses designed to develop and enhance job skills.

Mr. Speaker, I submit for the RECORD a copy of the Saratoga News article entitled "West Valley is Celebrating 25 Years." I know my congressional colleagues join me in congratulating the West Valley-Mission Community College District on its many years of excellent service to the Saratoga/Santa Clara area, and in encouraging it to continue to provide the same level of quality education in the future.

The article follows:

WEST VALLEY IS CELEBRATING 25 YEARS

On Jan. 8, 1963, affected residents voted to establish the West Valley Community College District.

Many will agree that 25 years isn't a very long time, certainly not in the history of an institution. Yet it is long enough to allow reflection and if the record is a good one then a celebration is in order.

That's the happy circumstance we find ourselves in at the West Valley-Mission Community College District.

The District has grown from a 3,203-member student body at a single site to two comprehensive colleges with outreach programs at four high schools, several hospitals, and numerous businesses. Today's student body has grown to over 30,000 credit and non-credit students.

The achievements of those who have passed through our non-ivy covered walls is an impressive litany of successes and fulfilled dreams.

We all owe much to the early dreamers, the founding board and the educational pioneers who devoted their energies to nurture the establishment of not one, but two colleges.

As any parent can attest, early childhood is not without its surprises and setbacks. Let's not even discuss the ravages—to all concerned—of adolescence. Thankfully both colleges, West Valley College in Saratoga and Mission College in Santa Clara, survived those early days.

Today, under the board's guidance, a seasoned and forward-looking faculty and administration continues to serve an ever changing student population.

That fluid and changing configuration is one of the most interesting aspects of our daily life and is a harbinger of the future. Twenty-five years ago West Valley College's programs were established primarily to provide the first two years of a university experience for 18-year olds. Thus the junior college appellation. Some still see us providing the first two years for a variety of Stanford and Berkeley academic four year programs. We do perform that function. Sweaters that boldly proclaim "University of Saratoga" still sell briskly. And West Valley College heads the state in the number of students who transfer and succeed at four year colleges.

Yet the needs and realities of this valley have changed over the past 25 years. Today more and more of our students are older (the average age is 29); attend part time (many at night and on the weekends) and are quite certain regarding what they wish to study.

Pragmatic, short-term courses are particularly popular. Many students also enroll to complete specific vocational programs or to prepare for technical and professional careers. This is particularly evident at Madison College where special efforts are made to keep programs of study current with changing needs of industry and the community.

We still insist that students be well grounded in the liberal arts before they graduate. But many, certainly well over half, do not intend to graduate. As adults, they select those courses that fit their particular current need. Our job is to make these courses academically sound.

One of the most exciting and satisfying experiences enjoyed by us all is to see both colleges serve as positive change agents for our students.

Although not as readily discernible in an 18-year old, it is certainly evident when we work with late bloomers, re-entry students, displaced homemakers, those training for a second career, and those wishing to upgrade their existing skills. It makes for interested and highly determined students who in turn motivate their classmates and teachers.

On Feb. 26, 1988, the District will host a Silver Anniversary Dinner Dance at the Fairmont Hotel. Our theme is "Celebrating the Success." Scores of former students exemplifying our successes have been nominated by the faculty and community leaders. A representative number will be formally recognized and honored that evening.

Since the District found it impossible to compress the celebration of its many successes into a 12-month period, we have taken the liberty of extending our period of celebration to 13 months. Thus, activities are planned through Commencements, and the community is invited to celebrate our twenty-five years of dreams fulfilled.

THE CELEBRATING OF CATHOLIC SCHOOLS WEEK IN THE DIOCESE OF STEUBENVILLE

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. APPLEGATE. Mr. Speaker, I rise today to ask that my colleagues join me in acknowledging the Catholic schools in my 18th Congressional District of Ohio in the diocese of Steubenville, consisting of 13 counties in southeastern Ohio. The important role that Catholic schools in the diocese play is instilled in our young adults with basic human, moral, and spiritual foundations.

It is with pleasure that I honor the Catholic schools in the diocese of Steubenville with their theme, "Catholic Schools: A Rainbow of Excellence," for their outstanding work in the field of learning. The Catholic education is committed to the education and training of students as future leaders of America through religious obligations, moral character, and leadership abilities. The longstanding tradition of Catholic education strengthens the community and the Nation by keeping viable the right to freedom of religion under law.

Mr. Speaker, I am proud to pay tribute to the Catholic schools in the diocese of Steubenville. I appreciate the dedication with which the faculty, staff, and students of these schools approach their respective jobs. It is to individuals such as these that we owe the continuation of and commitment to the Christian faith and education in our country.

LATEST CRACKDOWNS IN SOUTH AFRICA

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. MAZZOLI. Mr. Speaker, I am distressed and outraged over the February 24 decree by the white South African Government to prohibit 17 antiapartheid groups and the country's largest labor federation from "carrying on or performing any acts whatsoever" and to restrict the movements of 18 antiapartheid leaders.

This most recent crackdown represents a shift in the government's recent strategy of developing a power-sharing arrangement with its black citizens. It is another example of the lack of good faith effort on the part of the Pretoria government to engage in political reform.

South Africa's official policy of racial separation is unacceptable not just by United States standards but by world standards.

Already there have been outcries by the European Community, France, and Britain—to name a few—against these latest developments. The United States must also make clear its objection to the continuation of such repugnant human rights policy.

I understand that a Foreign Affairs Subcommittee will conduct hearings on legislation imposing new and stronger sanctions against the South African Government.

I hope that, through these hearings and subsequent floor debate, the Congress and the United States will send a clear and unequivocal signal to the Pretoria government that its apartheid practices are unjust and inhumane and must be ended.

DARREL ESTLE RAINS—A MAN OF LIGHT

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. ROGERS. Mr. Speaker, as Cumberland College in Williamsburg, KY, begins its centennial celebration, the alumni of that school in my district have begun working on a scholarship fund in honor of Dr. Darrel Rains, one of the school's outstanding alumni.

I have received a copy of a memorial article about Dr. Rains, which I want to enter into the CONGRESSIONAL RECORD to show my support for this effort and in memory of a truly unique medical practitioner.

DARREL ESTLE RAINS—A MAN OF LIGHT

"And God said, Let there be light: and there was light. And God saw the light; that it was good. * * *"

Darrel Estle Rains first saw the light of day on September 28, 1939, in diminutive Emlyn in southeastern Kentucky, and whether he knew it or not, light was to become the dominant theme of his life. First it was the loving light in the eyes of this proud parents, Robert and Lula Rains. Later, that light was supplemented by the pleased glow on the faces of his teachers, such as P.R. Jones, as they one by one recognized his inherent intelligence, strength of character, and unusual determination to learn. And then along the way came the light of self-discovery: Darrel saw clearly by the time of his graduation from Williamsburg High School in 1957 that his life's path was to be, had to be, in medicine.

"A wise man will hear, and will increase learning; and a man of understanding shall attain unto wise counsels. * * *"

Darrel began his pre-med training at Cumberland College in the fall of 1957, entering with many of his high school classmates: Siler, Byrd, Early, Chambers, Grant, Jones, King, Broyles, Yancy, West. He lived at home, studied hard, earned A's, and became increasingly committed to a career in medicine. He also lived in the light, further developing a religious faith and an aggressive self-discipline that stirred the respect of even the most macho of his friends.

In 1959, the Lamp of Higher Education was passed to the University of Kentucky after Darrel graduated from Cumberland; there he roomed with his old friend, Jimmy King. By now his enthusiasms for medicine and achievement had been fanned to white-hot intensity. He worked at the UK Medical School doing genetics research while also carrying a full class load. He consistently urged his close friends (many of them former classmates at Cumberland) to study hard and to develop demanding personal goals. And he took his own advice, graduating with honors in 1961. All three medical schools where he made application for admission accepted Darrel; he chose to remain at the University of Kentucky.

In medical school, Darrel continued to strain for the stars. Characteristically, he didn't want to become just another doctor—he wanted to provide Kentuckians with the quality of medical care that they would expect to receive at only the best metropolitan medical centers. In 1965, after four years of intensive study, Darrel achieved the first part of his bright dream; he received his M.D. degree. The second part was equally tough. To make sure he had all the skills necessary to give his patients complete medical care, Darrel did residencies in not one but three fields: General Practice (John Gaston Hospital in Memphis), Psychiatry (Rollmans Psychiatric Hospital in Cincinnatti), and his major field, Ophthalmology (Eye Foundation Hospital in Birmingham). It took five more years, but then, finally, Darrel knew he was fully prepared to begin his medical practice.

"* * * One thing I know, that, whereas I was blind, now I see."

The first few years of Darrel's practice were spent in hospital emergency rooms. Then in 1974, he renewed his friendship with Dr. James Parrott, a Corbin native and classmate from UK, and his wife Phyllis, by opening an ophthalmology practice in Hopkinsville, Kentucky, were Dr. Parrott was working as a Radiologist. Darrel was joined there by his brother, Ken, who provided complementary services as an Optician. Darrel's reputation for excellence quickly spread, and physicians from all over Kentucky, Missouri, Tennessee, Alabama, Ohio, and Indiana sent patients to Hopkinsville for eye surgery. They gave Darrel the "tough" cases, and in return he gave his patients unexcelled professional care along with healthy measures of love and compassion. In many instances, the blind were literally made to see. Darrel had achieved his dream—he was providing his patients with the best medical care in the world.

Over a relatively short span of remarkably productive years, this "Man of Light" had many great achievements. Among them were:

Dr. Rains was one of the first doctors in the world to do outpatient surgery for cataracts, using as a scalpel the exquisitely pure light from a laser.

Dr. Rains built his own laser system and used it for patient care at a time when this technology was considered to be strictly a research tool. He was ten years ahead of his profession.

Dr. Rains had his own research effort, the development of laser surgery techniques for diabetic patients.

Dr. Rains published his work in internationally acknowledged medical journals, some with coauthors at major medical schools.

"And if I go and prepare a place for you, I will come again, and receive you unto myself; that where I am, there ye may be also."

But even as Dr. Darrel Rains was bringing hope and healing and joy to others, dark storm clouds of ill health were gathering in his own life. In December of 1977, Darrel was forced to have a double heart valve replacement at a hospital in Birmingham. Shortly thereafter, in January of 1979, a heart transplant operation was performed on him at Stanford University. And finally, on October 20, 1982, one of the world's leading Ophthalmologists died. then, surely, his triumphant and shining spirit encountered another great Healer, One who once said, "* * * I am the Light of the world. * * *"

(Darrel's wife, Sheila, and sons, Derrick, Brian, and Gavin, are grateful to Cumberland College for helping Darrel develop his extraordinary vision, creativity, and determination, and are pleased that the Darrel Rains Memorial Scholarship Fund will assist Cumberland College students in their quest for the excellence achieved by their husband and father.)

—Jim Gover and Tom Oglesby, May 15, 1987.

MRS. HELEN LAVELL DAY

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. WILSON. Mr. Speaker, I would like to take this opportunity to declare March 13, 1988, as Mrs. Helen Lavell Day in Palestine, TX. Mrs. Lavell is the president of the Texas Dogwood Trails Association in Palestine which is celebrating its 50th year this month. Texas Dogwood Trails offers an extensive schedule of events and activities for three weekends in March to celebrate the coming of spring and the beautiful dogwoods blooming among the hills and piney woods of east Texas. Mrs. Lavell had donated thousands of hours of hard work and dedication over the years to promoting this event. I join the residents of Palestine in expressing our appreciation for her efforts by dedicating this special day to Mrs. Helen Lavell.

NEWLY SELECTED USIA GUIDE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. FLORIO. Mr. Speaker, Michele Castagna of Moorestown, NJ, has been recently selected by the U.S. Information Agency [USIA] to serve as a guide with "Information U.S.A.," which is the first official U.S. exhibition in the U.S.S.R. since 1979. "Information

U.S.A." was created to show how Americans use communication technology. In June 1987, the program began an 18-month, nine-city tour of the Soviet Union. The tour has been very successful, with 212,813 Soviet citizens visiting the exhibition in Moscow and some waiting in line up to 4 hours.

One of the vital elements to making "Information U.S.A." a success is the presence of the Russian speaking American guides. Ms. Castagna was chosen to be one of the 24 guides to travel with the exhibit in Tbilisi, Tashkent, and Irkutsk from December until June 1988.

Ms. Castagna has a strong and varied academic background. She has studied international affairs, journalism, and dancing in Washington, DC, Sweden, and Philadelphia. While working for the Visitor Program Service in Washington, DC, she recently coordinated a Fulbright Exchange Program between the United States, the U.S.S.R., and Eastern European countries at the Council for International Exchange of Scholars.

As a guide for this exhibit, Ms. Castagna has a vital role serving as an ambassador of goodwill to the Soviet Union. In an era of glasnost, the opportunity to better inform the Russian people of some aspects of our society goes a long way toward improving mutual understanding. Ms. Castagna's background makes her a perfect guide, able to answer questions on the cultural, political, economic, and social aspects of American life, as well as technological questions. I am sure that with Ms. Castagna's obvious capability she will be doing an exemplary job as a guide with "Information U.S.A."

RELIGION AND RACE: A CHAPTER OF HISTORY WRITTEN IN CHICAGO

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. YATES. Mr. Speaker, last month the Chicago Tribune printed an article by my dear friend, Rabbi Seymour J. Cohen of Anshe Emet Synagogue in Chicago. The article, which describes in a very vivid way the events and leaders of the civil rights movement, is an important reminder of what was happening in this country 25 years ago. This is the kind of history that we need to remember and preserve and I ask that the article be printed at this point in the RECORD.

RELIGION AND RACE: A CHAPTER OF HISTORY WRITTEN IN CHICAGO

(By Seymour J. Cohen)

At the northern end of Lake Shore Drive stood a hotel that was the scene of an historic conference on religion and race 25 years ago. It was the first time the major faith communities of America dealt with the profound social problem of racial strife that faced, and still faces,this nation.

The hotel was the Edgewater Beach, and it was there that assorted liminaries and some 650 delegates gathered for the National Conference on Religion and Race, which began on Jan. 14, 1963. Among the principal participants were Albert Cardinal Meyer of Chicago; the Rev. Dr. Martin Luther King Jr., head of the Southern Christian Leadership Conference; Dr. Benjamin E. Mays, president of Morehouse College in Atlanta; and Prof. Abraham Joshua Heschel of New York's Jewish Theological Seminary.

The conference was called by the National Council of Churches, the Synagogue Council of America and the National Catholic Welfare Conference. It was designed as a strictly religious observance of the 100th anniversary of President Lincoln's Emancipation Proclamation.

In the popular perception, the Emancipation Proclamation transformed the Civil War from a battle to save the Union into a crusade for human freedom and dignity. Lincoln closed his proclamation, which took, effect Jan. 1, 1863, with these words: "Upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God."

In Lincoln's spirit, we came together for a high moment in American life. For most of us who participated, the four-day conference was the camelot of our careers: Archbishops mingled with bearded rabbis. Pastors met with Protestant bishops. Sisters of charity joined in the great discussions. A highlight for me—one of the great moments of my life—was introducing Dr. King.

The stated task was to study the role of religious institutions in race relations. In retrospect, it is remarkable that the problems of other minorities, Hispanics such as the Puerto Ricans of our Northern cities and the Mexicans of the Southwest, hardly surfaced in any of the discussions. The only issue was healing the problems of America's blacks.

Unfortunately, some of those vexing problems remain. The life expectancy of blacks is still lower than that of whites, and educational opportunities are more limited. Unemployment is higher among blacks than among whites.

The Edgewater Beach is gone, statuesque high-rises having taken its place. The principals are gone, too. Cardinal Meyers died in his early '60s. Dr. King was gunned down by a mad assassin in 1968, and is honored two decades later with a national holiday. Prof. Heschel died at the age of 65, victim of a heart attack brought on in part of his heroic efforts to bind the wounds of American society. Yet racial discrimination persists.

And the problems of the black community are matched by the difficulties of the Hispanics to lift themselves out of the mire of discrimination and bigotry.

A quarter-century ago, though, delegates to the conference were full of hope and expectation. There was a mood of profound interaction. Among the highlights of the conference was the statement of Cardinal Meyer. This scholarly spiritual leader of Chicago's 2 million Catholics said: "At the 100th anniversary of the Emancipation Proclamation we find ourselves seized with the nation's unfinished business." He explained to his followers that the ultimate test of Christianity is found in the New Testament statement: "By this will all men know that you are My disciples, if you have love for one another" (John 13:35).

Dr. King, in a stirring address, quoted Thoreau, who spoke of America's technological advance as being an instance of "improved means to an unimproved end." He challenged the participants by saying, "The problem of race and color prejudice remains America's chief moral dilemma. . . . Honesty impels us to admit that religious bodies in America have not been faithful to their prophetic mission on the question of racial justice. . . .

"Called to combat social evils," Dr. King said, "[the Church] has often remained silent behind the anesthetizing security of stained glass windows."

(Chicago was to be the scene of Dr. King's activity not only at the conference but also later, in the summer of 1965, when he returned for a major effort. Chicago was a special problem city for him. There was extensive public school segregation. Educators reported that grossly inferior facilities were used for black children. Black activists forced the resignation of the school superintendent, Benjamin Willis, but the school board refused to accept Willis' resignation. It was into this tension-filled atmosphere that King came to lead the struggle.)

At the conference King met Heschel for the first time. With twinkling eyes and light hearted manner, the slight, bearded rabbi spoke to the assemblage: "At the first conference on religion and race the main participants were Pharaoh and Moses. Moses pleaded, 'Let my people go.' The cruel Pharaoh answered, 'I will not let them go.' "

Heschel went on: "It was easier for the Children of Israel to cross the Red Sea than for a Negro to cross certain university campuses. . . . One hundred years ago, the emancipation was proclaimed. It is time for the white man to strive for self-emancipation, to set himself free of bigotry."

At the end of the conference an appeal was made to the conscience of the American people. The statement concluded with the call to all the American people "to work, to pray, to act courageously in the cause of human equality and dignity while there is still time to eliminate racism permanently and decisively, and to seize the opportunity the Lord has given us for healing an ancient rupture in the human family."

The meeting of so many church and synagogue leaders led to both national and local activity. Attempts were made to organize local conferences on religion and race. The only continuing conference throughout these last 25 years has been the Chicago effort. The Chicago Conference on Religion and Race was formed and is the only body cosponsored by the Catholic Archdiocese, the Protestant Church Federation and the Chicago Board of Rabbis. The Chicago Conference was reorganized several years ago into a Council of Religious Leaders. Our city remains the only one of several model cities that sustains an ecumenical organization committed to racial justice.

We still strive for the long-range solution President Lyndon Johnson spoke of in 1967 when he addressed the need to eradicate conditions that breed despair and racial violence—ignorance, discrimination, slums, poverty, disease and unemployment. "We should attack these conditions," LBJ declared, "not because we are frightened by conflict but because we are fired by conscience. To achieve a decent and orderly society, continuous effort is required."

THE CIVIC NEWS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize a publication that has been serving the Park Slope community in Brooklyn for half a century. The Civic News, published by the Park Slope Civic Council, is celebrating its 50th anniversary on April 16.

The Civic News began as the newsletter of the South Brooklyn Board of Trade. Its pri-

mary objective was to keep board members informed of projects and events that the board sponsored.

Now "The Official Monthly Publication of the Park Slope Civic Council," the Civic News serves as the communication arm of an active community organization. As the Park Slope area has undergone a rebirth in recent years, the civil council and the Civic News have been leading in the effort to organize community residents and businesses.

I would like to congratulate Ellery Samuels, the editor of the Civic News, as well as Jimmy Ryan and all of the officers of the Park Slope Civic Council. Their hard work and dedication are an inspiration to all of their neighbors, and I am proud to have the opportunity to serve them.

HUMAN RIGHTS IN EAST TIMOR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. EDWARDS of California. Mr. Speaker, throughout this decade, I have been concerned over the tragedy in the Southeast Asian island territory of East Timor, a former Portugese colony invaded by Indonesia in 1975. Information I have received from Amnesty International, Asia Watch and other sources has heightened my interest in this little-known situation. As one who is concerned about the protection of human rights throughout the world, I believe that the international community should look into the human rights situation in East Timor.

An opportunity for such an investigation currently exists. The United Nations Human Rights Commission is now meeting in Geneva, with the East Timor issue under discussion. Recent testimony by the Asia Watch Committee makes it clear that there are a multitude of problems regarding East Timor that need to be addressed. I very much hope that the U.N. Commission will do so.

For the benefit of my colleagues, I ask that excerpts of the Asia Watch testimony to the United Nations in August 1987 be inserted in the CONGRESSIONAL RECORD. This testimony remains highly relevant today.

The excerpt follows:

Asia Watch is * * * concerned about continued reports of arbitrary arrest, mistreatment, and unfair trials of political prisoners suspected of supporting independence for East Timor. Since late 1983, more than 200 such persons have been tried and convicted. As we mentioned in our statement last year, it is remarkable that all the defendants were reported to have pleaded guilty and none have appealed their convictions. Under these circumstances, we again urge the Special Committee to do all within its power to encourage the Indonesian government to permit trial observation in East Timor.

In addition, we remain deeply concerned about the health and well-being of East Timorese detainees as well as those who have been released from Atauro detention center and other such facilities. Asia Watch once again appeals to the Special Committee to urge the Indonesian government to ensure appropriate medical and nutritional care for all East Timorese detainees. Asia Watch also appeals to the Specific Committee to take similar action in the cases of detainees who have been released from Atauro Island. Large numbers of these detainees have been prevented from returning to their home villages. In the past, such persons fell victim to starvation and disease. Barring full access to all areas of East Timor, there are no guarantees that such conditions are, in all cases, a thing of the past.

In conclusion, let me emphasize that the Asia Watch Committee has been prepared to visit East Timor for the past two years, but has been denied permission by the Indonesian government. As we have stated, the Indonesian government beilieves that human rights reporting on East Timor is biased and untruthful. We can only reiterate our position in this respect: if the Indonesian government truly wishes to set the record straight, it should allow the world community to view conditions in East Timor first-hand.

JOHN BRESSLER WEEK

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. YATRON. Mr. Speaker, in my home area of Berks County, we will soon be honoring a native son who has done much for our area, Mr. John Bressler. John Bressler, who resides in Oley, PA, is an internationally known singer, songwriter, and entertainer. In recognition of his many outstanding achievements, the Berks County Commissioners have proclaimed the week of March 3–10, 1988 as "John Bressler Week."

In Berks County, we are all very proud of John Bressler. John was born and raised in our area and this heritage is clerly felt in his music. John believes that good entertainment is timeless and uses music from all eras in his concerts, ranging from "Old Mac Donald" to more contemporary selections. It is in concerts that John truly shines. He is loved by audiences and always plays to packed houses. In recognition of his versatility and broad popularity, John has performed before numerous groups, including schoolchildren, rock club audiences, and senior citizens. He has also worked with top-name performers such as Kool and the Gang, Billy Joel, Willie Nelson, and the Oak Ridge Boys. Over the years, John has become a favorite of the fans, critics, and his fellow performers.

In recognition of John Bressler's many achievements, we will be celebrating "John Bressler Week" in Berks County. The celebration will coincide with the release of John's new album and video. In addition, a number of special concerts and events are planned. Mr. Speaker, I know that my colleagues will join me in honoring Mr. Bressler during this special week and in wishing him continued success in the years to come.

MEMPHIS SLIM

HON. HAROLD E. FORD

OF TENNESSEE

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. FORD of Tennessee. Mr. Speaker, we rise today to mourn the passing of a great American, Memphis Slim.

Memphis Slim, born Peter Chatman, was one of the greatest blues musicians of all time. He was born September 3, 1915, the son of Pete Chatman Sr., a deacon of the local Baptist church and a musician himself. He was raised next door to the local honkeytonk and became interested in music at a very early age. At only 7 years of age, he taught himself the piano. By his midteens, he as already well known in the local juke joints on Beale Street. That was the beginning of what would prove to be a long and talented career.

Memphis Slim attended Lester High School where he played the bass in the school band. At the age of 16 he worked in the Midway Cafe. Later that same year, he left his home in Memphis to tour through the South, working in various juke joints and turpentine camps. After 6 years on the road, he finally settled in Chicago. He worked the local clubs there and recorded with his own washboard band. During this time in Chicago, he recorded with many famous blues musicians and under many labels. In 1938, having already established his reputation, he made the classic LP, "Just Blues," with Muddy Waters, Willie Dixon, and Blind Lemon Jefferson.

In 1962, he moved to Paris after a tour he completed in France the previous year. There he met and married the daughter of a nightclub owner. He had five children. He continued playing the blues overseas and soon became one of the foremost blues musicians in Europe. On December 15, 1977, the Senate passed a joint resolution recognizing Memphis Slim as an ambassador at large of goodwill for the United States.

Memphis Slim died last Wednesday and with him died a great era in blues music. Not only was he a prolific songwriter and a great musician, he was a good husband and a good father. But he was not just the father of his five children, he was the father of the urban blues. Among his 300 songs, one of the most famous is "Every Day I Have The Blues," a song that would be later recorded by such greats as Count Basie and B.B. King. In the words of Memphis Slim's good friend, Booker T. Laurie, "Nobody could copy Slim. They didn't even try to imitate him."

Mr. Speaker, we stand before you to honor a great man and a world reknowned musician. The death of Memphis Slim is a loss not only to the music world, but also to anyone who has ever known or loved the blues. Although the man is dead, the legend is alive in the hearts of many around the world.

TRIBUTE TO FIVE DISTINGUISHED MEMBERS OF THE SACRAMENTO COMMUNITY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. MATSUI. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to five distinguished members of the Sacramento community, Mr. William M. Campbell, Mr. Robert L. Curry, Ms. Jean Runyon Graham, Ms. Margo Murray-Hicks, and William D. Whiteneck, on their acceptance of the California State University, Sacramento Distinguished Service Awards. It is an honor to salute such dedicated and deserving individuals.

Mr. William Campbell has distinguished himself as one of Sacramento's finent developers. Since 1971, when he founded the Camray Development & Construction Co., Mr. Campbell, has been a major force behind the rapid growth of our community. Moreover, he is active in the community serving as president of the Sacramento YMCA.

Dr. Robert L. Curry is recognized as one of the foremost experts in the economic field today. He has served as a consultant for many international agencies including the World Health Organization and NATO. Dr. Curry has also appeared before congressional hearings to present expert testimony.

Ms. Jean Runyon Graham is one of the communities most outstanding citizens. She is a noted expert in the public relations arena and her firm's success is due mainly to her hard work and talent. Ms. Graham is also a community leader working with such groups as the United Way and the Matsuyama Sister City Corp.

Ms. Margo Murray-Hicks is founder and president of Margo Murray-Hicks & Associates, an international consulting firm specializing in management skill development. She is recognized as a innovative leader in her field and has consequently been asked to serve on various business councils and boards including the newly created Advisory Council for the School of Business at San Francisco State University.

Mr. William D. Whiteneck is one of Sacramento's most dedicated and successful public servants. His work on behalf of special education programs for the deaf and blind has been inspirational to each of us. Mr. Whiteneck has also made significant contributions to efforts to modify school finance.

Mr. Speaker, on bahalf of the citizens of Sacramento and the State of California, I want to congratulate these fine men and women for a job well done. I thank them for the many contributions they have made to our community and I wish them the best of luck in all their future endeavors.

SALUTING THE FLORIDA INTERNATIONAL VOLUNTEER CORPS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. PEPPER. Mr. Speaker, the vital contributions of seniors to the well-being and progress of this Nation and to my home State, Florida, are well known. What may not be so well known are the achievements of America's seniors in programs beyond our border. For example, there is a new awareness in my State that in order for democracy, trade, and social and economic well-being to flourish in the neighboring Caribbean, seniors and others must get involved. Retired farmers, ambassadors, and social workers alike are coming together in an innovative, unique and exciting program called the Florida International Volunteer Corps.

The corps offers short-term—5 to 70 days, people-to-people technical assistance in health, social services, education, agriculture, and business, provided by professionals who receive only minimum expenses in exchange for sharing their skills and expertise. Seniors and other volunteers, motivated by a genuine commitment to their neighbors, are achieving dramatic results.

As you may know, volunteer corps technical assistance starts when needs are identified and organizations in the host country assign priorities and provide in the foreign nation logistic support for volunteers. Continuing activities on behalf of the host country such as solicitation of donations of equipment, supplies and resource materials, are commonly undertaken by volunteers upon their return to Florida. For every dollar invested in volunteer technical assistance, $4 in value is generated through donations of human and material resources.

The Florida International Volunteer Corps is a program of the Florida Association of Voluntary Agencies for Caribbean Action, Inc. [FAVA/CA]. FAVA/CA, a nonprofit membership organization, is a unique State, Federal, and private partnership to which I am privileged to serve as an adviser.

Individuals and organizations which have development interests in the Caribbean Basin region make up FAVA/CA's membership. Initial funding for FAVA/CA was provided by the U.S. Agency for International Development [AID], and other funding sources include membership fees and corporate sponsorships. Prominent sources of support for the Florida International Volunteer Corps presently include substantial State appropriations and an important agricultural program initiated the agency for international development, which is administered by Volunteers in Overseas Cooperative Assistance [VOCA], FAVA/CA's strong partner in Florida's Exemplary Technical Assistance Program.

It is with great pride that I acknowledge the work of our seniors in Florida's International Volunteer Corps in the Caribbean and the important contributions of seniors in development programs, worldwide.

FINANCIAL REFORM AND COMMUNITY PROTECTION ACT OF 1988

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. GARCIA. Mr. Speaker, bank safety and soundness has been the foundation stone upon which most bank legislation and regulations rest. In order to preserve the system it has often been felt necessary to preclude banks from participating in activities for which they have felt a special affinity or expertise. Last year, the Competitive Equality Banking Act imposed a moratorium on the granting of expanded powers by the regulators. The moratorium expires today, and it seems a particularly appropriate time to introduce financial reform legislation. I am very pleased to be joining my colleague WALTER FAUNTROY in introducing the Financial Reform and Community Protection Act of 1988.

With the expiration of the moratorium comes the question, What will the Congress do about bank powers? There have been several bills introduced by Members of both Houses that propose either repeal or amendment of Glass-Steagall, permitting banks to conduct some underwriting activities. Most of these bills are missing one essential ingredient—the consumer. The policy issues behind the enactment of Glass-Steagall included protecting the depositor and regaining his confidence in the system. Although Federal deposit insurance may have served the purpose in regaining the depositors' confidence, protecting the depositor and the system are still important issues today. Over 180 banks failed in 1987. The reasons for the failures are varied, but the cost to the system has been large. There are risks in every type of business, and in most cases Government does not become involved in business failures. But banks are considered special, and this specialness has subjected them to strict oversight by both the Congress and the regulators. The specialness of banks and the continuing need for protecting the consumer serve as focal points of the legislation we are introducing today. Our bill is intended to serve as a midpoint between the needs of banks and the very real needs of present and future depositors.

Our bill amends the Glass-Steagall Act and the Bank Holding Company Act to permit bank holding companies to establish or acquire a securities affiliate that underwrites commercial paper, mortgage and asset backed securities and municipal revenue bonds. These activities were chosen because they are closely related to banks' permitted activities, requiring the same types of credit and risk assessments. Banks currently maintain liquid liabilities—deposits—and illiquid assets—loans. These activities will give banks more liquidity, and hopefully increase countercyclical lending when the economy is in a slow phase.

Subsidiary banks of a bank holding company that applies to the Federal Reserve for permission to conduct these activities through an affiliate will be held to a higher standard of Community Reinvestment Act [CRA] compliance. A second tier of review will be implemented, based on regional criteria established by the regional Federal Reserve Banks, after public hearings and input by community groups. Each bank of a holding company will be required to meet these heightened standards before a holding company can receive permission to conduct new activities. A bank holding company with a subsidiary bank that has less than the necessary good rating will be required to make specific commitments to improve its community performance. We believe that an important aspect of this bill is that it is geared toward providing greater opportunity for community participation, and involvement in the regulatory process. The

public is permitted to comment on applications, and a hearing may be held if the public comments raise substantial issues of concern.

Another important aspect of our bill is the requirement that banks offer low income consumers with accounts of $1,000 or less basic low cost banking services. This includes making available checking or savings accounts that have no more than a $25 minimum deposit requirement, and for which charges, if any, are minimal. As we have all become aware, the costs of maintaining savings and checking accounts have spiraled and are too often out of the reach of lower income consumers. Fees imposed for excess—more than the bank permits—transactions, not maintaining a minimum balance and processing of items coupled with nonpayment of interest on balances that are below the minimum have made banking an upper class activity.

Our bill also amends the Home Mortgage Disclosure Act to include commercial loan disclosure, with emphasis on small business loans. Small businesses are the backbone of our economy, employing millions nationwide. Many have been faced with rejection when applying for loans, often because banks have set minimum lending requirements that exceed small business needs. Disclosure of commercial loans will permit the community to determine which banks are meeting their needs and are truly interested in the continued economic development of the neighborhoods in which they are located.

Banks are the anchors of the communities in which they are located. They provide loans for housing, education, businesses and the many other needs of a neighborhood and its residents. When banks start to leave an area it is sometimes a signal to both residents and investors that the neighborhood is destined to decline. In essence, the bank pulls the plug on the community—businesses begin to leave, as do residents. The result is a lack of faith in the community and continued disinvestment. In order to help communities that are faced with decreased banking services, our bill requires banks that are planning to close branches to give advance notice to the appopriate regulator, its customers and the community—by placing notices on the bank premises. The regulatory agency, upon determining that a planned closing will result in a significant reduction in financial services to the community, will consult with community leaders and other depository institutions with respect to retaining or replacing the closing branch with other facilities, including credit unions. This provision is not aimed at precluding branches from closing, only toward giving the community a chance to be heard. New York adopted similar legislation because it was found that the branches that were being closed were unusually in poor areas. The legislation has been successful in helping retain branches that would otherwise have closed, and in assisting community groups to start their own credit unions.

IT'S A GOOD LIFE FOR MARY CLEMENT

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. JONES of Tennessee. Mr. Speaker, in my years of public service—in this body and in other capacities—I have always recognized the importance of spouses in the professional and personal accomplishments of those who serve in public office. Spouses often must learn to cope with many inconveniences and the difficult pressures that confront all public officials.

Furthermore, in many cases they must be the family member that attends to many of the details of family life. If that is not enough, they also provide much needed support for the work of their mates. In doing those things, they many times must put aside their own talents and careers. In short, political spouses many times must make enormous sacrifices.

I mention these attributes of political spouses to bring to the attention of my colleagues the wife of BOB CLEMENT, our newest Member, who represents the Fifth District of Tennessee. Mary Clement is a wife, mother, and business person. She shares with her husband, BOB, a deep commitment to public service and an unwavering willingness to offer assistance to those people in the Fifth District of Tennessee who need it.

In addition to those unselfish attributes, Mary is one of the most enthusiastic people that any of us will ever meet. Despite political setbacks in her husband's career, she has great faith in our political system and our Government. Without question, she is a credit to her husband—and our colleague—BOB CLEMENT and by association a credit to this body.

Let me make it clear that Mary Clement is not just a politician's wife. She is an accomplished person in her own right. When given the opportunity, I hope all of my colleagues will take the time to meet this fine lady and welcome her to the ranks of political spouses. I would like to take this opportunity to insert in the RECORD a copy of a recent story on Mary that appeared in the Nashville Tennessean.

IT'S A GOOD LIFE FOR MARY CLEMENT—ELECTION ROUGH, BUT HUSBAND'S WIN WORTH IT

(By Patrick Connolly)

How sweet it is these days for Mary Clement.

The wife of U.S. Rep. Bob Clement finds her family settling down into a temporary period of relative normalcy before more changes come with the move to Washington this summer. For now, at least, life revolves around her husband's weekly trips to Congress, maintaining the busy schedules of daughters Elizabeth, 6, and Rachael, 4, resuming her own pre-campaign volunteer activities (Girl Scout leader and helping with a computer class at her eldest daughter's school) and hunting for a new home, most likely somewhere in Virginia.

The primary and general election were rough, Mary Clement will grant you that. "Adversities" is the polite word she uses for the rough and tumble electioneering that saw her husband accused in an alienation of affection suit that was later dropped.

"Winning the election," says Mary Clement, "turned many of the negative adversities into positives."

Still, this past election, certainly the most personally vindictive she has been through, brought Clement a deeper understanding about the nature of politics.

"If you're in politics and an active participant, you have to realize that's part of the process—and up until now I've been somewhat naive to that side of it. You just have to put your blinders on and believe that good does come from it.

"Bob and I have always been a team in everything we've done, and I've always wanted to participate with him. I've never suffered an identity problem. I believe that when you're married, you're one, and you bounce off one another. Going through bad times should bring you closer.

"If you can remain friends and not take it all so seriously, you can remain free. If you know yourself and know each other, you don't have anything to worry about. If you're all pulling together, you're going to get there."

Believing that good must come, somehow and sometime, from any bad is a philosophy Clement holds dearly. As proof in her own life, she points to the birth of both her daughters, which came shortly after Bob Clement's razor-thin losses in the 1978 governor's primary and a 1982 run for Congress.

"I can honestly say that, once you get on down the road some and then look back at those adversities, that good came from them," she says.

Mary Clement worked hard for this latest chunk of "good." She campaigned every day, frequently keeping her own schedule to maximize the Clement presence. Privately she bemoans one-issue voters, publicly she considers the downside of today's high-tech politics to be "the fact that not everyone gets to know you."

It is that personal touch, she says, that fuels the democratic process. She remembers a young mother she met on the campaign trail in Springfield, Tenn., unemployed, sick and about to be evicted, who asked for assistance; she remembers, too, watching a young man graduate from Cumberland University, the first in his family to attend college, let alone graduate.

Both are examples, she insists, of what good government can be: helping those who need help, making possibilities possible. She does, of course, have faith in her husband to foster more good government: "He genuinely cares about people."

The decision to run for Congress did not come easy for Bob Clement, his wife says. He was happy as president of Cumberland University in Lebanon, Tenn., taking pride in his accomplishments and able to spend time with his family.

"He felt he was at a crossroads in his life, wondering if the time was right to get back into politics. Once we examined it, it seemed obvious it was the right time. And I never, never felt he would not win."

But if Bob Clement's future seems set, what of his wife's?

Together with Clement she has raised two sons, now 22 and 23, from her previous marriage and today focuses on their daughters. She ran a successful gift shop business for 10 years, and spent the time in Lebanon taking classes toward a degree in psychology. She's like someday to work toward her master's maybe doing part-time counseling in the future.

She wants to help her husband as much as possible, hoping to spend a day or two a week as an unpaid volunteer personally taking calls to the congressman's office and answering correspondence.

And she claims to feel no pressure in being a politician's wife: "People want you

to be yourself. If you're not, then you're placing pressure on yourself."

FREE AFGHANISTAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. SOLOMON. Mr. Speaker, today I am introducing legislation urging the President not to withdraw U.S. assistance to the Afghan Mujahidin until it is absolutely clear the Soviet Union has ended its occupation of Afghanistan.

This legislation is identical to the bill which was approved by the Senate yesterday by a vote of 77–0. I respectfully request that all my House colleagues join in cosponsoring this important measure.

The Soviet invasion and occupation of the independent nation of Afghanistan is now in its ninth year. Soviet occupational forces have killed over 1.4 million Afghanis. Additionally, over 5.5 million people or over one fourth of the prewar population have fled their native land.

The U.S. Congress has been an active participant in support of the Mujahidin. Continued U.S. material support to the freedom fighters is essential to bring about a meaningful political settlement based on self-determination by the people of Afghanistan.

Time and time again, the Soviet Union has attempted to mislead the world into believing they are ending the war. Instead of talking about such action, the Soviets should actually remove their troops.

If you agree that the U.S. military support for the Mujahidin should be maintained until it is absolutely clear the Soviets will remove their occupation force of 115,000, please join in cosponsoring this most important legislation.

Thank you.

DEPARTMENT OF COMMERCE DAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. DINGELL. Mr. Speaker, on March 4, 1988, the Department of Commerce will celebrate its 75th anniversary. Today, I join with my colleagues in honoring this occasion by passing House Joint Resolution 447, which declares March 4 as "Department of Commerce Day."

As the chairman of the Committee on Energy and Commerce, with jurisdiction over many activities of the Department of Commerce, particularly its trade and economic activities. I have spent my share of time overseeing the work of the Department. While I have not always seen eye to eye with the Department, I am nevertheless proud and delighted to join with my colleagues today in honoring the Department and the role it plays in contributing to the development and strength of our domestic and international commerce—a role that will become increasingly important in the coming decades.

The inclusive and sweeping mandate Congress has given the Department requires it to "foster, promote, and develop the foreign and domestic commerce of the United States." From the National Oceanic and Atmospheric Administration, the International Trade Administration, the U.S. Travel and Tourism Administration, the Bureau of the Census, and the Bureau of Standards, the Commerce Department's responsibilities are astonishing. In many instances, the Department of Commerce has exercised its duties faithfully and vigorously. Testimony at hearings held by the Energy and Commerce Committee attest to the usefulness of the officers of the Foreign Commercial Service in China. The Department's annual report on international barriers to trade contains a wealth of information useful to policymakers. The National Bureau of Standards makes an essential contribution to American commerce by providing generally excellent technical analysis and research.

The breadth of the Department's responsibilities is matched by their importance. As we all know, America's ability to compete in international markets is a central concern of the Congress and the public. Over the past few years our trade deficit has swelled to unprecedented and unimagined proportions. The United States, once the world's largest creditor, is now the world's largest debtor, surpassing Brazil and Mexico. The Department of Commerce will play a key role in identifying and removing barriers to trade, disseminating useful and timely trade information to policymakers, manufacturers, and service providers, and developing effective trade policy. The Department will have to carry out its responsibilities to monitor international negotiations and implement U.S. trade laws with particular care and forcefulness.

Once again, I am pleased to join my colleagues in honoring the 75th birthday of the Department of Commerce and I look forward to its taking an ever greater role in improving this Nation's trade situation.

FAIR FOOD LABELING AND ADVERTISING ACT

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. COOPER. Mr. Speaker, today I am reintroducing legislation to bring some sanity and regularity to one of the fastest growing sectors of the retail food industry—"lite" food products. The growth in these products is phenomenal. Supermarkets now carry a whole array of lite products such as lite cheese, lite french fries, lite fruit and, of course, lite beer.

Unfortunately, the fact that there is no one definition of lite foods means consumers are often confused and sometimes even misled. My bill would prevent this from happening by establishing uniform standards for the term lite.

Americans have been making fundamental changes in their eating habits. In response to advice from medical and public health experts, we're cutting down on fat and sodium, watching our weight, and in general trying to choose healthier foods. Industry has responded with a plethora of food products designed for health-conscious consumers.

Recently, the word lite has superseded diet as a beacon for those watching what they eat. Many lite products do deliver significant reductions. Some not only tell you what they have less of, they go further by providing the specific information needed to compare their lite product with their regular product.

Unfortunately, there are lite products on the market that fail to deliver what they promise. Studies show that consumers associate lite with a reduction in calories or fat. Industry has spent a considerable amount of effort to develop this association. However, there is nothing which says that lite must indicate a reduction in something consumers want to avoid. Sometimes lite describes the density, texture, taste, or even the color of the product. This means that the consumer choosing a lite product for health or dietary reasons may not get the reductions they expect.

Even when lite is not misleading, it can be confusing. Much of this stems from the fact that not all foods are required to have nutritional labeling. Lite products, because they make nutritional claims, must have nutritional labeling. This means that some lite products can make the claim that they have less fat, sodium, or calories without giving the consumer any basis of comparison. In the worst cases, products don't even tell you why they are lite—you just have to trust that they're somehow better for you.

My bill would eliminate the confusion about the term lite by creating a uniform standard for it. In order to be labeled lite, a product would have to have a one-third reduction in either calories, fat, or sodium. The product label would have to state the reduction that makes it lite. This bill limits the comparative terms that can be used to describe a reduction in fat, sodium, or calories. In addition, my bill would prohibit foods from being advertised as lite unless they met these requirements.

I don't want to give the impression that Federal agencies haven't made any attempts to regulate the term lite, because they have. Unfortunately, these efforts address only some "lite" products. In addition, they add to the confusion by creating differing standards.

For instance, the U.S. Department of Agriculture defines lite as a 25 percent reduction in calories, fat, sodium, breading or other component of a food. However, this applies only to meat and poultry products, and is further limited in that it does not apply to frozen foods or entrees that use lite in the brand name.

Last year, the Bureau of Alcohol, Tobacco and Firearms [BATF] proposed rules to govern the use of the term lite in labeling alcoholic beverages. Their proposed rule would allow an alcoholic beverage to be labeled lite if had fewer calories than either the regular product or the regular product of their competitor. However, there is no uniform reduction required; just fewer calories than the product of comparison. In addition, the BATF proposal would allow lite to describe color or taste in certain instances, leaving room for confusion.

The Food and Drug Administration [FDA] has interpreted lite as a nutritional claim, which tiggers the requirement that the label must include nutritional information. Lite products claiming caloric reductions fall under the FDA-defined term reduced calories, which requires a one-third reduction. However, this

leaves unregulated products called lite because of fat or sodium reductions.

In addition to developing a standard for the term lite, my bill directs FDA to define officially the term low fat. FDA uses a working definition of low fat that states a product must have less than 2 grams of fat per serving or less than 10 percent of fat by dry weight. Yet it allows 2 percent milk, which exceeds those limits, to be called low fat. Only milk with 1 percent or less milkfat actually qualifies as low fat, and FDA regulations should reflect that.

While Federal agencies have taken some steps to regulate the word lite, more needs to be done. Consumers can only make intelligent nutritional decisions when they know what labels mean. We must give them not only clear guidelines on interpreting labels, but also consistent guidelines.

My bill dispels the current confusion about foods labeled lite. It lets consumers know that lite means a third less, and requires the label to disclose what the product has less of. It also limits comparative terms in order to end the free-for-all that now exists. These simple disclosure requirements will help consumers know what they are getting—or not getting—when they buy a lite product.

The Fair Food Labeling and Advertising Act already enjoys the support of several public interest groups including the American Heart Association, the American Diabetes Association, Public Voice for Food and Health Policy, the Center for Science in the Public Interest, and the Consumer Federation of America. I urge my colleagues to join us by consponsoring this important piece of consumer legislation.

ECONOMISTS' LETTER IN SUPPORT OF THE MINIMUM WAGE REFORM ACT OF 1987 (S. 837 AND H.R. 1834)

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. VENTO. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CITIZENS COMMITTEE FOR A JUST MINIMUM WAGE,
Washington, DC, February 20, 1988.

To Members of Congress:

For fifty years the minimum wage law has been an important part of America's basic traditions. For fifty years this nation has declared that a decent wage floor be a mandated floor below which workers' pay will not be permitted to fall. For fifty years there has been a social contract to protect the standard of living of the working poor.

American workers are losing that protection. Since the last minimum wage increase went into effect in 1981 prices have risen by 32% and the minimum wage stands at the lowest real value since 1955.

Furthermore, today's minimum wage standard, frozen for close to seven years, has deteriorated sharply relative to the average hourly wage for nonsupervisory workers. Instead of amounting to at least half of that average—a level it had maintained historically—the current minimum wage is only 37% of that average.

Compounding the inequity, a worker paid at the present minimum wage of $3.35 per hour earns $6,700 on a full time year round job. This is an annual income more than $1,900 below the official poverty threshold for a family of three.

Some have argued in opposition to the proposed higher minimum wage that it will cause unemployment. These arguments have been regularly raised on each occasion Congress adjusted the minimum wage to preserve its traditional level. Yet six times this nation has raised the minimum wage and the historical experience offers no evidence of significant employment and business disruption.

In fact the evidence sharply refutes those arguments. The most thorough of all minimum wage studies, authorized by Congress in 1977 (The Minimum Wage Study Commission), found after several years of exhaustive analysis that raising the minimum wage has no significant impact on adult unemployment, youth unemployment, inflation, or the viability of business enterprises.

Just this year Professor F. Gerard Adams of the Economics Department and the Wharton School of the University of Pennsylvania using the Wharton model of the American economy, factored in the higher minimum wage proposal in pending legislation, concluded:

"The proposed increase would raise the inflation rate by no more than 0.2 percent annually over this period. In subsequent years, when minimum wages will be indexed to average hourly earnings, the effect of the minimum wage adjustment depends on the rate of wage increase in the rest of the economy; assuming wage increases of 5 to 6 percent in the 1990's indexing the minimum wage would contribute only 0.1 to 0.2 percent to the national inflation rate.

"Over a 3 year period, raising the minimum wage would increase the unemployment rate by less than 0.1 percent. Indexing the minimum wage thereafter is not likely to have significant impact on unemployment."

In summary, allowing for error it is safe to say that inflation might be one-tenth to two-tenths percent higher, and unemployment would rise by less than two-tenths of one percent.

In his testimony before the Senate Education and Human Resources Committee Professor Adams said that minimum wage increases would have only minor effects on broad economic trends. Professor Adams went on to say that based on his study using the Wharton Model that:

"These are tiny, largely imperceptible differences, and they will be overwhelmed by small changes in any one of the number of more important variables (interest rates, exchange fluctuations, trade and fiscal deficits, energy prices, etc.) which are likely to affect the economy over the next three or four years."

In view of all these questions of equity and economics, we urge you to support the Minimum Wage Reform Act of 1987.

Sincerely yours,

NANCY S. BARRETT,
LAURENCE R. KLEIN,
Co-Chair.

F. Gerard Adams, Professor of Economics, Director of Economics Research Unit, University of Pennsylvania.

Walter Adams, Distinguished Professor and Past President, Michigan State University.

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(As furnished by the Clerk of the House)

(NOTE.—Office numbers with 3 digits are in the Cannon House Office Building, 4 digits beginning with 1 are in the Longworth House Office Building, and 4 digits beginning with 2 are in the Rayburn House Office Building, Washington, DC 20515.)

[Democrats in roman (257), Republicans in italic (177), vacant (1), total 435]

	Office No.
Ackerman, Gary L. (N.Y.)	1725
Akaka, Daniel K. (Hawaii)	2301
Alexander, Bill (Ark.)	233
Anderson, Glenn M. (Calif.)	2329
Andrews, Michael A. (Tex.)	322
Annunzio, Frank (Ill.)	2303
Anthony, Beryl, Jr. (Ark.)	1117
Applegate, Douglas (Ohio)	2183
Archer, Bill (Tex.)	1135
Armey, Richard K. (Tex.)	514
Aspin, Les (Wis.)	2336
Atkins, Chester G. (Mass.)	504
AuCoin, Les (Oreg.)	2159
Badham, Robert E. (Calif.)	2427
Baker, Richard H. (La.)	506
Ballenger, Cass (N.C.)	116
Barnard, Doug, Jr. (Ga.)	2227
Bartlett, Steve (Tex.)	1709
Barton, Joe (Tex.)	1225
Bateman, Herbert H. (Va.)	1527
Bates, Jim (Calif.)	1404
Beilenson, Anthony C. (Calif.)	1025
Bennett, Charles E. (Fla.)	2107
Bentley, Helen Delich (Md.)	1610
Bereuter, Doug (Nebr.)	2446
Berman, Howard L. (Calif.)	137
Bevill, Tom (Ala.)	2302
Biaggi, Mario (N.Y.)	2428
Bilbray, James H. (Nev.)	1431
Bilirakis, Michael (Fla.)	1530
Blaz, Ben [1] (Guam)	1130
Bliley, Thomas J., Jr. (Va.)	213
Boehlert, Sherwood L. (N.Y.)	1641
Boggs, Lindy (Mrs. Hale) (La.)	2353
Boland, Edward P. (Mass.)	2426
Bonior, David E. (Mich.)	2242
Bonker, Don (Wash.)	434
Borski, Robert A. (Pa.)	314
Bosco, Douglas H. (Calif.)	408
Boucher, Rick (Va.)	428
Boulter, Beau (Tex.)	124
Boxer, Barbara (Calif.)	307
Brennan, Joseph E. (Maine)	1428
Brooks, Jack (Tex.)	2449
Broomfield, Wm. S. (Mich.)	2306
Brown, George E., Jr. (Calif.)	2256
Brown, Hank (Colo.)	1424
Bruce, Terry L. (Ill.)	419
Bryant, John (Tex.)	412
Buechner, Jack (Mo.)	502
Bunning, Jim (Ky.)	1123
Burton, Dan (Ind.)	120
Bustamante, Albert G. (Tex.)	1116
Byron, Beverly B. (Md.)	2430
Callahan, Sonny (Ala.)	1232
Campbell, Ben Nighthorse (Colo.)	1724
Cardin, Benjamin L. (Md.)	507
Carper, Thomas R. (Del.)	131
Carr, Bob (Mich.)	2439
Chandler, Rod (Wash.)	223
Chapman, Jim (Tex.)	429
Chappell, Bill, Jr. (Fla.)	2468
Cheney, Dick (Wyo.)	104
Clarke, James McClure (N.C.)	217
Clay, William (Bill) (Mo.)	2470
Clement, Bob (Tenn.)	1020
Clinger, William F., Jr. (Pa.)	1122
Coats, Dan (Ind.)	1417
Coble, Howard (N.C.)	430
Coelho, Tony (Calif.)	403
Coleman, E. Thomas (Mo.)	2344
Coleman, Ronald D. (Tex.)	416
Collins, Cardiss (Ill.)	2264
Combest, Larry (Tex.)	1529
Conte, Silvio O. (Mass.)	2300
Conyers, John, Jr. (Mich.)	2313
Cooper, Jim (Tenn.)	125
Coughlin, Lawrence (Pa.)	2467
Courter, Jim (N.J.)	2422
Coyne, William J. (Pa.)	424
Craig, Larry E. (Idaho)	1034
Crane, Philip M. (Ill.)	1035
Crockett, Geo. W., Jr. (Mich.)	1531
Dannemeyer, William E. (Calif.)	1214
Darden, George (Buddy) (Ga.)	1330
Daub, Hal (Nebr.)	1019
Davis, Jack (Ill.)	1234
Davis, Robert W. (Mich.)	2417
DeFazio, Peter A. (Oreg.)	1729
de la Garza, E (Tex.)	1401
DeLay, Tom (Tex.)	1039
Dellums, Ronald V. (Calif.)	2136
de Lugo, Ron [2] (V.I.)	2238
Derrick, Butler (S.C.)	201
DeWine, Michael (Ohio)	1705
Dickinson, William L. (Ala.)	2406
Dicks, Norman D. (Wash.)	2429
Dingell, John D. (Mich.)	2221
DioGuardi, Joseph J. (N.Y.)	325
Dixon, Julian C. (Calif.)	2400
Donnelly, Brian J. (Mass.)	438
Dorgan, Byron L. (N. Dak.)	238
Dornan, Robert K. (Calif.)	301
Dowdy, Wayne (Miss.)	240
Downey, Thomas J. (N.Y.)	2232
Dreier, David (Calif.)	410
Duncan, John J. (Tenn.)	2206
Durbin, Richard J. (Ill.)	417
Dwyer, Bernard J. (N.J.)	404
Dymally, Mervyn M. (Calif.)	1717
Dyson, Roy (Md.)	224
Early, Joseph D. (Mass.)	2349
Eckart, Dennis E. (Ohio)	1210
Edwards, Don (Calif.)	2307
Edwards, Mickey (Okla.)	2434
Emerson, Bill (Mo.)	418
English, Glenn (Okla.)	2235
Erdreich, Ben (Ala.)	439
Espy, Mike (Miss.)	216
Evans, Lane (Ill.)	328
Fascell, Dante B. (Fla.)	2354
Fauntroy, Walter E.[3] (D.C.)	2135
Fawell, Harris W. (Ill.)	318
Fazio, Vic (Calif.)	2433
Feighan, Edward F. (Ohio)	1124
Fields, Jack (Tex.)	413
Fish, Hamilton, Jr. (N.Y.)	2269
Flake, Floyd H. (N.Y.)	1427
Flippo, Ronnie G. (Ala.)	2334
Florio, James J. (N.J.)	2162
Foglietta, Thomas M. (Pa.)	231
Foley, Thomas S. (Wash.)	1201
Ford, Harold E. (Tenn.)	2305
Ford, William D. (Mich.)	239
Frank, Barney (Mass.)	1030
Frenzel, Bill (Minn.)	1026
Frost, Martin (Tex.)	2459
Fuster, Jaime B.[4] (P.R.)	427
Gallegly, Elton (Calif.)	1020
Gallo, Dean A. (N.J.)	1318
Garcia, Robert (N.Y.)	2338
Gaydos, Joseph M. (Pa.)	2186
Gejdenson, Sam (Conn.)	1410
Gekas, George W. (Pa.)	1519
Gephardt, Richard A. (Mo.)	1432
Gibbons, Sam (Fla.)	2204
Gilman, Benjamin A. (N.Y.)	2160
Gingrich, Newt (Ga.)	2438
Glickman, Dan (Kans.)	1212
Gonzalez, Henry B. (Tex.)	2413
Goodling, William F. (Pa.)	2263
Gordon, Bart (Tenn.)	1517
Gradison, Willis D., Jr. (Ohio)	2311
Grandy, Fred (Iowa)	1711
Grant, Bill (Fla.)	1331
Gray, Kenneth J. (Ill.)	2109
Gray, William H., III (Pa.)	204
Green, Bill (N.Y.)	1110
Gregg, Judd (N.H.)	308
Guarini, Frank J. (N.J.)	2458
Gunderson, Steve (Wis.)	227
Hall, Ralph M. (Tex.)	236
Hall, Tony P. (Ohio)	2448
Hamilton, Lee H. (Ind.)	2187
Hammerschmidt, John Paul (Ark.)	2207
Hansen, James V. (Utah)	1113
Harris, Claude (Ala.)	1009
Hastert, J. Dennis (Ill.)	515
Hatcher, Charles (Ga.)	405
Hawkins, Augustus F. (Calif.)	2371
Hayes, Charles A. (Ill.)	1028
Hayes, James A. (La.)	503
Hefley, Joel (Colo.)	508
Hefner, W.G. (Bill) (N.C.)	2161
Henry, Paul B. (Mich.)	215
Herger, Wally (Calif.)	1108
Hertel, Dennis M. (Mich.)	218
Hiler, John (Ind.)	407
Hochbrueckner, George J. (N.Y.)	1008
Holloway, Clyde C. (La.)	1207
Hopkins, Larry J. (Ky.)	2437
Horton, Frank (N.Y.)	2229
Houghton, Amo (N.Y.)	1217
Howard, James J. (N.J.)	2188
Hoyer, Steny H. (Md.)	1513
Hubbard, Carroll, Jr. (Ky.)	2182
Huckaby, Jerry (La.)	2421
Hughes, William J. (N.J.)	341
Hunter, Duncan (Calif.)	133
Hutto, Earl (Fla.)	2435
Hyde, Henry J. (Ill.)	2104
Inhofe, James M. (Okla.)	1017
Ireland, Andy (Fla.)	2416
Jacobs, Andrew, Jr. (Ind.)	1533
Jeffords, James M. (Vt.)	2431
Jenkins, Ed (Ga.)	203
Johnson, Nancy L. (Conn.)	119
Johnson, Tim (S. Dak.)	513
Jones, Ed (Tenn.)	108
Jones, Walter B. (N.C.)	241
Jontz, Jim (Ind.)	1005
Kanjorski, Paul E. (Pa.)	1518
Kaptur, Marcy (Ohio)	1228
Kasich, John R. (Ohio)	1133
Kastenmeier, Robert W. (Wis.)	2328
Kemp, Jack F. (N.Y.)	2252
Kennedy, Joseph P., II (Mass.)	1631
Kennelly, Barbara B. (Conn.)	1230
Kildee, Dale E. (Mich.)	2262
Kleczka, Gerald D. (Wis.)	226
Kolbe, Jim (Ariz.)	1222
Kolter, Joe (Pa.)	212
Konnyu, Ernest (Calif.)	511
Kostmayer, Peter H. (Pa.)	123
Kyl, Jon L. (Ariz.)	313
LaFalce, John J. (N.Y.)	2367
Lagomarsino, Robert J. (Calif.)	2332
Lancaster, H. Martin (N.C.)	1408
Lantos, Tom (Calif.)	1707
Latta, Delbert L. (Ohio)	2309
Leach, Jim (Iowa)	1514
Leath, Marvin (Tex.)	336
Lehman, Richard H. (Calif.)	1319
Lehman, William (Fla.)	2347
Leland, Mickey (Tex.)	2236
Lent, Norman F. (N.Y.)	2408
Levin, Sander M. (Mich.)	323
Levine, Mel (Calif.)	132
Lewis, Jerry (Calif.)	326
Lewis, John (Ga.)	501
Lewis, Tom (Fla.)	1216
Lightfoot, Jim (Iowa)	1609
Lipinski, William O. (Ill.)	1032
Livingston, Bob (La.)	2412
Lloyd, Marilyn (Tenn.)	2266
Lott, Trent (Miss.)	2185
Lowery, Bill (Calif.)	225
Lowry, Mike (Wash.)	2454
Lujan, Manuel, Jr. (N. Mex.)	1323
Luken, Thomas A. (Ohio)	2368
Lukens, Donald E. "Buz" (Ohio)	117
Lungren, Dan (Calif.)	2440
McCandless, Alfred A. (Al) (Calif.)	435
McCloskey, Frank (Ind.)	127
McCollum, Bill (Fla.)	1507
McCurdy, Dave (Okla.)	409
McDade, Joseph M. (Pa.)	2370
McEwen, Bob (Ohio)	329
McGrath, Raymond J. (N.Y.)	205
McHugh, Matthew F. (N.Y.)	2335

[1] Delegate from Guam.

[2] Delegate from the Virgin Islands.

[3] Delegate from the District of Columbia.

[4] Resident Commissioner from Puerto Rico.

	Office No.
McMillan, J. Alex (N.C.)	401
McMillen, C. Thomas (Md.)	1508
Mack, Connie (Fla.)	228
MacKay, Buddy (Fla.)	330
Madigan, Edward R. (Ill.)	2312
Manton, Thomas J. (N.Y.)	327
Markey, Edward J. (Mass.)	2133
Marlenee, Ron (Mont.)	2465
Martin, David O'B. (N.Y.)	442
Martin, Lynn (Ill.)	1208
Martinez, Matthew G. (Calif.)	109
Matsui, Robert T. (Calif.)	2419
Mavroules, Nicholas (Mass.)	2432
Mazzoli, Romano L. (Ky.)	2246
Meyers, Jan (Kans.)	315
Mfume, Kweisi (Md.)	1107
Mica, Dan (Fla.)	2455
Michel, Robert H. (Ill.)	2112
Miller, Clarence E. (Ohio)	2208
Miller, George (Calif.)	2228
Miller, John (Wash.)	1224
Mineta, Norman Y. (Calif.)	2350
Moakley, Joe (Mass.)	221
Molinari, Guy V. (N.Y.)	208
Mollohan, Alan B. (W. Va.)	516
Montgomery, G.V. (Sonny) (Miss.)	2184
Moody, Jim (Wis.)	1721
Moorhead, Carlos J. (Calif.)	2346
Morella, Constance A. (Md.)	1024
Morrison, Bruce A. (Conn.)	437
Morrison, Sid (Wash.)	1434
Mrazek, Robert J. (N.Y.)	306
Murphy, Austin J. (Pa.)	2210
Murtha, John P. (Pa.)	2423
Myers, John T. (Ind.)	2372
Nagle, David R. (Iowa)	214
Natcher, William H. (Ky.)	2333
Neal, Stephen L. (N.C.)	2463
Nelson, Bill (Fla.)	2404
Nichols, Bill (Ala.)	2405
Nielson, Howard C. (Utah)	1229
Nowak, Henry J. (N.Y.)	2240
Oakar, Mary Rose (Ohio)	2231
Oberstar, James L. (Minn.)	2351
Obey, David R. (Wis.)	2217
Olin, Jim (Va.)	1238
Ortiz, Solomon P. (Tex.)	1524
Owens, Major R. (N.Y.)	114
Owens, Wayne (Utah)	1728
Oxley, Michael G. (Ohio)	1131
Packard, Ron (Calif.)	316
Panetta, Leon E. (Calif.)	339
Parris, Stan (Va.)	1526
Pashayan, Charles, Jr. (Calif.)	129
Patterson, Elizabeth J. (S.C.)	1022
Pease, Donald J. (Ohio)	1127
Pelosi, Nancy (Calif.)	1632
Penny, Timothy J. (Minn.)	436
Pepper, Claude (Fla.)	2239
Perkins, Carl C. (Ky.)	1004
Petri, Thomas E. (Wis.)	2443
Pickett, Owen B. (Va.)	1429
Pickle, J.J. (Tex.)	242
Porter, John Edward (Ill.)	1501
Price, David E. (N.C.)	1223
Price, Melvin (Ill.)	2110
Pursell, Carl D. (Mich.)	1414
Quillen, James H. (Jimmy) (Tenn.)	102
Rahall, Nick Joe, II (W. Va.)	343
Rangel, Charles B. (N.Y.)	2330
Ravenel, Arthur, Jr. (S.C.)	1730
Ray, Richard (Ga.)	425
Regula, Ralph (Ohio)	2209
Rhodes, John J., III (Ariz.)	510
Richardson, Bill (N. Mex.)	332
Ridge, Thomas J. (Pa.)	1714
Rinaldo, Matthew J. (N.J.)	2469
Ritter, Don (Pa.)	2447
Roberts, Pat (Kans.)	1314
Robinson, Tommy F. (Ark.)	1541
Rodino, Peter W., Jr. (N.J.)	2462
Roe, Robert A. (N.J.)	2243
Roemer, Buddy (La.)	103
Rogers, Harold (Ky.)	206
Rose, Charles (N.C.)	2230
Rostenkowski, Dan (Ill.)	2111
Roth, Toby (Wis.)	2352
Roukema, Marge (N.J.)	303
Rowland, J. Roy (Ga.)	423
Rowland, John G. (Conn.)	512
Roybal, Edward R. (Calif.)	2211
Russo, Marty (Ill.)	2233
Sabo, Martin Olav (Minn.)	2201
Saiki, Patricia F. (Hawaii)	1407
St Germain, Fernand J. (R.I.)	2108
Savage, Gus (Ill.)	1121
Sawyer, Tom C. (Ohio)	1338
Saxton, Jim (N.J.)	324
Schaefer, Dan (Colo.)	1317
Scheuer, James H. (N.Y.)	2466
Schneider, Claudine (R.I.)	1512
Schroeder, Patricia (Colo.)	2410
Schuette, Bill (Mich.)	415
Schulze, Richard T. (Pa.)	2369
Schumer, Charles E. (N.Y.)	126
Sensenbrenner, F. James, Jr. (Wis.)	2444
Sharp, Philip R. (Ind.)	2452
Shaw, E. Clay, Jr. (Fla.)	440
Shays, Christopher (Conn.)	1630
Shumway, Norman D. (Calif.)	1203
Shuster, Bud (Pa.)	2268
Sikorski, Gerry (Minn.)	414
Sisisky, Norman (Va.)	426
Skaggs, David E. (Colo.)	1723
Skeen, Joe (N. Mex.)	1007
Skelton, Ike (Mo.)	2453
Slattery, Jim (Kans.)	1440
Slaughter, D. French, Jr. (Va.)	319
Slaughter, Louise MacIntosh (N.Y.)	1313
Smith, Christopher H. (N.J.)	422
Smith, Denny (Oreg.)	1213
Smith, Lamar S. (Tex.)	509
Smith, Lawrence J. (Fla.)	113
Smith, Neal (Iowa)	2373
Smith, Robert C. (N.H.)	115
Smith, Robert F. (Bob) (Oreg.)	118
Smith, Virginia (Nebr.)	2202
Snowe, Olympia J. (Maine)	2464
Solarz, Stephen J. (N.Y.)	1536
Solomon, Gerald B.H. (N.Y.)	2342
Spence, Floyd (S.C.)	2113
Spratt, John M., Jr. (S.C.)	1118
Staggers, Harley O., Jr. (W. Va.)	1504
Stallings, Richard H. (Idaho)	1221
Stangeland, Arlan (Minn.)	2245
Stark, Fortney H. (Pete) (Calif.)	1125
Stenholm, Charles W. (Tex.)	1226
Stokes, Louis (Ohio)	2365
Stratton, Samuel S. (N.Y.)	2205
Studds, Gerry E. (Mass.)	237
Stump, Bob (Ariz.)	211
Sundquist, Don (Tenn.)	230
Sunia, Fofo I.F.[5] (American Samoa)	1206
Sweeney, Mac (Tex.)	1713
Swift, Al (Wash.)	1502
Swindall, Patrick L. (Ga.)	331
Synar, Mike (Okla.)	2441
Tallon, Robin (S.C.)	432
Tauke, Thomas J. (Iowa)	2244
Tauzin, W.J. (Billy) (La.)	222
Taylor, Gene (Mo.)	2134
Thomas, Robert Lindsay (Ga.)	431
Thomas, William M. (Calif.)	2402
Torres, Esteban Edward (Calif.)	1740
Torricelli, Robert G. (N.J.)	317
Towns, Edolphus (N.Y.)	1726
Traficant, James A., Jr. (Ohio)	128
Traxler, Bob (Mich.)	2366
Udall, Morris K. (Ariz.)	235
Upton, Frederick S. (Mich.)	1607
Valentine, Tim (N.C.)	1510
Vander Jagt, Guy (Mich.)	2409
Vento, Bruce F. (Minn.)	2304
Visclosky, Peter J. (Ind.)	420
Volkmer, Harold L. (Mo.)	2411
Vucanovich, Barbara F. (Nev.)	312
Walgren, Doug (Pa.)	2241
Walker, Robert S. (Pa.)	2445
Watkins, Wes (Okla.)	2348
Waxman, Henry A. (Calif.)	2418
Weber, Vin (Minn.)	106
Weiss, Ted (N.Y.)	2442
Weldon, Curt (Pa.)	1233
Wheat, Alan (Mo.)	1204
Whittaker, Bob (Kans.)	2436
Whitten, Jamie L. (Miss.)	2314
Williams, Pat (Mont.)	2457
Wilson, Charles (Tex.)	2265
Wise, Robert E., Jr. (W. Va.)	1421
Wolf, Frank R. (Va.)	130
Wolpe, Howard (Mich.)	1535
Wortley, George C. (N.Y.)	229
Wright, Jim (Tex.)	1236
Wyden, Ron (Oreg.)	1406
Wylie, Chalmers P. (Ohio)	2310
Yates, Sidney R. (Ill.)	2234
Yatron, Gus (Pa.)	2267
Young, C.W. Bill (Fla.)	2407
Young, Don (Alaska)	2331

[5] Delegate from American Samoa.

OFFICERS OF THE HOUSE

Speaker—Jim Wright.
Clerk—Donnald K. Anderson.
Sergeant at Arms—Jack Russ.
Doorkeeper—James T. Molloy.
Postmaster—Robert V. Rota.
Chaplain—James David Ford.

OFFICIAL REPORTERS OF DEBATES

SENATE

G. Russell Walker, Editor in Chief

Official Reporters

William D. Mohr	Jerald D. Linnell
C.J. Reynolds	Raleigh Milton
Frank A. Smonskey	Joel Breitner
Ronald Kavulick	Mary Jane McCarthy

John M. Lacovara, Morning Business Editor
Scott M. Sanborn, Assistant Editor
Karen H. McIntosh, Staff Assistant

L.H. (Jim) Timberlake, Editor, Senate Daily Digest.
Thom G. Pellikaan, Assistant Editor, Senate Daily Digest.

HOUSE

Charles Gustafson, Chief Reporter.
S. Susan Hanback, Deputy Chief Reporter.

Official Reporters

Christopher A. Heil	Carol E. Bradfield
Anthony F. Tartaro	Ray A. Boyum

Edward White, Chief Clerk.
George L. Russell, Assistant Chief Clerk.
Heather B. Mapes, Clerk.
Richard M. Creeger, Clerk.

JOINT ECONOMIC COMMITTEE

Senator Sarbanes (chairman), Representative Hamilton (vice chairman), Senator Proxmire, Senator Bentsen, Senator Kennedy, Senator Melcher, Senator Bingaman, Senator Roth, Senator Symms, Senator D'Amato, Senator Wilson, Representative Hawkins, Representative Obey, Representative Scheuer, Representative Stark, Representative Solarz, Representative Wylie, Representative Snowe, Representative Fish, and Representative McMillan of North Carolina.

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Representative Annunzio (chairman), Senator Ford (vice chairman), Representative Gaydos, Representative Panetta, Representative Badham, Representative Roberts, Senator DeConcini, Senator Gore, Senator Stevens, and Senator Hatfield.

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Senator Pell (chairman), Representative Annunzio (vice chairman), Senator DeConcini, Senator Moynihan, Senator Hatfield, Senator Stevens, Representative Oakar, Representative Jones of Tennessee, Representative Gingrich, and Representative Roberts.

JOINT COMMITTEE ON TAXATION

Representative Rostenkowski (chairman), Senator Bentsen (vice chairman), Representative Gibbons, Representative Pickle, Representative Duncan, Representative Archer, Senator Matsunaga, Senator Moynihan, Senator Packwood, and Senator Dole.

STANDING COMMITTEES OF THE HOUSE

Committee on Agriculture

Messrs. de la Garza (chairman), Jones of North Carolina, Jones of Tennessee, Brown of California, Rose, English, Panetta, Huckaby, Glickman, Coelho, Stenholm, Volkmer, Hatcher, Tallon, Staggers, Evans, Olin, Penny, Stallings, Nagle, Jontz, Johnson of South Dakota, Harris, Campbell, Espy, Lancaster, Madigan, Jeffords, Coleman of Missouri, Marlenee, Hopkins, Stangeland, Roberts, Emerson, Morrison of Washington, Gunderson, Lewis of Florida, Robert F. Smith, Combest, Schuette, Grandy, Herger, and Holloway.

Committee on Appropriations

Messrs. Whitten (chairman), Boland, Natcher, Smith of Iowa, Yates, Obey, Roybal, Stokes, Bevill, Chappell, Alexander, Murtha, Traxler, Early, Wilson, Mrs. Boggs, Messrs. Dicks, McHugh, Lehman of Florida, Sabo, Dixon, Fazio, Hefner, AuCoin, Akaka, Watkins, Gray of Pennsylvania, Dwyer of New Jersey, Hoyer, Carr, Mrazek, Durbin, Coleman of Texas, Mollohan, Thomas of Georgia, Conte, McDade, Myers of Indiana, Miller of Ohio, Coughlin, Young of Florida, Kemp, Regula, Mrs. Smith of Nebraska, Messrs. Pursell, Edwards of Oklahoma, Livingston, Green, Lewis of California, Porter, Rogers, Skeen, Wolf, Lowery of California, Weber, DeLay, and Kolbe.

Committee on Armed Services

Messrs. Aspin (chairman), Price of Illinois, Bennett, Stratton, Nichols, Montgomery, Dellums, Mmes. Schroeder, Byron, Messrs. Mavroules, Hutto, Skelton, Leath of Texas, McCurdy, Foglietta, Dyson, Hertel, Mrs. Lloyd, Messrs. Sisisky, Ray, Spratt, McCloskey, Ortiz, Darden, Robinson, Bustamante, Mrs. Boxer, Messrs. Hochbrueckner, Brennan, Pickett, ——, Dickinson, Spence, Badham, Stump, Courter, Hopkins, Davis of Michigan, Hunter, Martin of New York, Kasich, Mrs. Martin of Illinois, Messrs. Bateman, Sweeney, Blaz, Ireland, Hansen, Rowland of Connecticut, Weldon, Kyl, Ravenel, and Davis of Illinois.

Committee on Banking, Finance and Urban Affairs

Messrs. St Germain (chairman), Gonzalez, Annunzio, Fauntroy, Neal, Hubbard, LaFalce, Ms. Oakar, Messrs. Vento, Barnard, Garcia, Schumer, Frank, Roemer, Lehman of California, Morrison of Connecticut, Ms. Kaptur, Messrs. Erdreich, Carper, Torres, Kleczka, Nelson of Florida, Kanjorski, Manton, Mrs. Patterson, Messrs. McMillen of Maryland, Kennedy, Flake, Mfume, Price of North Carolina, Ms. Pelosi, Messrs. Wylie, Leach of Iowa, Shumway, Parris, McCollum, Wortley, Mrs. Roukema, Messrs. Bereuter, Dreier of California, Hiler, Ridge, Bartlett, Roth, McCandless, McMillan of North Carolina, Saxton, Swindall, Mrs. Saiki, Messrs. Bunning, and DioGuardi.

Committee on the Budget

Messrs. Gray of Pennsylvania (chairman), Foley, Lowry of Washington, Derrick, Miller of California, Williams, Wolpe, Frost, Fazio, Russo, Jenkins, Leath of Texas, Schumer, Mrs. Boxer, Messrs. MacKay, Slattery, Atkins, Oberstar, Guarini, Durbin, Espy, Latta, Gradison, Mack, Goodling, Denny Smith, Boulter, Edwards of Oklahoma, Thomas of California, Rogers, Sundquist, Mrs. Johnson of Connecticut, Messrs. Armey, Buechner, and Houghton.

Committee on the District of Columbia

Messrs. Dellums (chairman), Fauntroy, Mazzoli, Stark, Gray of Pennsylvania, Dymally, Wheat, Morrison of Connecticut, Parris, Bliley, Combest, and Mrs. Martin of Illinois.

Committee on Education and Labor

Messrs. Hawkins (chairman), Ford of Michigan, Gaydos, Clay, Biaggi, Murphy, Kildee, Williams, Martinez, Owens of New York, Hayes of Illinois, Perkins, Sawyer, Solarz, Wise, Penny, Richardson, Robinson, Visclosky, Atkins, Jontz, Jeffords, Goodling, Coleman of Missouri, Petri, Mrs. Roukema, Messrs. Gunderson, Bartlett, Tauke, Armey, Fawell, Henry, Grandy, and Ballenger.

Committee on Energy and Commerce

Messrs. Dingell (chairman), Scheuer, Waxman, Sharp, Florio, Markey, Thomas A. Luken, Walgren, Swift, Leland, Mrs. Collins, Messrs. Synar, Tauzin, Wyden, Hall of Texas, Eckart, Dowdy of Mississippi, Richardson, Slattery, Sikorski, Bryant, Bates, Boucher, Cooper, Bruce, Lent, Madigan, Moorhead, Rinaldo, Dannemeyer, Whittaker, Tauke, Ritter, Coats, Bliley, Fields, Oxley, Nielson of Utah, Bilirakis, Schaefer, Barton of Texas, and Callahan.

Committee on Foreign Affairs

Messrs. Fascell (chairman), Hamilton, Yatron, Solarz, Bonker, Studds, Mica, Wolpe, Crockett, Gejdenson, Dymally, Lantos, Kostmayer, Torricelli, Smith of Florida, Berman, Levine of California, Feighan, Weiss, Ackerman, Udall, Atkins, Clarke, Fuster, Bilbray, Owens of Utah, Sunia, Broomfield, Gilman, Lagomarsino, Leach of Iowa, Roth, Ms. Snowe, Messrs. Hyde, Solomon, Bereuter, Dornan of California, Smith of New Jersey, Mack, DeWine, Burton of Indiana, Mrs. Meyers of Kansas, Messrs. Miller of Washington, Donald E. "Buz" Lukens, and Blaz.

Committee on Government Operations

Messrs. Brooks (chairman), Conyers, Mrs. Collins, Messrs. English, Waxman, Weiss, Synar, Neal, Barnard, Frank, Lantos, Wise, Owens of New York, Towns, Spratt, Kolter, Erdreich, Kleczka, Bustamante, Martinez, Sawyer, Ms. Slaughter of New York, Messrs. Grant, Ms. Pelosi, Messrs. Horton, Walker, Clinger, McCandless, Craig, Nielson of Utah, DioGuardi, Lightfoot, Boulter, Donald E. "Buz" Lukens, Houghton, Hastert, Kyl, Inhofe, and Shays.

Committee on House Administration

Messrs. Annunzio (chairman), Gaydos, Jones of Tennessee, Rose, Panetta, Swift, Ms. Oakar, Messrs. Coelho, Bates, Clay, Gejdenson, Kolter, Frenzel, Dickinson, Badham, Gingrich, Thomas of California, Mrs. Vucanovich, and Mr. Roberts.

Committee on Interior and Insular Affairs

Messrs. Udall (chairman), Miller of California, Sharp, Markey, Murphy, Rahall, Vento, Huckaby, Kildee, Coelho, Mrs. Byron, Messrs. de Lugo, Gejdenson, Kostmayer, Lehman of California, Richardson, Sunia, Darden, Visclosky, Fuster, Levine of California, Clarke, Owens of Utah, Lewis of Georgia, Campbell, DeFazio, Young of Alaska, Lujan, Lagomarsino, Marlenee, Cheney, Pashayan, Craig, Denny Smith, Hansen, Emerson, Mrs. Vucanovich, Messrs. Blaz, Rhodes, Gallegly, and Baker.

Committee on the Judiciary

Messrs. Rodino (chairman), Brooks, Kastenmeier, Edwards of California, Conyers, Mazzoli, Hughes, Synar, Mrs. Schroeder, Messrs. Glickman, Frank, Crockett, Schumer, Morrison of Connecticut, Feighan, Smith of Florida, Berman, Boucher, Staggers, Bryant, Cardin, Fish, Moorhead, Hyde, Lungren, Sensenbrenner, McCollum, Shaw, Gekas, DeWine, Dannemeyer, Swindall, Coble, Slaughter of Virginia, and Smith of Texas.

Committee on Merchant Marine and Fisheries

Messrs. Jones of North Carolina (chairman), Biaggi, Anderson, Studds, Hubbard, Bonker, Hughes, Lowry of Washington, Hutto, Tauzin, Foglietta, Hertel of Michigan, Dyson, Lipinski, Borski, Carper, Bosco, Tallon, Ortiz, Bennett, Manton, Pickett, Brennan, Hochbrueckner, ——, Davis of Michigan, Young of Alaska, Lent, Shumway, Fields, Miss Schneider, Messrs. Bateman, Saxton, Miller of Washington, Mrs. Bentley, Messrs. Coble, Sweeney, Weldon, Mrs. Saiki, Messrs. Herger, Bunning, and Konnyu.

Committee on Post Office and Civil Service

Messrs. Ford of Michigan (chairman), Clay, Mrs. Schroeder, Messrs. Solarz, Garcia, Leland, Yatron, Ms. Oakar, Messrs. Sikorski, McCloskey, Ackerman, Dymally, Udall, de Lugo, Taylor, Gilman, Pashayan, Horton, Myers of Indiana, Young of Alaska, Burton of Indiana, and Mrs. Morella.

Committee on Public Works and Transportation

Messrs. Howard (chairman), Anderson, Roe, Mineta, Oberstar, Nowak, Rahall, Applegate, de Lugo, Savage, Sunia, Bosco, Borski, Kolter, Valentine, Towns, Lipinski, Rowland of Georgia, Wise, Gray of Illinois, Visclosky, Traficant, Chapman, Lancaster, Ms. Slaughter of New York, Messrs. Lewis of Georgia, DeFazio, Cardin, Grant, Skaggs, Hayes of Louisiana, Perkins, Hammerschmidt, Shuster, Stangeland, Gingrich, Clinger, Molinari, Shaw, McEwen, Petri, Sundquist, Mrs. Johnson of Connecticut, Messrs. Packard, Boehlert, Gallo, Mrs. Bentley, Messrs. Lightfoot, Hastert, Inhofe, Ballenger, and Upton.

Committee on Rules

Messrs. Pepper (chairman), Moakley, Derrick, Beilenson, Frost, Bonior of Michigan, Hall of Ohio, Wheat, Gordon, Quillen, Latta, Lott, and Taylor.

Committee on Science, Space, and Technology

Messrs. Roe (chairman), Brown of California, Scheuer, Mrs. Lloyd, Messrs. Walgren, Glickman, Volkmer, Nelson of Florida, Hall of Texas, McCurdy, Mineta, MacKay, Valentine, Torricelli, Boucher, Bruce, Stallings, Traficant, Chapman, Hamilton, Nowak, Perkins, McMillen of Maryland, Price of North Carolina, Nagle, Hayes of Louisiana, Skaggs, Kanjorski, Hochbrueckner, Lujan, Walker, Sensenbrenner, Miss Schneider, Messrs. Boehlert, Lewis of Florida, Ritter, Morrison of Washington, Packard, Smith of New Hampshire, Henry, Fawell, Slaughter of Virginia, Smith of Texas, Konnyu, Buechner, Hefley, Mrs. Morella, and Mr. Shays.

Committee on Small Business

Messrs. LaFalce (chairman), Smith of Iowa, Gonzalez, Thomas A. Luken, Skelton, Mazzoli, Mavroules, Hatcher, Wyden, Eckart, Savage, Roemer, Sisisky, Torres, Cooper, Olin, Ray, Hayes of Illinois, Conyers, Bilbray, Mfume, Flake, Lancaster, Campbell, DeFazio, Price of North Carolina, Martinez, McDade, Conte, Broomfield, Ireland, Hiler, Dreier of California, Slaughter of Virginia, Mrs. Meyers of Kansas, Messrs. Gallo, McMillan of North Carolina, Combest, Baker, Rhodes, Hefley, Upton, Gallegly, and Holloway.

Committee on Standards of Official Conduct

Messrs. Dixon (chairman), Fazio, Dwyer of New Jersey, Mollohan, Gaydos, Atkins, Spence, Myers of Indiana, Hansen, Pashayan, Petri, and Craig.

Committee on Veterans' Affairs

Messrs. Montgomery (chairman), Edwards of California, Applegate, Mica, Dowdy of Mississippi, Evans, Ms. Kaptur, Messrs. Penny, Staggers, Rowland of Georgia, Bryant, Florio, Gray of Illinois, Kanjorski, Robinson, Stenholm, Harris, Kennedy, Mrs. Patterson, Messrs. Johnson of South Dakota, Jontz, Solomon, Hammerschmidt, Wylie, Stump, McEwen, Smith of New Jersey, Burton of Indiana, Bilirakis, Ridge, Rowland of Connecticut, Dornan of California, Smith of New Hampshire, and Davis of Illinois.

Committee on Ways and Means

Messrs. Rostenkowski (chairman), Gibbons, Pickle, Rangel, Stark, Jacobs, Ford of Tennessee, Jenkins, Gephardt, Downey of New York, Guarini, Russo, Pease, Matsui, Anthony, Flippo, Dorgan of North Dakota, Mrs. Kennelly, Messrs. Donnelly, Coyne, Andrews, Levin of Michigan, Moody, Duncan, Archer, Vander Jagt, Crane, Frenzel, Schulze, Gradison, Thomas of California, McGrath, Daub, Gregg, Brown of Colorado, and Chandler.

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

Washington, DC 20001, Phone 535-3300

Spottswood W. Robinson III, Chief Judge

Circuit Judges

J. Skelly Wright	Kenneth W. Starr
Patricia M. Wald	Laurence H. Silberman
Abner J. Mikva	James L. Buckley
Harry T. Edwards	——
Ruth Bader Ginsburg	——

Senior Circuit Judges

David L. Bazelon	George E. MacKinnon
Carl McGowan	

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

National Courts Building, 717 Madison Place NW., Washington, DC 20439, Phone 633-6550

Howard T. Markey, Chief Judge

Circuit Judges

Daniel M. Friedman	Helen W. Nies
Giles S. Rich	Pauline Newman
Oscar H. Davis	Jean Galloway Bissell
Phillip B. Baldwin	Glenn L. Archer, Jr.
Edward S. Smith	

Senior Circuit Judges

Don L. Laramore	Philip Nichols, Jr.
Wilson Cowen	Jack R. Miller
Byron G. Skelton	Marion T. Bennett

UNITED STATES DISTRICT JUDGES

District of Columbia

Washington, DC 20001, Phone 535-3515

Aubrey E. Robinson, Jr., Chief Judge

District Judges

Gerhard A. Gesell	Norma H. Johnson
John H. Pratt	Thomas P. Jackson
Charles R. Richey	Thomas F. Hogan
Louis F. Oberdorfer	Stanley S. Harris
Harold H. Greene	George H. Revercomb
John Garrett Penn	Stanley Sporkin
Joyce Hens Green	

U.S. COURT OF MILITARY APPEALS

Fifth and E Streets NW., Washington, DC 20042, Phone 272-1448

Chief Judge	Robinson O. Everett
Judge	Walter T. Cox III
Judge	Eugene R. Sullivan

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate

Chamber Action

Routine Proceedings, pages S1633–S1671

Measures Introduced: Four bills and two resolutions were introduced, as follows: S. 2112–2115, and S. Res. 388–389.

Page S1657

Polygraph Protection Act: By 74 yeas to 19 nays (Vote No. 33), Senate agreed to a motion to proceed to consider S. 1904, to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce.

Page S1638

Senate began consideration of the bill, with a committee amendment in the nature of a substitute, taking action on amendments proposed thereto, as follows:

Adopted:

Kennedy Amendment No. 1474, of a technical nature.

Page S1655

Withdrawn:

Thurmond Amendment No. 1472, to require a health warning on containers of alcoholic beverages.

Page S1649

A motion was entered to close further debate on S. 1904, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Thursday, March 3.

Page S1656

Senate will continue consideration of the bill and amendments proposed thereto on Wednesday, March 2.

Removal of Injunction of Secrecy: The injunction of secrecy was removed from a Supplementary Protocol to the 1970 Tax Convention with Belgium (Treaty Doc. No. 100–15), transmitted to the Senate by the President of the United States, on Monday, February 29, was considered as having been read the first time, and was referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed.

Page S1655

Appointments:

Mexico-U.S. Interparliamentary Group: The Presiding Officer, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appointed Senators Murkowski and McCain as members of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the 2d Session of the 100th Congress, to be held in New Orleans, Louisiana, March 4–8, 1988.

Page S1656

Communications: Page S1656

Statements on Introduced Bills: Page S1657

Amendments Submitted: Page S1667

Additional Cosponsors: Page S1664

Authority for Committees: Page S1668

Additional Statements: Page S1668

Record Votes: One record vote was taken today. (Total—33)

Page S1638

Adjournment: Senate convened at 12:15 p.m., and adjourned at 5:07 p.m., until 10 a.m., on Wednesday, March 2. (For Senate's program, see the remarks of Senator Byrd in today's Record on page S1671.)

Committee Meetings

(Committees not listed did not meet)

HUNGER IN AMERICA

Committee on Agriculture, Nutrition, and Forestry: Committee held hearings on national nutrition programs and their impact on the homeless and people living in poverty, receiving testimony from Senators Bond, Metzenbaum, DeConcini, and Heinz; Sara Barwinski, Missouri Food and Stamp Outreach Task Force, Missouri Statewide Hunger Task Force, St.

Louis; Matthew Habash, Mid-Ohio Food Bank, Columbus; Tom McDonough, Cleveland Food Bank, Cleveland, Ohio; Ginny Hildebrand, Association of Arizona Food Banks, and Mary Jo Henny, Arizona Department of Economic Security, both of Phoenix; Janet Ney, Lehigh Valley Food Bank, Pennsylvania Association of Regional Food Banks, Bethlehem, Pennsylvania; James Stephenson, Pennsylvania Coalition on Food and Nutrition, Harrisburg; Jane Wynn, Broward County, Florida, Shirley Watkins, Memphis, Tennessee, Mary Klatko, Howard County, Maryland, and Marshall Matz, Holland and Knight, Washington, DC, all on behalf of the American School Food Service Association; and Charles Hughes, New York, New York, on behalf of the American Federation of State County Municipal Employees.

Hearings were recessed subject to call.

1989 BUDGET

Committee on Appropriations: Committee held hearings on the President's proposed budget for fiscal year 1989, receiving testimony from James A. Baker III, Secretary of the Treasury.

Hearings continue on Friday, March 4.

APPROPRIATIONS—AGRICULTURE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies held hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, receiving testimony from Orville G. Bentley, Assistant Secretary for Science and Education, Jerry B. Kinney, Jr., Administrator, Agricultural Research Service, John Patrick Jordan, Administrator, Cooperative State Research Service, Myron D. Johnsrud, Administrator, Extension Service, and Steve Dewhurst, Budget Office, all of the Department of Agriculture.

Subcommittee will meet again on Thursday, March 3.

APPROPRIATIONS—NATIONAL ENDOWMENTS/MUSEUM SERVICES

Committee on Appropriations: Subcommittee on the Interior and Related Agencies held hearings on proposed budget estimates for fiscal year 1989, receiving testimony in behalf of funds for their respective activities from Frank Hodsoll, Chairman, National Endowment for the Humanities; Lynne V. Cheney, Chairperson, National Endowment for the Arts; and Lois Burke Shepard, Director, Institute of Museums Services.

Subcommittee will meet again tomorrow.

AUTHORIZATIONS—DEFENSE

Committee on Armed Services: Subcommittee on Strategic Forces and Nuclear Deterrence continued closed hearings on proposed legislation authorizing funds for fiscal year 1989 for the Department of Defense, focusing on military requirements for strategic defenses and relationship to Phase I plans and capabilities, receiving testimony from Lt. General James A. Abrahamson, Director, Strategic Defense Initiative Organization; and Gen. Robert T. Herres, Vice Chairman, Joint Chiefs of Staff.

Hearings continue on Friday, March 4.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Paul Freedenberg, of Maryland, to be Under Secretary of Commerce for Export Administration, Frank G. Zarb, of New York, to be a Director of the Securities Investor Protection Corporation, and Mark E. Buchman, of California, to be President, Government National Mortgage Association.

Also, the committee began consideration of proposed legislation to reform the regulation of financial services, but did not complete action thereon, and will meet again tomorrow.

1989 BUDGET

Committee on the Budget: Committee resumed hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget, receiving testimony from Robert Hale, Assistant Director, National Security Division, Congressional Budget Office; Jeane J. Kirkpatrick, American Enterprise Institute; and Paul Kennedy, Yale University, New Haven, Connecticut.

Hearings continue tomorrow.

INTERIOR/ENERGY BUDGET REQUESTS

Committee on Energy and Natural Resources: Committee held hearings to review those programs which fall within its jurisdiction as contained in the President's proposed budget for fiscal year 1989, receiving testimony in behalf of funds for their respective activities from Donald P. Hodel, Secretary of the Interior; and John S. Herrington, Secretary of Energy.

Hearings continue on Thursday, March 3.

NUTRITION MONITORING

Committee on Governmental Affairs: Committee held hearings on proposals to establish a national nutrition monitoring and related research program, receiving testimony from Michael McGinnis, Deputy Assistant Secretary for Health, Office of Health Promotion and Disease Prevention, and Peter Greenwald, Division of Cancer Prevention and Control, National Cancer Institute, both of the Department of Health and Human Services; Walter Willett, Harvard University, Cambridge, Massachusetts; Colin Campbell, Cornell University, Ithaca, New York; John LaRosa, George Washington University Medi-

cal Center, Washington, DC; Myron Winick, Columbia University, New York, New York; and Irwin H. Rosenberg, Tufts University, Medford, Massachusetts.

Hearings continue on Tuesday, March 22.

SMALL MANUFACTURERS—ADVANCED TECHNOLOGY

Committee on Small Business: Subcommittee on Innovation, Technology and Productivity held hearings to examine the use of advanced manufacturing technologies by small business, and the difficulties small business capital formation and tax policy have on small business use of advanced technology, receiving testimony from Robert B. Costello, Under Secretary of Defense; D. Bruce Merrifield, Assistant Secretary of Commerce for Productivity, Technology and Innovation; Harold Corner, C&J Industries, Meadville, Pennsylvania, representing the National Tooling and Machining Association; Pat V. Costa, Robotic Vision Systems, Inc., Hauggauge, New York; William C. Norris, Control Data Corporation, Minneapolis, Minnesota; George N. Hatsopoulos, Thermo Electric Corporation, Waltham, Massachusetts; and Alan Auerbach, University of Pennsylvania, Philadelphia.

Hearings were recessed subject to call.

INTELLIGENCE OVERSIGHT

Select Committee on Intelligence: Committee resumed hearings on S. 1818, to make requirements for the preparation, and transmittal to the Congress, of Presidential findings for certain intelligence operations, to provide mandatory penalties for deceiving Congress, and to establish an Independent Inspector General for the Central Intelligence Agency, receiving testimony from William H. Webster, Director of Central Intelligence; June Gibbs Brown, Inspector General, Department of Defense; Charles A. Bowsher, Comptroller General, United States General Accounting Office; and Sherman M. Funk, Inspector General, Department of State.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 12 public bills, H.R. 4040–4051; 1 private bill, H.R. 4052; and 8 resolutions, H.J. Res. 477 and 478, H. Con. Res. 252–254, and H. Res. 390–392 were introduced.

Page H545

Reports Filed: Reports were filed as follows:

H. Res. 390, providing for the consideration of a joint resolution to provide assistance and support for peace, democracy and reconciliation in Central America (H. Rept. 100–507); and

H. Res. 391, providing for the consideration of S. 557, to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964 (H. Rept. 100–508).

Page H545

Journal: By a yea-and-nay vote of 214 yeas to 88 nays with 2 voting "present", Roll No. 13, the House approved the Journal of Monday, February 29.

Page H521

Private Calendar: Agreed to dispense with the call of the Private Calendar today.

Page H521

Presidential Message—Travel Outlays: Read a message from the President wherein he transmits his report specifying his determination of the uniform percentage necessary to reduce outlays for travel, transportation, and subsistence by $23.6 million in accounts within the Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1988—referred to the Committee on Appropriations.

Page H522

Big Cypress Preserve Addition: House voted to suspend the rules and pass S. 90, amended, to establish the Big Cypress National Preserve Addition in the State of Florida.

Page H526

Alabama Metropolitan Statistical Area: House completed all debate on a motion to suspend the rules and pass S. 1447, to designate Morgan and Lawrence Counties in Alabama as a single metropolitan statistical area; on which the vote was postponed until Wednesday, March 2.

Page H529

School Improvement Act: By a yea-and-nay vote of 274 yeas to 17 nays with 24 voting "present", Roll No. 14, the House agreed to the Dannemeyer motion to instruct House conferees in the conference on H.R. 5, to improve elementary and secondary education, to agree to section 7003 of the Senate amendment (dial-a-porn prohibition).

Page H532

Referrals: Twenty-three Senate-passed measures were referred to the appropriate House committees.
Page H544

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of the House today and appear on pages H521, H533. There were no quorum calls.

Adjournment: Met at noon and adjourned at 2:53 p.m.

Committee Meetings

FOREST SERVICE BUDGET

Committee on Agriculture: Subcommittee on Forests, Family Farms and Energy held a hearing on the Forest Service budget for fiscal year 1989. Testimony was heard from F. Dale Robertson, Chief, Forest Service, USDA.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on fiscal year 1989 Navy Posture. Testimony was heard from the following officials of the Department of the Navy: H. Lawrence Garrett III, Acting Secretary; Adm. C.A.H. Trost, Chief of Naval Operations; and Gen. Alfred M. Gray, Commandant, U.S. Marine Corps.

HUD-INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on HUD-Independent Agencies held a hearing on Selective Service System. Testimony was heard from the following officials of the Selective Service System: Samuel Kendrick Lessey, Jr., Director; and G. Huntington Banister, Comptroller.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on DOE: Energy Information Administration; Energy Regulatory Administration; Office of Hearings and Appeals; and on Emergency Preparedness. Testimony was heard from the following officials of the Department of Energy: Helmut A. Merklein, Administrator, Energy Information Administration; Chandler L. van Orman, Deputy Administrator, Energy Regulatory Administration; George B. Breznay, Director, Office of Hearings and Appeals; and David B. Waller, Assistant Secretary, International Affairs and Energy Emergencies.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor-HHS-Education held a hearing on Secretary of Education. Testimony was heard from William J. Bennett, Secretary of Education.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on Overview of fiscal year 1989 DOD Budget, and on Overview of fiscal year 1989 Military Construction Program. Testimony was heard from the following officials of the Department of Defense: Robert W. Helm, Assistant Secretary (Comptroller); and Robert A. Stone, Deputy Assistant Secretary (Installations).

RURAL DEVELOPMENT, AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Rural Development, Agriculture and Related Agencies held a hearing on Budget Overview. Testimony was heard from Stephen B. Dewhurst, Budget Officer, USDA.

TREASURY-POSTAL SERVICE-GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury-Postal Service-General Government held a hearing on Public Debt, Savings Bonds, and on Financial Management Service. Testimony was heard from the following officials of the Department of the Treasury: Gerald Murphy, Fiscal Assistant Secretary; Richard L. Gregg, Commissioner, Bureau of the Public Debt; Jerrold B. Speers, Executive Director, U.S. Savings Bonds Division; and William E. Douglas, Director, Financial Management Service.

DEFENSE COMMITMENTS

Committee on Armed Services: Defense Burdensharing Panel continued hearings on U.S. defense commitments, the cost of those commitments, how the burden of providing for allied defense is shared among nations, and the defense alliances. Testimony was heard from the following officials of the Department of Defense: Fred Ikle, Under Secretary, Policy; and Albert Wohlstetter, both Co-Chairmen, Commission on Integrated Long-Term Strategy; and public witnesses.

Hearings continue tomorrow.

DEFENSE NUCLEAR FACILITIES SAFETY AGENCY ACT

Committee on Armed Services: Subcommittee on Procurement and Military Nuclear Systems held a hearing on establishing a permanent independent oversight body for defense-related atomic energy activities, and similar proposals, including consideration of H.R. 2047, Defense Nuclear Facilities Safety Agency Act. Testimony was heard from Representa-

tive Dicks; Joseph S. Salgado, Under Secretary, Department of Energy; and a public witness.

Hearings continue tomorrow.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Readiness held a hearing on the operation and maintenance portion of the fiscal year 1989 defense budget, including an overview of the following: Department of Defense O&M account and details of the Defense Agencies account; and the Army O&M account. Testimony was heard from the following officials of the Department of Defense: Lt. Gen. Vincent M. Russo, Director, Defense Logistics Agency; and John W. Beach, Deputy Director, Resource Management; the following officials of the Department of the Army: Lt. Gen. Max W. Noah, Comptroller; and Brig. Gen. Richard J. Mallion, Assistant Director, Army Budget Operations.

Hearings continue tomorrow.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Research and Development held a hearing on the research, development, test and evaluation portion of the fiscal year 1989 defense budget. Testimony was heard from the following officials of the Department of Defense: Robert C. Duncan, Director, Defense Research and Engineering; Lawrence Woodruff, Deputy Under Secretary, Strategic and Theater Nuclear Forces; Donald N. Frederickson, Deputy Under Secretary, Tactical Warfare Programs; and VAdm. John T. Parker, Director, Defense Nuclear Agency.

Hearings continue tomorrow.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Seapower and Strategic and Critical Materials met in executive session to hold a hearing on the seapower-related procurement portion of the fiscal year 1989 defense budget. Testimony was heard from RAdm. William O. Studeman, Director, Naval Intelligence, Department of the Navy.

BUDGET PROPOSALS

Committee on the Budget: Continue hearings on the Administration's fiscal year 1989 budget proposals. Testimony was heard from Frank C. Carlucci, Secretary of Defense.

Hearings continue tomorrow.

CLEAN AIR ACT AMENDMENTS AND ACID DEPOSITION CONTROL ACT

Committee on Energy and Commerce: Subcommittee on Health and the Environment continued markup of the Clean Air Act Amendments of 1987; and the Acid Deposition Control Act of 1987.

Will continue tomorrow.

U.S./CANADA FREE TRADE AGREEMENT

Committee on Energy and Commerce: Subcommittee on Energy and Power held a hearing on U.S./Canada Free Trade Agreement. Testimony was heard from public witnesses.

FLEXIBLE BENEFIT PLAN FOR FEDERAL WORKERS

Committee on Government Operations: Subcommittee on Employment and Housing held a hearing on A "Cafeteria" Flexible Benefit Plan for Federal Workers? Testimony was heard from Constance Horner, Director, Office of Personnel Management.

COMMITTEE FUNDING

Committee on House Administration: Subcommittee on Accounts met to consider committee funding requests for the following Committees: Veterans' Affairs; Select Committees on: Aging, Narcotics Abuse and Control; Children, Youth and Families; and Hunger.

OVERSIGHT

Committee on Interior and Insular Affairs: Subcommittee on Energy and the Environment held an oversight hearing on fiscal year 1989 budget requests for the Department of Energy (DOE). Testimony was heard from the following officials of the Department of Energy: John S. Herrington, Secretary; Theodore J. Garrish, Assistant Secretary, Nuclear Energy; and Charles E. Kay, Director, Office of Civilian Radioactive Waste Management.

BUDGET REQUEST

Committee on Interior and Insular Affairs: Subcommittee on Mining and Natural Resources held a hearing on fiscal year 1989 budget requests for the following: Bureau of Mines; U.S. Geological Survey; the Minerals Management Service; and the energy and minerals management activities of the Bureau of Land Management. Testimony was heard from the following officials of the Department of the Interior: Dallas L. Peck, Director, U.S. Geological Survey; David S. Brown, Acting Director, Bureau of Mines; William D. Bettenberg, Director, Minerals Management Service; and Roland G. Robison, Deputy Director, Bureau of Land Management.

OVERSIGHT

Committee on Interior and Insular Affairs: Subcommittee on National Parks and Public Lands held an oversight hearing on fiscal year 1989 budget for the Bureau of Land Management. Testimony was heard from Robert F. Burford, Director, Bureau of Land Management, Department of the Interior; James Duffus III, GAO; and public witnesses.

NATURAL GAS PIPELINE SAFETY ACT AND HAZARDOUS LIQUID PIPELINE SAFETY ACT; RECENT BRIDGE FAILURE

Committee on Public Works and Transportation: Subcommittee on Surface Transportation met and considered H.R. 2266, to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1988 and 1989.

The Subcommittee also held a hearing on a recent bridge failure in DeValls Bluff, Arkansas. Testimony was heard from Representative Alexander; Ronald Heinz, Associate Administrator, Engineering and Program Development, Federal Highway Administration, Department of Transportation; Maurice Smith, Director, State Highway and Transportation Department, State of Arkansas; and George E. Roberts, Mayor, DeValls Bluff, Arkansas.

NRC'S PROPOSAL TO WITHDRAW FROM THE SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Committee on Small Business: Held a hearing on NRC's proposal to withdraw from the Small Business Innovation Research Program. Testimony was heard from Richard J. Shane, Assistant Administrator, Innovation, Research and Technology, SBA; Denwood F. Ross, Deputy Director, Research, Office of Nuclear Regulatory Research, NRC; and Flora H. Milans, Associate Director, Resource, Community and Economic Development Division, GAO; and public witnesses.

STATUS OF THE MEDICARE HOSPITAL PROSPECTIVE PAYMENT SYSTEM

Committee on Ways and Means: Subcommittee on Health held a hearing on the status of the Medicare Hospital Prospective Payment system. Testimony was heard from Michael Zimmerman, Senior Associate Director, Human Resources Division, GAO; Dr. Stuart Altman, Chairman, Prospective Payment Assessment Commission; and public witnesses.

SOCIAL SECURITY AMENDMENTS

Committee on Ways and Means: Subcommittee on Social Security approved for full Committee action as amended minor and technical social security amendments.

ASSISTANCE TO SUPPORT THE PEACE PROCESS IN CENTRAL AMERICA

Committee on Rules: Granted a rule providing that upon its adoption it shall be in order for Mr. Michel or his designee to move that the House resolve itself into the Committee of the Whole for the consideration of a joint resolution printed in section 1 of the report to accompany this resolution. The joint resolution is debatable for two hours, to be equally divided and controlled by the majority and minority leaders. No amendment to the joint resolution is in order except the amendment printed in section 2 of the report accompanying this resolution, by Representative Foley, or his designee, to be debatable for one hour, equally divided and controlled by the proponent and a Member opposed thereto. The amendment is not subject to amendment. The rule provides one motion to commit which may not contain instructions. The rule further provides that if the joint resolution made in order by the rule is not considered, it shall be in order to consider in the House a joint resolution to provide assistance and support for peace, democracy and reconciliation in Central America, if offered by Representative Foley or his designee, consisting of the text printed in section 2 of the report accompanying this resolution, debatable for two hours, to be equally divided and controlled by the majority and minority leaders. Finally, the rule provides one motion to commit which may not contain instructions.

CIVIL RIGHTS RESTORATION ACT

Committee on Rules: Granted a modified closed rule providing one hour of debate on S. 557, Civil Rights Restoration Act of 1987. The rule provides that no amendment to the bill is in order in the House or in the Committee of the Whole except an amendment in the nature of a substitute printed in the report accompanying this resolution, if offered by Rep. Michel, or his designee. The substitute is debatable for one hour, equally divided and controlled by the proponent of the amendment and a Member opposed thereto. The substitute is not subject to amendment. Finally, the rule provides one motion to recommit. Testimony was heard from Representatives Rodino, Edwards of California, Hawkins, Oakar, Stenholm, Sensenbrenner, Michel, Gekas, Bartlett, and Henry.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D110)*

H.R. 1612, authorizing appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1988 and 1989. Signed February 29, 1988. (P.L. 100–252)

S. 2022, to amend title 38, United States Code, to authorize reduction under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments. Signed February 29, 1988. (P.L. 100–253)

S.J. Res. 122, to designate the period October 18–24, 1987, as "Gaucher's Disease Awareness Week". Signed February 29, 1988. (P.L. 100–254)

COMMITTEE MEETINGS FOR WEDNESDAY, MARCH 2, 1988

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Interior and Related Agencies, to hold hearings on proposed budget estimates for fiscal year 1989 for the Economic Regulatory Administration, Office of Hearings and Appeals, and the Energy Information Administration, Department of Energy, 10 a.m., SD–192.

Subcommittee on Energy and Water Development, to hold hearings to review those programs administered by the Corps of Engineers, 2 p.m., SD–192.

Committee on Armed Services, Subcommittee on Strategic Forces and Nuclear Deterrence and Subcommittee on Conventional Forces and Alliance Defense, to hold closed joint hearings to review special access programs of the Department of Defense, and the possible impact of the Intermediate-Range Nuclear Forces (INF) Treaty on these programs, 9 a.m., S–407, Capitol.

Committee on Banking, Housing, and Urban Affairs, business meeting, to continue consideration of proposed legislation to reform the regulation of financial services, 10 a.m., SD–538.

Committee on the Budget, to continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget, 9:30 a.m., SD–608.

Committee on Commerce, Science, and Transportation, Subcommittee on Science, Technology, and Space, to hold hearings on the President's proposed budget request for fiscal year 1989 for the National Aeronautics and Space Administration, 9:30 a.m., and 3 p.m., SR–253.

Committee on Energy and Natural Resources, business meeting, to consider pending calendar business, 9:30 a.m., SD–366.

Committee on Environment and Public Works, to hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Environmental Protection Agency, 10 a.m., SD–406.

Full Committee, to hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Nuclear Regulatory Commission, 2 p.m., SD–406.

Committee on Labor and Human Resources, business meeting, to consider pending calendar business, 9:30 a.m., SD–430.

Committee on Small Business, to hold hearings on proposed legislation to govern administration of the small business timber sale set-aside program, 2 p.m., SR–428A.

House

Committee on Agriculture, Subcommittee on Livestock, Dairy and Poultry, hearing and markup of H.R. 3870, to amend the Agricultural Act of 1949 to establish joint liability for certain breaches of contracts made under the milk production termination program, 2:30 p.m., 1302 Longworth.

Committee on Appropriations, Subcommittee on Commerce, Justice, State and Judiciary, on Office of the U.S. Trade Representative, and International Trade Commission, 10 a.m., and on Commission on Civil Rights, and State Justice Institute, 2 p.m., H–310 Capitol.

Subcommittee on Defense, on Environmental Restoration, 10 a.m., and on Civilian Manpower Overview, 1:30 p.m., H–140 Capitol.

Subcommittee on Energy and Water Development, on Corps of Engineers-South Atlantic Division, and Remaining Items, 10 a.m., 2362 Rayburn.

Subcommittee on Foreign Operations, Export Financing and Related Programs, executive, classified briefings on: Nuclear-Non-Proliferation; and Afghanistan, 10 a.m., and, executive, on Middle East Military Balance; and Iran-Iraq, 2 p.m., H–308 Capitol.

Subcommittee on HUD-Independent Agencies, on Federal Home Loan Bank Board, 10 a.m., and on Council on Environmental Quality, 2 p.m., H–143 Capitol.

Subcommittee on Interior, on Public Witnesses (Indian Issues), 10 a.m., and 1:30 p.m., B–308 Rayburn.

Subcommittee on Labor-HHS-Education, on Health Resources and Services Administration, 10 a.m., on Alcohol, Drug Abuse and Mental Health Administration, and on St. Elizabeths Hospital, 2 p.m., 2358 Rayburn.

Subcommittee on Military Construction, on Army Military Construction, 9:30 a.m., B–300 Rayburn.

Subcommittee on Rural Development, Agriculture and Related Agencies, on Office of the Inspector General Overview, and on Office of Governmental and Public Affairs, 1 p.m., 2362 Rayburn.

Subcommittee on Transportation, on Interstate Commerce Commission, 10 a.m., and 2 p.m., 2358 Rayburn.

Subcommittee on Treasury-Postal Service-General Government, on Alcohol, Tobacco and Firearms, Federal Law Enforcement Training Center, and on Office of the Secretary/International Affairs, 1 p.m., H–164 Capitol.

Committee on Armed Services, Defense Burdensharing Panel, to continue hearings on U.S. defense commitments, the cost of those commitments, how the burden of providing for allied defense is shared among nations, and the defense alliances, 10 a.m., 340 Cannon.

Subcommittee on Military Installations and Facilities, hearing on the military construction portion of the fiscal year 1989 defense budget, 2 p.m., 2337 Rayburn.

Subcommittee on Procurement and Military Nuclear Systems, to continue hearings on establishing a permanent independent oversight body for defense-related atomic energy activities, and similar proposals, including consideration of H.R. 2047, Defense Nuclear Facilities Safety Agency Act, 9:30 a.m., and executive, 2 p.m., 2118 Rayburn.

Subcommittee on Readiness, to continue hearings on the operation and maintenance portion of the fiscal year 1989 defense budget, 10 a.m., 2216 Rayburn.

Subcommittee on Readiness, Special Operations Panel, hearing and status report regarding the establishment of the Office of the Assistant Secretary of Defense for Spe-

cial Operations and Low-Intensity Conflict, 2 p.m., 2216 Rayburn.

Subcommittee on Research and Development, to continue hearings on the research, development, test and evaluation portion of the fiscal year 1989 defense budget, 10 a.m., and 2 p.m., 2212 Rayburn.

Committee on the Budget, to continue hearings on the Administration's fiscal year 1989 budget proposals, 9:30 a.m., and 2 p.m., 210 Cannon.

Committee on Energy and Commerce, Subcommittee on Health and the Environment, to continue markup of the Clean Air Act Amendments of 1987; and the Acid Deposition Control Act of 1987, time to be announced, 2123 Rayburn.

Committee on Foreign Affairs, hearing on the U.S.-Japan Nuclear Cooperation Agreement, 1:30 p.m., 2172 Rayburn.

Committee on Government Operations, Subcommittee on Commerce, Consumer and Monetary Affairs, to continue hearings on H.R. 3675, Real Estate Appraisal Reform Act of 1987, 10 a.m., 2247 Rayburn.

Committee on Interior and Insular Affairs, oversight hearing on fiscal year 1989 Department of the Interior budget request, 9:45 a.m., 1324 Longworth.

Committee on Public Works and Transportation, Subcommittee on Investigations and Oversight, hearing on the Boeing Commercial Airplane Company's proposal to remove overwing exit doors on certain existing and future production B–747 series aircraft, and on the FFA's proposed rule to limit distance between emergency exit doors, 9:30 a.m., 2154 Rayburn.

Subcommittee on Water Resources, hearing on toxic pollution in the Great Lakes, including accumulated toxics in bottom sediments, the effect of such pollution, and remedial efforts, 10 a.m., 2167 Rayburn.

Committee on Science, Space, and Technology, Subcommittee on Energy Research and Development, hearings on DOE authorization-Fossil Energy, 9:30 a.m., 2318 Rayburn.

Subcommittee on Science, Research and Technology, hearing on H.R. 3704, Hotel and Motel Fire Safety Act of 1987, 1 p.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Regulation and Business Opportunities, hearing on potential public health threat posed by inaccurate laboratory testing, 10 a.m., 2359A Rayburn.

Committee on Veterans' Affairs, hearing on proposed VA budget for fiscal year 1989, 9 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Public Assistance and Unemployment, to continue hearings on the Child Support Enforcement program, 10 a.m., B–318 Rayburn.

Subcommittee on Select Revenue Measures, hearing on low-income housing tax credits and the role of tax policy in preserving the stock of low-income housing, 10 a.m., 1100 Longworth.

Select Committee on Aging, hearing on "Mental Health and Aging: A Call for Federal Action," 9 a.m., 2322 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Program and Budget Authorization, executive, hearings on fiscal year 1989 National Foreign Intelligence Program Budget, 9 a.m., H–405 Capitol.

Résumé of Congressional Activity

SECOND SESSION OF THE ONE-HUNDREDTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 25 through February 29, 1988

	Senate	*House*	*Total*
Days in session	19	17	..
Time in session	141 hrs., 39'	44 hrs., 18'	..
Congressional Record:			
Pages of proceedings	1,632	520	2,152
Extensions of Remarks	..	..	422
Public bills enacted into law	5	4	9
Private bills enacted into law	..	..	..
Bills in conference	3	4	..
Measures passed, total	63	26	89
Senate bills	12	2	..
House bills	4	6	..
Senate joint resolutions	35	5	..
House joint resolutions	1	3	..
Senate concurrent resolutions	..	..	..
House concurrent resolutions	2	4	..
Simple resolutions	9	6	..
Measures reported, total	*68	*7	75
Senate bills	12	1	..
House bills	1	2	..
Senate joint resolutions	35	..	..
House joint resolutions	..	..	..
Senate concurrent resolutions	..	..	..
House concurrent resolutions	..	..	..
Simple resolutions	20	4	..
Special reports	1	..	..
Conference reports	..	..	..
Measures pending on calendar	70	53	..
Measures introduced, total	179	298	477
Bills	113	199	..
Joint resolutions	28	39	..
Concurrent resolutions	4	16	..
Simple resolutions	34	44	..
Quorum calls	11	2	..
Yea-and-nay votes	32	9	..
Recorded votes	..	1	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

*These figures include all measures reported, even if there was no accompanying report. A total of 19 report have been filed in the Senate, a total of 7 have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 25 through February 29, 1988

Civilian nominations, totaling 162 (including 112 nominations carried over from the first session), disposed of as follows:
- Confirmed 39
- Unconfirmed 122
- Withdrawn 1

Civilian nominations (lists), totaling 56 (including 10 nominations carried over from the first session), disposed of as follows:
- Confirmed 43
- Unconfirmed 13

Air Force nominations, totaling 6,430 (including 2,955 nominations carried over from the first session), disposed of as follows:
- Confirmed 2,870
- Unconfirmed 3,560

Army nominations, totaling 2,583 (including 2,361 nominations carried over from the first session), disposed of as follows:
- Confirmed 2,361
- Unconfirmed 222

Navy nominations, totaling 252 (including 46 nominations carried over from the first session), disposed of as follows:
- Confirmed 12
- Unconfirmed 240

Marine Corps nominations, totaling 50 (including 10 nominations carried over from the first session), disposed of as follows:
- Confirmed 10
- Unconfirmed 40

Summary

Total nominations carried over from the first session	5,494
Total nominations received this session	4,039
Total confirmed	5,335
Total unconfirmed	4,197
Total withdrawn	1

Next Meeting of the SENATE

10 a.m., Wednesday, March 2

Senate Chamber

Program for Wednesday: After the transaction of any morning business (10 minutes), Senate will continue consideration of S. 1904, Polygraph Protection Act.

A live quorum will occur, with a vote to occur on a motion to instruct the Sergeant at Arms to request the attendance of absent Senators (a 15-minute vote).

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Wednesday, March 2

House Chamber

Program for Wednesday: Vote on the following Suspension debated on Tuesday: S. 1447, to designate Morgan and Lawrence Counties in Alabama as a single metropolitan statistical area; and

Consideration of S. 557, Civil Rights Restoration Act of 1988 (modified rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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